

Town of Halfmoon Planning Board

April 23, 2007 Minutes

Those present at the April 23, 2007 Planning Board meeting were:

Planning Board Members: Steve Watts – Chairman
Don Roberts – Vice Chairman
Rich Berkowitz
Marcel Nadeau
Tom Ruchlicki
John Higgins
John Ouimet

Alternate

Planning Board Members: Bob Beck
Jerry Leonard

Senior Planner: Jeff Williams
Planner: Lindsay Zepko

Town Attorney: Lyn Murphy

Town Board Liaisons: Walt Polak

CHA Representative: Mike Bianchino

Mr. Watts opened the April 23, 2007 Planning Board Meeting at 7:02 pm. Mr. Watts asked the Planning Board Members if they had reviewed the April 9, 2007 Planning Board Minutes. Mr. Roberts made a motion to approve the April 9, 2007 Planning Board Minutes. Mr. Higgins seconded. Motion carried.

Public Hearing:

07.033 PH Irene E. & Robert H. Brown, 121 Dunsbach Road – Minor Subdivision

Mr. Watts opened the Public Hearing at 7:03 pm. Mr. Watts asked if anyone would like to have the Public notice read. No one responded. Mr. Peter Melewski is representing Irene and Robert Brown for their minor subdivision application. Mr. Melewski stated the following: The parcel is located at 121 Dunsbach. The parcel consists of 2.4-acres to be divided into two equal parcels of 1.2-acres each. Mr. Watts asked if anyone from the Public wished to speak. No one responded. Mr. Watts closed the Public Hearing at 7:04 pm. Mrs. Murphy stated the following: It is my understanding that a portion of this lot is going to be utilized for a pump station. This is not shown on the map and it is my understanding that this is going to call for an additional subdivision for a utility. Obviously the applicants are aware of this and are in agreement with this. Mr. Melewski stated that is correct.

Mr. Nadeau made a motion to approve the minor subdivision for Irene E. & Robert H. Brown. Mr. Ouimet seconded. Motion carried.

New Business:**07.031 NB Clearwire US, LLC, 17 Parkford Drive – Addition to Site Plan – Co-Location**

and

07.032 NB Clearwire US, LLC, 47 Clamsteam Road – Addition to Site Plan – Co-Location

Ms. Meredith Smith, of Pyramid Network Services, is representing Clearwire. Ms. Smith stated the following: Clearwire is a new service in Albany offering strictly wireless Internet. The site at 17 Parkford Drive would be at 155 FT. There are currently 3 carriers at this location. The site at Clamsteam Road would be at 115 FT. Crown Castle International owns both towers and we have lease agreements with them. Mr. Higgins asked if this was for residential use. Ms. Smith stated the following: This was for both residential and commercial. Mainly they will compete with Time Warner and Verizon Wireless Services. Mr. Berkowitz asked what the coverage range was for both of the towers. Ms. Smith stated the following: Each tower covers a 2-mile radius. We currently have a market total of about 85 sites in the capital region. Mr. Ouimet asked if they were a regulated utility. Ms. Smith stated yes, our FCC license is shared with other television transmitter signals and it is regulated. Mr. Higgins asked if there would be any problem with interference. Ms. Smith stated no, we have guarantees with carriers that are on the towers and other coverage in the area. Mr. Watts stated the following: We could hold a Public Hearing relative to the co-locations. We have discussed this with our counsel and reviewed the issue and since the Town wants to encourage co-locations, we've decided that a Public Hearing would be of no benefit and made the decision not to hold a Public Hearing. Mr. Roberts made a motion to approve the addition to site plan – co-location for Clearwire US, LLC, for 17 Parkford Drive and 47 Clamsteam Road. Mr. Berkowitz seconded. Motion carried.

07.039 NB Soroka Subdivision, 104 Ushers Road – Lot Line Adjustment

Mr. Duane Rabideau, of Gilbert VanGuilder & Associates, stated the following: I am representing the Soroka's in their request for a lot line adjustment. The parcel is located on the southerly side of Ushers Road. The applicant is proposing to make one of the lots a conforming lot of 60,000 SF with 150 FT of road frontage. The other pre-existing, non-conforming lot's road frontage would be increased by 150 FT which would leave a 60 FT wide strip of land in the middle of the two parcels for potential future development. Mr. Ouimet asked why they are not making this lot conforming. Mr. Rabideau stated that one of the lots would be a conforming lot and the other lot would be short on the actual area. Mr. Ouimet stated there is other land available and I cannot understand why they are not making it a conforming lot. Mr. Rabideau stated this is a pre-existing, non-conforming lot and it is buildable. Mrs. Murphy stated the following: I think what Mr. Rabideau is saying is; as it stands today it is a pre-existing, non-conforming lot. The Board is saying if you make this change, but don't make it a conforming lot, you are going to lose your status of a pre-existing, non-conforming lot because you have the capacity to make it a conforming lot and you are choosing not to. Mr. Rabideau asked if their options were to either lose the status or to leave it the way it is. Mrs. Murphy stated the following: I can't give you your legal options. I can tell you what I am going to tell this Board and the ZBA and what I would tell them is that if there is an opportunity to make a non-conforming lot conforming and the applicant chooses not to for whatever reason, then the applicant is going to lose their status of the pre-existing, non-conforming lot. They would now be creating a lot after the creation of the Town's Subdivision Regulations and Local Laws

related to Zoning. So you are no longer pre-existing, non-conforming because it is being created after the fact and could be made conforming. Mr. Roberts asked why they are not going to make the lot conforming. Mr. Rabideau stated because it seems foolish to have a narrow lot. Mr. Watts asked Mr. Rabideau how he wanted to proceed with this application. Mr. Rabideau stated the following: We would leave that lot as a pre-existing, non-conforming lot. The proposal would now be to just create one conforming lot and leave the other lot as is. Mrs. Murphy stated in the interim, I can research whether or not this is an option for them. Mr. Watts stated a public hearing could not be scheduled until new site plans are provided. Mrs. Murphy stated the following: There is still an outstanding question as to whether or not you are permitted to make the change. Legally, if you have the ability to fix this lot and you are choosing not to, once you are before this Board, I don't know if you have the ability to do this so I will research that issue for the Board. Our zoning laws are very clear that if you can make something in compliance, it should be done. In fact, if you own the neighboring property, you are required to make it conforming. I do not think you are going to be able to do what you are proposing so why schedule a Public Hearing when I think my advise to the Board is going to be that this is not permitted. You would be better off to hold off until the next meeting and then schedule a public hearing.

This item was tabled for the Town Attorney to review the pre-existing, non-conforming status.

07.040 NB Spoon & Whisk, 1675 Route 9 (J&S Watkins Plaza) – Change of Tenant

Ms. Cheryl Rozell, the applicant, stated the following: I am looking for a change of tenant approval to utilize 2,300 SF of space in the J&S Watkins Plaza. I am proposing to operate a retail kitchenware store. I would be selling kitchenware and cutlery focusing on high quality products. I would be the sole owner of this business. I would employ 2 to 5 employees and this number would change around the holidays. At this time the hours of operation would be 9am to 6pm Monday through Saturday and Sundays 11am to 4pm. The hours of operation would change during the holiday seasons. Mrs. Zepko stated there would be adequate parking at the plaza. Mr. Roberts asked Ms. Rozell if she had a sign application. Ms. Rozell stated I don't have a sign application at this time as I am still in the process of the sign design. Mr. Watts stated the Board would appreciate it if the applicant would advertise as "Spoon & Whisk of Halfmoon". Ms. Rozell stated yes, of Halfmoon.

Mr. Roberts made a motion to approve the change of tenant application for Spoon & Whisk. Mr. Nadeau seconded. Motion carried.

07.041 NB Allure Salon, 1675 Route 9 (J&S Watkins Plaza) – Change of Tenant

Ms. Kelly Pipino, the applicant, stated the following: I am before the Board representing Allure Salon for a change of occupancy. We would be utilizing 2,600 SF of space. We would have 7 full-time employees; 5 hair stylists and 2 nail stylists. Our hours of operation would be 10am to 7pm Tuesday through Thursday, 9am to 5pm on Friday and 9am to 2pm on Saturday. We also would be selling retail products for hair and nail care. Mr. Watts asked the applicant to please advertise as being located in Halfmoon. Ms. Pipino stated okay.

Mr. Berkowitz made a motion to approve the change of tenant application for Allure Salon. Mr. Nadeau seconded. Motion carried.

07.042 NB Hinkell Subdivision, 41 Canal Road – Minor Subdivision

Mr. David Flanders, of David A. Flanders Associates, stated the following: This application is for a minor subdivision located on the westerly side of Canal Road and along the Mohawk River.

The proposal is to subdivide a 5.248-acre parcel into three single-family residential lots. The property is currently zoned R-1 Residential. Public water and private on-site septic systems would service all three lots. The required lot size is 30,000 SF for each lot and the minimum lot size is just over the 30,000 SF. The southerly lots would have access to Canal Road separated by a 40 FT wide strip going back to the large lot which is 3.5-acres. We have done a topographic survey by virtue of the existing topography on the site to show how the property would be divided. We have had discussions in the past on flaglots and this is why we made the strip 40 FT wide so we had room for the driveway going up the hill. We have done a percolation test and test boring on Lot 2. Mr. Nadeau asked if the rear lot was buildable. Mr. Flanders stated yes. Mr. Higgins asked if the road frontage for Lot 1 was 180 FT. Mr. Flanders stated the road frontage for Lot 1 is 140 FT but it is 150 FT along the building line because of the angle of the property line. Mr. Watts asked if there was any debris or junk on the property. Mr. Flanders stated the following: The only thing that was on the property was a shed that is going to be removed. There used to be a mobile home and the frame would also be removed. Mr. Watts stated there has been an issue with a separate parcel and I would hope by the time of the public hearing that the site is cleaned up. Mr. Ouimet asked if there is another issue regarding the easement language access to the rear lot and would this easement language need to be submitted to our Town Attorney before the public hearing. Mr. Watts stated yes. Mr. Flanders stated that they would prepare the easement language. Mr. Bianchino asked Mr. Flanders to look at the grade of the driveway, because at one point it is very steep. Mr. Flanders stated they would probably cut the driveway over in one area. Mr. Nadeau made a motion to set a Public Hearing for the May 14, 2007 Planning Board meeting. Mr. Ouimet seconded. Motion carried.

07.043 NB Shops of Halfmoon (Snyder's Restaurant), 1717 Route 9 – Addition to Site Plan

Mr. Duane Rabideau, of Gilbert VanGuilder & Associates, stated the following: I am representing Mr. Bruce Tanski and his request for an addition to Snyder's Restaurant. The proposal is for a 528 SF addition to the restaurant. The applicant proposes to add 24 seats to the restaurant's existing 70 seats and a reconfiguration of the bar area with 6 less seats. The total proposed seating of the restaurant would be 88 seats. Parking would need an additional 5 parking spaces. Currently the restaurant has 26 approved parking spaces. Mr. Tanski is proposing to use 5 of the land-banked parking spaces along Route 9. Mrs. Zepko stated in reviewing the entire site of the Shops of Halfmoon, the parking would be adequate. Mr. Higgins asked if the Board previously had discussions regarding the parking along Route 9. Mr. Tanski stated they are proposing to remove 4 parking spaces along the front of the restaurant and 3 parking spaces on the side. I have plans to put brick pavers along the front and the side of restaurant, plant some deciduous trees outside and to have a couple of park benches. We have also done away with the two apartments upstairs from the restaurant so there would be no parking on the side or the front of the building. Mr. Higgins asked if the approved land-banked parking spaces along Route 9 that they are proposing to use could be left as land-banked parking. Mr. Tanski stated the following: Our intent is not to use any of the land-banked parking spaces unless we absolutely have to. If we do go into land-banked parking spaces, it is our intent to use the sites that are on Old Route 146 and not use the Route 9 land-banked parking. Mr. Watts asked the applicant to advertise as "Snyder's of Halfmoon". Mr. Tanski stated the following: I will make sure Clifton Park does not appear in any of our advertising. Also, I want to let the Board know that Snyder's Restaurant is the second oldest business in the Town of Halfmoon. The oldest business is Wojtowicz Brothers on Plant Road.

Mr. Berkowitz made a motion to approve the addition to site plan for Snyder's Restaurant and asked the applicant to provide a new site plan with a note showing brick pavers, deciduous trees and park benches around the front of building on Route 9 and the Old Route 146 intersection. Mr. Higgins seconded. Motion carried.

07.044 NB Morrissey Site Plan, 183 Ushers Road – Commercial Site Plan

Mr. Duane Rabideau, of Gilbert VanGuilder & Associates, stated the following: I am representing Mr. Geoff Morrissey in his request for a commercial site plan application. The parcel is located on the north side of Ushers Road. VRS Sales is the existing business at this site. The applicant wishes to expand the business and is proposing to remove the current structure and replace it with two buildings, one 6,000 SF and one 4,000 SF connected in an L-shape. We are proposing to have one entrance with appropriate parking for approximately 18 employees. What is holding us up is whether the existing wetlands on the side of the building are under NYSDEC regulations or under Federal wetland regulations. If it is Federal wetlands, we don't think we can build near the wetlands. If it is NYSDEC wetlands, we are proposing to pump the septic into another area that is outside of the NYSDEC regulations. Also, we are proposing a storage area in the rear for the vehicles that need to be worked on. Mrs. Zepko asked if they were waiting to hear from the Army Corp of Engineers for a jurisdictional determination on whether it is ACOE or NYSDEC wetlands. Mr. Rabideau stated no, we are waiting for the NYSDEC to look at the site and tell us where their jurisdiction ends. Mr. Williams stated that the proposed parking area and septic area are located in the Town of Clifton Park. Mr. Rabideau stated correct. Mr. Higgins asked Mr. Rabideau to explain how they would access the site. Mr. Rabideau stated the curb cut would be moved from the southern end of the parcel to the northern portion of the parcel because there would be better site distance and better grading. Mr. Higgins asked if the access for the new proposed building in the rear would go all the way around the building and then come in. Mr. Rabideau stated yes. Mr. Nadeau asked if there would be any impact to the residents in the area. Mr. Rabideau stated the building would be closer to the neighbors but we are eliminating the existing curb cut so the traffic would be coming in at the other proposed access. Mr. Nadeau asked what the height of the building would be. Mr. Rabideau stated it would be a pole barn type set-up so it would be a single-story. Mr. Higgins stated the building had to be at least 24 FT to be able to get a fire truck in it. Mr. Nadeau asked if they are proposing any landscaping or buffering for the nearby residences, as the proposed building would now be right on top of the neighbor's lot. Mr. Rabideau stated he would look into some type of landscaping to mitigate this. Mr. Higgins stated they did not show the well location on the adjoining property in regards to the proposed septic location. Mr. Rabideau stated I will do that. Mr. Higgins asked if this business was strictly wholesale with no retail sales at this site. Mr. Rabideau stated he believes there is a little retail such as fire truck parts and accessories. Mrs. Murphy stated that notices should be sent out regarding lead agency status for coordinated review for Clifton Park.

Mr. Roberts made a motion for the Town Planning Board to be the lead agency to SEQR. Mr. Nadeau seconded. Motion carried.

This item was tabled waiting to hear back from the NYSDEC on wetland jurisdiction and referred to CHA.

07.045 NB Precision Valve & Automation, 15 Solar Drive – Addition to Site Plan

Mr. Chris Motyl is representing Precision Valve & Automation for their addition to site plan located at 15 Solar Drive. Mr. Motyl stated the following: We would like to re-stripe the existing 10 FT x 20 FT parking space area with 9 FT x 20 FT parking spaces. We would also like to add

7 new spaces that would also be 9 FT x 20 FT. Based on the number of employees, we have more parking proposed than what we need in addition to allowing for 6 visitor spaces. The Town code requirement would be 70 parking spaces. By re-striping and adding the 7 new parallel spaces the total number of parking spaces would be 78. In the past there have been some parking issues and I asked the owner to give us the latest count on employees. There are 44 manufacturing employees and 20 office employees. We did not want to interfere with what was set up a couple of years ago in terms of maintaining the fire lane completely around the building. We are looking to add some pavement toward the front of the building and one space at the end of the existing parking lot. Mr. Watts asked if there was adequate green space available. Mr. Motyl stated the minimum requirement is 20% green space and we are going from 28% green space to 26%. Mr. Higgins asked if the 9 FT x 20 FT parking spaces would be used strictly by the employees. Mr. Motyl stated the following: Yes, this is correct. The visitor spaces would be along the front of the building and we are adding one additional handicap accessible parking space.

Mr. Roberts made a motion to approve the addition to site plan for Precision Valve & Automation. Mr. Higgins seconded. Motion carried.

Old Business:

05.157 OB Stone Crest Preserve, Vosburgh Road/Werner Road – Major Subdivision/GEIS

Mr. Ivan Zdrahal, of Ivan Zdrahal Associates, PLLC, stated the following: This application is for Rosewood Home Builders for the Stone Crest Preserve residential subdivision. The project involves 187-acres of property located in the R-1 Residential district. We are proposing 90 single-family residential lots. Access to the site would be provided from Vosburgh Road and Werner Road. There would be approximately 8,000 FT of proposed town roads. The project was last before the Board on January 22, 2007. At that time there were a few issues identified. The Board asked for additional information on stormwater management with concern to the existing pond near Werner Road. There was a concern about the interaction between the school bus traffic and the traffic going in and out of the project. I believe we have addressed the comments raised at the January 22, 2007 meeting. We have provided documentation regarding improved site distance, which would involve re-grading on an embankment along Werner Road. The re-grading involved encroachment on the adjoining property owned by Mr. Marshall. I have discussed this proposal with Mr. Marshall and he is in agreement with our proposal. The detention basin was redesigned. Documentation was submitted on the traffic on Werner Road addressing the school bus traffic and the traffic for the project site. The stormwater management plan was reviewed and endorsed by the Town's Engineer. The Saratoga County Sewer District has reviewed the project. The application for the Army Corp. of Engineers permit has been completed and submitted. The application was submitted to the NYSDEC. Mr. Higgins asked who owned the area behind Lots #'s 22 through 25. Mr. Zdrahal stated Lot # 25. Mr. Higgins asked if the dotted lines on the plans represented the land preservation area with a no cut buffer. Mr. Zdrahal stated this would be a restricted area where individual deeds would be filed restricting any disturbance to these area. Mrs. Murphy asked Mr. Zdrahal to provide her with the deed restriction language. Mr. Zdrahal stated yes he would. Mr. Nadeau asked for the results of the traffic study on Werner Road and Route 146. Mr. Mark Nadolny, of Creighton-Manning, stated the following: The existing level of service that we found at Werner Road and Route 146 opposite Fellows Road was that the left turn currently experienced a level of service "C" during the AM and a level of service "D" during the PM and the no-build is again a level of service "C" then it degrades to a level of service "E" in the no-

build in the PM. In the AM it is a level of service "D" and a level of service "E" in the PM in the build scenario. If you are comparing differences, in the AM it goes from a "C" to a "D" with an increase of approximately 2 seconds and in the PM it stays an "E" to an "E" with an increase of approximately 6 seconds. So there is an increase from this project on the most critical turn coming off of Werner Road to make that left; 2 seconds in the morning and 6 seconds in the afternoon. Mr. Nadeau asked if the Town was looking at the realignment of Fellows Road contingent upon this project or is this something the Town wants to do. Mr. Polak stated the following: This would be contingent upon what happens at the end of Fellows Road after Mr. Tanki's project is buildout. When we did the approval for Dudick Chiropractic, we made Mr. Dudick aware that he may have to enter his site from the other road. Mr. Higgins asked if the traffic study was based on the closing of that other intersection. Mr. Nadolny stated the following: Correct, we included traffic from the Fellows Road PDD and the study included the closure of that portion of Fellows Road and then it moving to a location east of that road. That traffic would then become through traffic on Route 146 because since it would move, anyone going toward Exit 9 would have to eventually come through that intersection from the point east of it where it would intersect. Mr. Higgins asked if the traffic on Werner Road would be going out by the NYSEG Industrial Park. Mr. Nadolny stated the following: We provided a worse case scenario by putting it all at Fellows Road. If we split it, all the rights would go toward NYSEG. So this would be the best-case scenario but we did a worse case scenario had everyone come out opposite the currently leg of Fellows Road. The southern portion of Fellows Road is being closed not the northern portion. Currently it is an existing 4-way. Mr. Bianchino stated the following: This was analyzed as a 4-way, which is the worse case scenario so they could see what the impact would be. If they took all the traffic and they went out NYSEG, it would only be a T-intersection. What they did was analyze it as a 4-way which is the worse case scenario because ultimately it would be changing. In effect, if we make this a 4-way by creating some kind of a road coming up from the south, then what they have analyzed is accurate. Being done as a worse case, hopefully we can get it to reflect that condition at some point. Mr. Higgins asked if eventually there would be a traffic signal if they make it a 4-way. Mr. Bianchino stated yes. Mr. Higgins asked if the entire project was in the GEIS. Mr. Bianchino stated the project was partially in the GEIS area but because of the fact that the project would have similar impacts to those parcels that are inside, the applicant is going to mitigate those cumulative impacts as well by contributing in the same manner as Sheldon Hills did. Mr. Higgins asked if this project would have to pay part of the expenses on the traffic signal if and when it becomes necessary or the responsibility of another project. Mr. Ruchlicki asked if the traffic study reflected at what point and time a traffic signal would be warranted. Mr. Nadolny stated the following: Not for this study because at that point when this study was conducted, it wasn't on the table. I believe the traffic from this project would not warrant the traffic light. We didn't analyze the traffic from this project at that signal because I believe the connection from the cross-town connector would really warrant the traffic light. Mr. Nadeau stated that the intersection was looked at as a 4-way but realistically Fellows Road almost comes out at a 45 degree and is not truly a 4-way at that point and asked if this would affect their analysis. Mr. Nadolny stated the following: In the way we analyzed it, it really doesn't take into account the geometry of the intersection. We understand that it is a poor intersection and the intent to close it is primarily because it is a hazardous condition as it is. Mr. Watts asked if the Town Board thinks that the applicant should make any contribution if a traffic light is needed in the future. Mr. Polak stated the Town Board hasn't looked at this, but we could. Mr. Nadeau stated there would be a lot of traffic going out onto that section and it is a very dangerous area. Mr. Higgins stated the following: I have a concern with Lot #1 and its

proximity to the pond and in my personal opinion it seems you are still cramming a lot within that one little area. I think you are getting very close to that pond and I am really concerned about this. Mr. Zdrahal stated the following: I talked with the property owner about the concerns that the Board had with the pond and he stated to me that he has owned the property for 45 years and the pond has never overflowed since he has been there. As far as Lot #1, I feel that it is one of the best lots in the subdivision as there is ample space to build a house in that area overlooking the pond. Mr. Higgins stated I have concern with the stormwater retention in that area. Mr. Zdrahal stated the stormwater retention is very small and it would be on both sides of the road. Mrs. Murphy asked if they would have a Homeowner's Association. Mr. Zdrahal stated no. Mrs. Murphy asked who would be maintaining the shared driveways. Mr. Zdrahal stated there would be an agreement. Mrs. Murphy stated I will need to see language regarding the maintenance of the shared driveway and the retention ponds. Mr. Watts stated the following: We ask that the projects in our Town be engineered in such a manner, although it may add to the cost of the property, where we don't have complaints with basements flooding and sump pumps running 24-7. Also, I have asked CHA to review these plans and asked our engineers be particularly diligent in reviewing any projects in regards to stormwater management. Mr. Ouimet asked that the applicant have sufficient answers about our concerns with stormwater management and the traffic issues at the Public Hearing. Mr. Roberts made a motion to set a Public Hearing for the May 14, 2007 Planning Board meeting. Mr. Ouimet seconded. Motion carried.

**05.159 OB Sportsplex of Halfmoon, 6 Corporate Drive – Amendment to PDD/
Major Subdivision/Addition to Site Plan**

Mr. Tom Andress, of ABD Engineering, stated the following: On March 20, 2007, the Town Board approved the amendment for the PDD and passed this application back to the Planning Board for final approval. We are proposing to convey an existing parcel along with a portion of Lot #3 of the Abele PDD to Lot #6 (Sportsplex of Halfmoon). The proposed subdivision would be on Lot #3 across the street from the Sportsplex. This Board approved Lot #3 for a 2-story office building about a year ago. What we are proposing is consistent with the PDD legislation. We are proposing to create a 74 space auxiliary parking lot on the north side of Corporate Drive that would be for the exclusive use of the Halfmoon Sportsplex, LLC. The proposal is to convey the existing 0.44-acre parcel (behind Pai's Tae Kwon Do and to be added to the Abele PDD boundaries) and subdivide 0.33-acres off of Lot #3 of the Abele Pdd to Lot #6 (Sportsplex). The combined parcels (0.44-acres and 0.33-acres) will total a 0.76-acre lot, to be conveyed to the Sportsplex, for the utilization of a 74 auxiliary parking space lot. Mr. Higgins asked if Lot #3 with this change would still have sufficient parking. Mr. Andress stated yes. Mr. Higgins asked if the new parking area of Lot #3 for the Sportsplex would be fenced. Mr. Andress stated that it wasn't proposed to be fenced but there would be access at two points with a divider area with grass. Mr. Higgins stated if the area isn't fenced wouldn't people drive through the dirt area to get out the other access? Mr. Andress stated the dirt area would be a landscaped area with plantings with a 2 to 3 FT grade change so there would be no way anyone could drive across it. Mr. Berkowitz asked if Lot #21 connected to Lot #3. Mr. Andress stated the following: Yes, Lot #21 is the old NFC building and there is a cross-connector between the lots. Lot #21 exists on its own and is a separate lot and they have adequate parking. Lot #3 will exist on its own also with adequate parking and then Lot #6, which is the Sportsplex of Halfmoon, would meet the parking requirements that were set forth by the Town Board in the PDD. Mr. Berkowitz asked if there is valet parking for the Sportsplex, what is going to prevent an outside valet company from parking in Lot #3 and if they would put up barriers so cars could

not park in Lot #3. Mr. Address stated the following: Lot #3 does have some of the same partners and they do have a document that does give the right to use that lot as an auxiliary overflow. So, they do have the ability to use Lot #3 for overflow parking.

Mr. Roberts made a motion to set a Public Hearing for the May 14, 2007 Planning Board meeting. Mr. Nadeau seconded. Motion carried.

**06.181 OB Howland Park PDD, 128 Johnson Road – Major Subdivision/
PDD/GEIS**

Mr. Ivan Zdrahal, of Ivan Zdrahal Associates, PLLC, stated the following: I am representing Leyland Corporation for their proposal of the Howland Park Planned Development District (PDD). The project includes 149-acres of land located on Johnson Road and McBride Road. The proposal is for 92 single-family lots. Lots 1-67 will be 15,000 SF minimum or larger and 25 lots would be 20,000 SF or larger. Approximately 50% of the property is proposed as protected land in two categories. One is the common open space area and this common open space would be a deeded parcel to a Homeowner's Association (HOA). Some of the lots would have a land preservation area similar to the Stone Crest Preserve project and it includes approximately 9-acres. There are several parcels that will be utilized for stormwater management areas and for emergency access. There are approximately 134-acres of jurisdictional wetlands on the property. We are proposing to construct a multi-use trail internally from Johnson Road to the southern area of the parcel near the A & M Sports Complex. The trail is part of the proposed public benefit in the PDD application. Also, there would be a contribution of \$2,000 per lot to Town funds for any improvements that the Town chooses to use the funds for. This Board held a Public Informational Meeting on this project on January 22, 2007. Some of the issues raised were concerning the location of the proposed trail, questions regarding the constructability of the emergency access road and there was a comment made about an additional 20 FT of land that should be provided along the frontage of Johnson Road for potential future road improvements. There were questions from the Board about traffic that this project would generate with respect to impacts on the road networks. There were also concerns about the potential impact of drainage from this project. We have relocated the multi-use trail away from the neighboring property. We have redesigned the project as far as the road grading, grading for the stormwater management areas and for the emergency access road. We have submitted plans for drainage to be reviewed by the Town Engineer that are based on the final plans to show that the stormwater management system would function in accordance with Town guidelines and NYSDEC guidelines. We have also furnished additional information provided by the project's traffic consultant regarding the impacts and the traffic that would be generated by this proposed project. Mr. Ruchlicki asked how much permitted disturbance they had on the wetlands. Mr. Zdrahal stated we are subject to a ½-acre threshold. Mr. Higgins stated I have talked to Mr. Bianchino about the emergency road access on the potential to tie that in to a future development to the west. Mr. Zdrahal stated he did not see this as a possibility because of the topography with very steep slopes and substantial wetlands. Mr. Bianchino stated the following: We looked at this and Mr. Zdrahal and I spoke about this and did not think it was possible because of the proximity to the roadway. It did not make a lot of sense to have an access there and better off having an access further away. With the slopes and the knoll, the ridge and the ravines there just isn't enough room between the bend in Johnson Road and the space they have available to put a road. Physically, I don't think it would be feasible. Mr. Higgins stated I was trying to look ahead because if there is a realignment of Johnson Road in that area, we are trying to find a way to get a way to tie the two together for a through road. Mr. Bianchino stated the following: One thing that we had asked to be done was to make sure

that some of the open space there was designated as open space so that ultimately if we needed it; if for example, Johnson Road was shifted to the north, then you would have a little more room to play with and maybe something could be done there. I believe we did say that some of that open space would remain for a strip of land that could be dedicated to the Town along with the emergency access so if we needed to put a road there the land would be available to do that. Mr. Higgins stated he did not see the proposed internal hiking trails on the plans. Mr. Zdrahal stated they are shown on the plans. Mr. Higgins asked if the trails would be accessible to all residents of the Town. Mr. Zdrahal stated no, the proposed trails would be used by the residents in this project and there would be a public trail in another area. Mr. Higgins asked if the HOA would be responsible for maintaining and paying taxes on common open space. Mr. Zdrahal stated yes. Mr. Ruchlicki asked what the cost of the homes would be in this project. Mr. Peter Belmonte, of Belmonte Builders, stated I am expecting that the 15,000 SF lots would be in the low to mid \$300,000 as the starting price and the larger 20,000 SF lots to be in the \$400,000 and \$500,000 range. Mr. Nadeau asked Mr. Polak what the Town Board was looking for when they had concerns with the road system. Mr. Polak stated the road is so winding that we were looking for possible ways to move the road but there wasn't much that could be done there.

Mr. Berkowitz made a motion to pass a positive recommendation to the Town Board for the Howland Park PDD-Major Subdivision/PDD application and recommended a negative declaration per SEQR. Mr. Ruchlicki seconded. Motion carried.

06.210 OB Halfmoon Jewelers.com, 1686 Route 9 – Commercial Site Plan

Mr. Duane Rabideau, of Gilbert VanGuilder & Associates, stated the following: I am representing Mr. Art Curto in his commercial site plan application. This application has previously been before the Planning Board for site plan review. This application has also been before the Zoning Board of Appeals for a required variance for area and building setbacks. The plan shows the planned septic area, which will be designed by Mr. Harold Berger. The site distance has been reviewed and is adequate. All of CHA comments have been addressed and we are before the Board for final review. Mr. Polak asked if the building was going to be upgraded. Mr. Rabideau stated yes. Mr. Higgins asked if they had received an approved NYSDOT curb cut. Mr. Rabideau stated there was an existing curb cut on the site. Mr. Higgins asked if the NYSDOT curb cut was for a commercial site. Mr. Rabideau stated it would be low impact and the existing curb cut would be acceptable. Mr. Higgins stated the original curb cut was for a residential site and the applicant would need a curb cut from the NYSDOT for a commercial site. Mr. Rabideau stated I believe we have one, but if not, we will get one. Mr. Williams stated he did not have this information on file however it is my understanding that Mr. VanGuilder has notified the NYSDOT that there is an existing curb cut to the site. Mr. Higgins stated the following: I have looked at this site and because this is a commercial application, I have concerns about traffic accidents at this site. I understand that this site would be low intensity but it is still a commercial application. Mr. Williams stated that Mr. VanGuilder provided information on site distance where the existing curb cut is located. Mr. Higgins stated for site distance you would almost have to be up on Route 9 to be able to see this because of the elevation change coming up the driveway. Mr. Rabideau stated the curb cut met the requirements. Mr. Watts asked if this application was referred to the Saratoga County Planning Board. Mr. Williams stated yes, and the County rendered a "No Significant County Wide or Inter Community Impact" at their September 21, 2006 meeting. Mr. Higgins asked if the site would have Town water or a well. Mr. Rabideau stated it would be Town water. Mr. Watts asked if they would have septic. Mr. Rabideau stated yes. Mr. Watts asked if the septic plan

had been submitted to the Town. Mr. Rabideau stated the septic is shown on the site plan and Mr. Harold Berger would be designing the septic system.

Mr. Roberts made a motion to approve the commercial site plan for Halfmoon Jewelers.com conditioned on obtaining a NYSDOT curb cut and the septic design is accepted by the Town's Building Department. Mr. Berkowitz seconded. Vote as follows: Mr. Watts – Aye, Mr. Roberts – Aye, Mr. Nadeau – Aye, Mr. Ouimet – Aye, Mr. Ruchlicki – Aye, Mr. Berkowitz – Aye, Mr. Higgins – Nay

Motion carried by a 6 to 1 vote.

07.034 OB New Country Buick/Pontiac/GMC, 205 Route 146 – Change of Tenant & Sign

Mr. Brian Ragone, of Environmental Design Partnership, stated the following: As stated at the April 9, 2007 Planning Board meeting, New County is in the process of upgrading their entire Halfmoon dealership facilities. The applicant wishes to relocate their Buick/Pontiac/GMC franchises from the eastern side of Route 146 to the western side of Route 146 in the former vacant Chrysler-Jeep building. There is also a current parking lot that the applicant would like to keep and continue to have it serve their GM franchises. The project site is just over 3-acres and shares septic with the leachfield located on the Toyota dealership side. The water is furnished by an on-site well. They have 27 full-time employees, 3 part-time employees and they don't see the number of employees changing with the new proposal. We have submitted a separate application for the existing pylon sign relocation. Originally they had proposed some cosmetic alterations to the front of the building with a canopy extending out a littler further into the front yard setback. At this time the applicant would like to temporarily remove that part of the original application so as not to delay a decision regarding the change of tenant application. I have brought a document tonight stating the withdrawal of the proposed canopy addition. Mr. Watts asked if they were removing the proposed canopy because it encroaches upon the required front yard setback. Mr. Ragone stated the following: Yes, because the existing overhang already is non-conforming and the proposal is to extend the overhang further out. At a future point and time we would resubmit the canopy addition. Mr. Ouimet asked if there would be service offered at the dealership. Mr. Ragone stated yes, the same as what they offer now, which is service, parts, and new cars. Mr. Ouimet stated I thought the last time this application was before the Board there were no services to be done at the existing dealership and not at this site. Mr. Bianchino stated I believe they said they would use service at one site but they were going to expand the body shop. Mr. Ragone stated the following: In the future they are also going to be submitting an application for an expansion to the Toyota dealership. They are going to be moving in to where Buick/Pontiac/GMC is currently located but the auto body shop is going to stay. Mr. Watts asked if they would be doing auto service at the new site. Mr. Ragone stated yes. Mr. Ruchlicki asked where the joint leachfield is located on the plans. Mr. Ragone stated it was located at the Toyota dealership side of the road. Mr. Ruchlicki asked if they were piping the septic from one side of the road to the other. Mr. Ragone stated yes, I believe so. Mr. Watts asked if they had looked into hooking up to the public sewer system. Mr. Bianchino stated I don't know if this was ever discussed. Mr. Watts asked Mr. Williams if the intensity of the site would increase. Mr. Williams stated no. Mr. Higgins stated the following: We want all vehicle deliveries to be made on-site and do not want any vehicle deliveries made on Route 146. Also, the display areas are clearly shown on the drawing and there has been some questions about parking display vehicles in the driveways at the current site and because the driveway at the proposed site is much smaller it would

definitely infringe on customers coming in and out of the site. We want to make sure that the display vehicles are located where they are shown on the drawing. Mr. Ragone stated okay. Mr. Roberts made a motion to approve the change of tenant application for New County Buick/Pontiac/GMC contingent upon vehicle deliveries are made on-site (not on Route 146) and "display parking only" in designated areas per site plan. Mr. Nadeau seconded. Motion carried.

Mr. Ragone stated the following: I had the existing sign surveyed to determine the current elevation of the freestanding sign. The current elevation is and where the sign is proposed to go it would be approximately 8.5 to 9.0 FT lower if the sign were to be moved across the road. Mr. Nadeau asked the total height of the freestanding sign. Mr. Ragone stated the current height right now is 37 FT and I believe the zoning ordinance is 20 FT and the sign would still be non-conforming but technically it would be 8 to 9 FT lower. Mr. Ouimet stated the following: I think it would be non-conforming if we allowed the movement of the exact same sign across the street because we would be creating a new non-conforming approved use. From my perspective I think this is an opportunity for us to get the size of sign back into conformity with the Town's sign ordinance. The height of a sign for this new relocated dealership should conform to the height of signs in the Town. If you wanted to leave whatever sign you have across the street, you could because obviously it's there, it's yours and it's approved. If you are going to put a new sign in front of the new dealership, in my opinion, it should conform to the sign ordinances in the Town. Mr. Ragone stated that GM has a concern that the new location is lower in elevation from the road than the previous site and are afraid when people are going by they are not going to see the sign as well as you would now at the higher elevation. Mr. Ouimet stated if you leave it where it is now, you could still see it couldn't you? Mr. Ragone stated right, but they are saying they want to move it across the road to designate that the dealership moved across the street. Mr. Ouimet stated that it doesn't conform to the Town's sign height ordinance. Mr. Berkowitz stated if the sign were at eye level, it would be easier to see rather than having to look up. Mr. Higgins stated the Chrysler dealership was there for years with a sign that was within conformance with the Town's requirements. Mr. Roberts stated the following: I agree with the other Board members on the height of the sign not meeting the Town's sign ordinance. I think the size of the sign is too large and the area of the sign should also be adjusted. Mr. Ouimet stated the following: Just to be clear I think that this sign not only should conform to height with the Town's requirements, but also the size. Mr. Nadeau stated there should not be a problem with a smaller sign because the building can be seen from the road; it's not like the building is a thousand feet off the road. Mr. Ruchlicki stated if you are looking for a car, you are going to know that the Chevy dealer is on one side of the road and the Chrysler dealer is on the other side of road.

Mr. Roberts made a motion to deny the sign application for New County Buick/Pontiac/GMC as presented as the proposed re-location of the pylon sign exceeds the maximum height allowed and the total area of the sign exceeds the maximum area allowed for any single sign. Mr. Ouimet seconded. Motion carried.

Mr. Ruchlicki made a motion to adjourn the April 23, 2007 Planning Board Meeting at 8:51 pm. Mr. Nadeau seconded. Motion carried.

Respectfully submitted,
Milly Pascuzzi
Planning Board Secretary