

## **Town of Halfmoon Planning Board**

### **November 13, 2007 Minutes**

Those present at the November 13, 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

**Senior Planner:** Jeff Williams  
**Planner:** Lindsay Zepko

**Town Attorney:** Lyn Murphy

**Town Board Liaison:** Walt Polak

**CHA Representative:** Mike Bianchino  
**EDP Representative:** Mike McNamara

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Mr. Watts opened the November 13, 2007 Planning Board Meeting at 7:00 pm. Mr. Watts asked the Planning Board Members if they had reviewed the October 22, 2007 Planning Board Minutes. Mr. Roberts made a motion to approve the October 22, 2007 Planning Board Minutes. Mr. Ouimet seconded. Motion carried.

**Public Hearing:**

**07.096 PH Faulkner/Lane Subdivision, 145 Fellows Road (147 Fellows Road)  
– Minor Subdivision**

Mr. Watts opened the Public Hearing at 7:01 pm. Mr. Watts asked if anyone would like to have the public notice read. No one responded. Mr. Duane Rabideau, of Gilbert VanGuilder & Associates, stated the following: I am here representing Mr. Kevin Faulkner in his request for a proposed 2-lot subdivision and also a lot line adjustment. The applicant wishes to convey a sliver of land from the Lands of Lane to the proposed 3-acre parcel. The applicant also wishes to subdivide the 3-acre parcel into a front parcel of approximately 2-acres around an existing home and then create a flaglot in the rear for a new home which would be approximately 1.3-acres. There is on-site septic and on-site water. One of the issues that came up was whether or not there was adequate sight distance. Looking southwest there is approximately 366 FT and looking northeast there is approximately 600 FT. Mr. Watts asked if anyone from the public wished to speak. Relatives of Mrs. Lane who arrived late asked for an explanation of the proposed subdivision. Mr. Watts asked Mr. Rabideau to summarize the proposed project for

Mrs. Lane's relatives. Mr. Rabideau restated the previous information. Mr. Ralph Merra, Mrs. Lane's son-in-law, asked if Mr. Faulkner was extending his current property. Mr. Rabideau showed Mr. Merra the proposed plans and explained the subdivision/lot line adjustment proposal. A resident of 125 Fellows Road explained that the property line was shifted back and we are asking that the property line be shifted to what everyone thought it was to begin with. Mrs. Murphy stated we have an owner authorization signed by the powers of attorney representing the trust. Mr. Merra asked if they were entitled to make decisions without discussing that with the family. Mrs. Murphy stated I cannot give you legal advice but this is permissible for the Town to proceed with regards to the subdivision. The resident of 125 Fellows Road asked the purpose of the subdivision and will this meeting determine what the use is for. Mr. Rabideau stated the subdivision is to create a new building lot in the rear of Mr. Faulkner's house. Mrs. Murphy stated the rear property is zoned R-1 Residential so in order to do something other than a residence is not permitted. Mr. Williams stated the front parcel is zoned C-1 Commercial. Mr. Rabideau showed the zoning line where the parcel was zoned C-1 Commercial and R-1 Residential. Mr. Watts closed the public hearing at 7:08 pm. Mr. Nadeau stated I looked at this parcel as I was concerned with the sight distance but I did not see any issue with the sight distance as Mr. Rabideau explained. Mr. Watts asked Mrs. Murphy if she was satisfied with everything. Mrs. Murphy stated the Town has the information that they would need to proceed. Mr. Watts asked if there were any other issues relative to the land and ownership would this be a civil matter. Mrs. Murphy stated correct.

Mr. Roberts made a motion to approve the Faulkner/Lane minor subdivision application. Mr. Berkowitz seconded. Motion carried.

**New Business:**

**07.105 NB      Verizon Wireless Crescent, 15 Route 236 (Woods Plaza) –  
Commercial Site Plan (Cell Tower)**

Mr. Michael Naughton stated the following: I am here on behalf of Cellco Partnership doing business as Verizon. Chris Howell is also present for the meeting. We have submitted a comprehensive packet and this relates to a 90 FT monopole located at Woods Plaza. Based on earlier discussion I understand that you are familiar with the site and the location. As you know Verizon is a wireless public utility and has a FCC License, which can be found in Tabs, 3, 4 and 5 in the application booklet. The site is zoned C-1 Commercial and this is a permitted use on the site. We are asking for the approval so that we can provide expansion from our service. At the current time there is inadequate service in this area and we would like to provide adequate and safe service for emergency and non-emergency purposes and to integrate with other existing and proposed Verizon sites in Halfmoon. The site is located on a 10,000 SF parcel. None of the parking areas would be lost in the construction of this. There would be 12 panels. There would be locations for 2 other co-locations and there is a GPS, 12 antennas and 1 microwave. Inside the building, which is 10 FT x 30 FT, there would be a generator and other equipment. The generator would be completely enclosed and then there would be fencing around the entire facility for safety purposes. In your packets you will see there is a visual analysis and Full EAF. From our visual analysis there won't be any visual impact. Our goal tonight is to get this on for a public hearing and to answer any questions the Board may have. Mr. Roberts asked where on the site would this be located. Mr. Naughton stated if you are facing Woods Plaza, it would be on the left hand side. Mr. Roberts asked how close this would be to Lexington Commons. Mr. Naughton stated the closest house is 250 FT away and the only other structure is the plaza itself. Mr. Nadeau asked which residence was 250 FT away. Mr.

Naughton stated it was toward the back of the property. Mr. Berkowitz asked if they could think of a better place for a monopole. Mr. Naughton stated this is the best place we could come up with. Mr. Berkowitz stated the location is within the middle of one of the busiest intersections in the Town, it is a highly populated area and it does not appear to be camouflaged. Mr. Naughton stated from our point of view the idea was it is a very commercial zone and it would be located right next to other large telephone poles. Mr. Berkowitz stated it looks awful. Mr. Higgins stated the telephone poles are approximately 50 FT and this pole would be 40 FT above the existing poles. Mr. Naughton stated correct. Mr. Ruchlicki asked if the Board had a proposal before where the monopole was located off an existing structure. Mr. Berkowitz stated that was on a high voltage line. Mr. Naughton stated the following: In the application we looked into that to see if other locations were available. There is a letter in the application from Niagara Mohawk/National Grid who stated they would not permit it due to safety and labor issues. Mr. Watts asked what does that mean. Mr. Naughton stated from what I understand they won't let anyone climb on those things and they won't put other structures on them anymore because the labor folks don't want that. Mr. Berkowitz asked if the pole could be camouflaged. Mr. Naughton stated the following: There are provisions for a stealth type application in your Town code. We are not proposing one right now but I don't think the visual impact would be any different. If this is a major concern, I will take it back to Verizon. Mr. McNamara, of Environmental Design Partnership, stated the following: I have not reviewed this application because I just received it. I did look at it quickly and at this point the only initial concern that I would have is with the visual analysis at the intersection. It would be advisable to redo the balloon test to see what it looks like from the residential areas. I did go to the site and found it to be very close to the homes in the area. Mr. Watts asked if there was anything in the Town's ordinance that states the distance these have to be from residences. Mrs. Murphy stated I will check on this. Mr. McNamara stated the setback is referred to as the collapse zone, which requires it to be at a minimum of half of the tower height. Mr. Higgins stated the pictures of the trees that were provided all have leaves on them and it would be interesting to see what it looks like without leaves. Mr. Berkowitz asked if they are saying there is no reception in this area because I have great reception right now. Mr. Naughton stated in a pre-meeting discussion a number of the Board members stated they had problems with dropped calls and no reception. Mr. Berkowitz stated I just received a voice mail 2 minutes ago. Mr. Naughton stated the following: At that intersection there is no service whatsoever. You may receive a call, but it will be dropped right away. Mr. Watts stated I want to refer this to our consultant but I would like you think about what we said about the stealth issues and whether that could be camouflaged because it is rather obvious. Mr. Watts asked if Mr. McNamara would recommend a balloon test with the residences. Mr. McNamara stated I do see this as a potential issue at a public hearing and as I mentioned, all the analysis was done at the road intersection. Mr. Nadeau requested a current picture of what the area looks like at this time of year. Mr. Naughton stated I will also take this back to Verizon. Mr. Higgins asked if there were any other towers they could co-locate on. Mr. Naughton stated no, we looked into this and there is analysis on about 6 or 7 possible locations but none of them are available and none of them provide service for the area that we are intending to cover where there is a gap in service. Mr. Polak stated the following: Certainly Mr. McNamara can review all of this but the Board knows that once the public attends there will be a hundred questions asked. It will be a big public hearing because it is a pretty populated area. Mr. Naughton stated the following: What I would like to suggest, if possible, is if there are a lot of questions, can we get this on for a public hearing. This way we can find out what these questions are and then if there is other information needed such as an additional balloon test or something, we can do

this and find out what the locations are. We really can't go on other people's property and take pictures from those locations. So, we are using the public roads and that sort of thing. Mr. Ouimet stated there is a road in the development where they can take pictures. Mr. Naughton stated if you go and look at the site during the daytime you'll see that because of the trees there you wouldn't see a thing. Mr. Ouimet stated the following: You may be right but I am not so sure. There are public access areas where you can take a picture. Could you put the balloon back up and take the picture from the perspective of the residential area as opposed to the commercial intersection. Mr. Naughton stated if there is the issue on getting another visual at the public hearing, what specific areas would you like the pictures taken from? Mr. Ouimet stated I think it is an issue for me on this Board so I don't know if you need a public hearing to hear other people say they have an issue with it. Mr. Naughton asked if the Board had any specific location where to take the pictures. Mr. Ouimet stated Lexington Commons, which is the housing development right next to the tower and down on Guideboard Road coming up from Waterford towards Halfmoon and Knox Woods. Mr. Watts stated the following: We are going to have Mr. McNamara review this and I have no intention of scheduling a public hearing until Mr. McNamara has reviewed it and there has been some discourse back and forth. If we were to schedule a public hearing, this would get people stirred up. I want a good product before we hold our public hearing and I think the rest of the Board is in agreement. The Board members all stated yes, they were in agreement with Mr. Watts.

This item was tabled and referred to Mr. Mike McNamara, Environmental Design Partnership, acting as the Town's engineer consultant on this proposed cell tower.

**07.106 NB      Lavender Fields Florist, Inc., 1701 Route 9 (Shoppes of Halfmoon)**  
**– Change of Tenant**

**&**  
**07.107 NB      Star Barber Shop, 1701 Route 9 (Shoppes of Halfmoon) – Change**  
**of Tenant**

Mr. Bruce Tanski, owner of the Shoppes of Halfmoon, stated the following: Lavender Fields Florist has been a tenant of mine for about 10 years in the existing Star Plaza and they would like to move into the new plaza. I don't think parking would be an issue because at the most there would be 3 cars that come in and out during the day. The hours of operation for Lavender Fields are Mon. – Sat. 9:30 am to 5:30 pm and they are closed on Sunday. Mr. Watts stated if we approve the Lavender Fields Florist and the Star Barber shop, what would be your next step. Mr. Tanski stated I have submitted plans to the Building Department and I will obtain a building permit for both of the businesses. Lavender Fields would like to move in right after Thanksgiving and the Barber Shop wants to move in the week after Thanksgiving. After they move I will be tearing the existing building down. The drug store is going to be turned over to Rite Aid on December 21 and they are expecting to open up on January 21, 2008. We will also be submitting an application for the Japanese Restaurant in the future. The last day for the restaurant will be December 31 and then we will tear that building down and that will become the main entrance. Mr. Watts asked if Lavender Fields and Star Barber shop will be moving into the building that fronts on Route 146. Mr. Tanski stated they would be in the back of the building that is on Old Route 146. Mr. Polak stated the following: I think we need to give credit to Mr. Tanski for keeping those businesses in operation so that they could maintain their businesses. Also, by Mr. Tanski working with these businesses it has kept those businesses in Halfmoon. Mr. Tanski stated the Star Barber Shop has been in Halfmoon for 34 years and like Mr. Polak stated, you don't want to lose someone who has been running their

business here for 34 years. The Star Barber Shop usually has usually 2 to 3 barbers who have 2 to 3 cars and 2 to 3 customers with cars. With all the construction that has been going on at the site there was never a problem with parking and I don't foresee parking being a issue with this tenant. We haven't done anything with the signs yet, but we are in the process of working with the Town on signage and we will come back before the Board with our sign applications.

Mr. Nadeau made a motion to approve the Lavender Fields Florist, Inc. change of tenant application. Mr. Berkowitz seconded. Motion carried.

Mr. Nadeau made a motion to approve the Star Barber Shop change of tenant application. Mr. Ouimet seconded. Motion carried.

**07.117 NB      Bovis Lend Lease, 3 Corporate Drive – Change of Tenant**  
**&**

**07.118 NB      Windfield Group, 3 Corporate Drive – Change of Tenant**  
**&**

**07.119 NB      Nucleus Solutions, 3 Corporate Drive – Change of Tenant**

Mr. Mike Davies, of ABD Engineers, stated the following: I am representing Mr. Ed Abele for 3 change of tenant applications for 3 Corporate Drive. These are the first 3 leases going into 3 Corporate Drive. Bovis Lend Lease and the Windfield Group are in the Capital Land Business Park at the present time. Bovis Lend Lease is an existing tenant at 9 Corporate Drive and the Windfield Group is an existing tenant at 14 Corporate Drive. Both of these businesses will be moving into a larger office space at 3 Corporate Drive and they would be adding a few more employees. Bovis Lend Lease is a Construction Management Company and their hours of operation are Mon. – Fri. 8:00 am to 5:00 pm and they have 22 employees. The Windfield Group is an Insurance Agency and their hours of operation are Mon. – Fri. 8:30 am to 4:30 pm and they have 17 employees. Nucleus Solutions is software and consulting company. Nucleus Solutions provide consulting support to the users of their software to help employers identify and fix the root causes of unscheduled absence and other drains on workplace productivity. Their hours of operation are 8:00 am to 6:00 pm Mon. – Fri. and they have 23 employees. Mr. Watts asked if there would be adequate parking available at this site. Mr. Williams stated if you add up the square footage of the building they would need 78 parking spaces and there are a total of 62 employees in the 3 businesses. Mr. Watts asked if there would be any storage on site for Bovis Lend Lease. Mr. Davies stated this business would be strictly for office use. Mr. Roberts asked if there would be signs for the 3 businesses. Mr. Davies stated I do not know, they will obviously have to come back before this Board if they intend to place signs at this location. Mr. Watts asked Mr. Davies to inform the 3 applicants to please indicate in their advertising that they are located in the Town of Halfmoon. Mr. Davies stated okay.

Mr. Roberts made a motion to approve the change of tenant application for Bovis Lend Lease contingent upon there would be no outside storage of equipment on the site. Mr. Nadeau seconded. Motion carried.

Mr. Berkowitz made a motion to approve the change of tenant application for the Windfield Group. Mr. Higgins seconded. Motion carried.

Mr. Ruchlicki made a motion to approve the change of tenant application for Nucleus Solutions. Mr. Ouimet seconded. Motion carried.

**Old Business:****02.143 OB Sandy Rock Subdivision, Beach Road – Major Subdivision**

Mr. Steve Lamb represented Mr. Ray Dahoda for a major subdivision application. Mr. Lamb stated the following: We were last before the Board a few years ago. Since that time we have been talking with the Town Engineers on technical issues and I believe we have come to a resolution on all of these issues. We are proposing 19 lots and all the lots would have public water and private septic systems. We are before the Board tonight to schedule a public hearing so we may move forward with this project to obtain review/comment from NYSDEC and NYSDOH. Mr. Bianchino stated the following: As Mr. Lamb stated, we have worked together over the last few years trying to address some of the issues. We have been working together in anticipation of the NYSDEC and the NYSDOH. At this point we have gotten as close as we can and I think this project is now in good shape. Mr. Ouimet asked the length of the road. Mr. Lamb stated about 3,000 FT. Mr. Berkowitz asked if there was any way they could connect the road to Beach Road. Mr. Lamb stated we went over this and we felt it was undesirable both technically and there was also a sight distance problem. At the time we said if it was desired, we could make an emergency entrance exit but we were never asked to do this. It is possible but the grade is very steep. Mr. Bianchino stated the following: In that stage of discussion I think we involved the Highway Department as well and I think there was a concern about how steep that road would have to be and also where it touches down on Beach Road there are some sight distance issues. It really wasn't a good spot to come out. At the time we felt, and the Highway Department agreed, that the potential for an emergency access at that location was better than having a Town road there. Mr. Ouimet asked if there is an emergency access location on the plans. Mr. Bianchino asked Mr. Lamb how many potential stub streets did they leave. Mr. Lamb stated there is one that will go down eventually into the land where Mr. Dahoda currently lives where he has horses and it would go out through the back to Dunsbach Road. Mr. Bianchino stated there is potential for a loop to come back out. Mr. Polak stated in the discussions with the Highway Department regarding an emergency road for fire apparatus, they thought it would be dangerous because of the steep grade. Mr. Bianchino stated even if it were an emergency access it would still have to be maintained in someway, such as plowing. Mr. Higgins stated the following: The 3,000 FT is an awful long way and the Board has recently had several of these long cul-de-sacs that we expressed concern about public safety. Is there any way you could make the future stub street that would run through Mr. Dahoda's property an emergency access just in case something happens and the people would still be able to get in and out. Mr. Ouimet stated the following: I am not comfortable with 19 homes on that long of a street with only one way in and one way out with no boulevard entrance because this could be dangerous. I would be a lot more comfortable if there were some way to have an emergency entrance or exit there in the event that something ever happens on that street. Mr. Bianchino stated the following: It is the Board's call in terms of whether the divisions of the subdivision regulations that were put in place 3 to 4 years ago do allow the Board in certain circumstances to allow cul-de-sacs that exceed 1,200 FT. In this case based on the concerns that we had going out to Beach Road our feeling was that a second point of access going that way was not advisable. If the Board is uncomfortable with the length of the cul-de-sac it is their decision to require it to be shorter. The regulations do allow flexibility but it has been revised to say 1,200 FT is the maximum length. We have been proceeding on the review based on input that we had previously that the 19 lots were acceptable to the Board so that is how we ended up at this length for the cul-de-sac. The 3,000 FT is the length of road that they needed to get the 19 lots in. There are other options

as Mr. Lamb pointed out with getting a second point of access back out to Dunsbach and this is something that we can consider. Mr. Dahoda stated the following: The first piece of that roadway going in is 800 to 900 FT and has no house on it. We had to do this to get it through the wetlands. So all the homes would be located on approximately 2,000 FT of roadway. It is very unlikely that anything is going to happen on the 800 to 900 FT piece of roadway going in. Mr. Polak stated the following: This was my point earlier about how the Army Corp. flagged the wetlands on the flat spots; I feel it was unconstitutional that they did that. So, that left that long stretch of land where nothing could be built. Mr. Roberts stated I could be wrong but I don't recall ever approving a cul-de-sac this long and I am worried about the precedent we might be setting by doing this with only one entrance. Mr. Higgins stated I know we have questioned some a lot shorter. Mr. Ouimet stated the following: Precedent notwithstanding, it is just uncomfortable to me to have that many lots on that long of a road with only one way in and one way out. If there was a potential for an emergency exit somewhere in the event that something occurred, you could access the backside in the front 8 or 9 lots. But if something happened there and the road was blocked off, there is no way you can get back in there with this current configuration. Mr. Dahoda stated the following: There is a way through my driveway and I do keep it open. Going through my driveway would bring you around the backside. Mr. Bianchino stated this is shown on the drawing. Mr. Dahoda stated that is my driveway, not Forrest Lane. Mr. Higgins asked if Forest Lane ended somewhere up at the beginning of it. Mr. Dahoda stated the following: Yes. Several years ago we had a big fire emergency drill at the end of that property. If we can't find another way out other than through my property, I'll be dead and gone before this thing is every approved. This project has been before this Board for 8 years. We have had the Army Corp. in there, we have had the archeologist studies done and we finally got the wetlands where we can live with it. We seem to be going around circles with this project. Mr. Higgins stated when this project was before us the last time, it had more lots and it had the other entrance going out onto Beach Road. Mr. Lamb stated the following: No, this is not true. The entrance off of Beach Road was discussed several meetings ago. Mr. Higgins asked when did this project show the steep incline that the Highway Department was questioning? Mr. Lamb stated this is on the current plan where we show a substantial change in the elevation. Mr. Watts asked what about the suggestion that you open it up for emergency access. Mr. Lamb asked where would you suggest we put this access, do you want it going down the hill. Mr. Berkowitz stated the following: You have said that you don't want it going down the hill. What about the one going through Forest Lane? Mr. Lamb asked what the standard would be to bring that up and would you expect a Town road in there with a 60 FT access? Mr. Watts stated you have to be able to get fire apparatus through there. Mr. Lamb stated I believe this could be done. Mr. Dahoda stated the following: This has been done because they had to drive this to put in 22 ton of blacktop up through there today and my son has driven his 52 FT trailer through there which is just as heavy as any fire truck that you would want to bring up in there. It is accessible all winter long because I plow it when I do the apartments and my driveway. Mr. Berkowitz asked Mr. Dahoda if his driveway goes from Dunsbach Road to Beach Road. Mr. Dahoda stated yes it does. Mr. Berkowitz asked why they couldn't go from the future access point to Beach Road? Mr. Lamb stated the following: Because the grade is different there. We could put an access through one of the lots. Mr. Berkowitz stated I don't see what the problem is and why nobody wanted this access before. Mrs. Murphy stated this was never discussed before. Mr. Watts asked Mr. Dahoda if this would work. Mr. Dahoda stated yes, as long as we don't have to go and rebuild this. Mr. Higgins asked how wide it was. Mr. Dahoda stated the pavement is 10 FT and 12 FT wide up through there. Mr. Higgins asked if that was a single lane. Mr. Dahoda stated correct. Mr.

Watts stated we could schedule a public hearing if you can provide us a map showing this new emergency access before the public hearing. Mr. Lamb stated okay. Mr. Watts stated check with Mr. Greg Stevens, Director of Code Enforcement; on what the emergency access requirements are before you start drawing.

Mr. Ouimet made a motion to set a Public Hearing for the November 26, 2007 Planning Board Meeting. Mr. Berkowitz seconded. Motion carried.

**05.138 OB      Arlington Heights Subdivision, Farm to Market Road – Major Subdivision/PDD**

Mr. Ruchlilcki recused himself from this item. Mr. Beck sat in for Mr. Ruchlicki. Mr. Mike McNamara, of Environmental Design Partnership (EDP), stated the following: We are before the Board tonight seeking final approval for the Arlington Heights subdivision. From the time the Planning Board granted preliminary approval, we have sent the plans to several other agencies for review. We have obtained comments NYSDEC, NYSDOH, SCSD#1, and the Department of Public Works. We have answered all those comments and have received all the stamps on the plans. Last month I met with Mr. Bianchino to make sure that we have complied with all the comments and requirements. We have updated Mr. Bianchino with copies of all the letters and all of the responses. We have reviewed an off-site water connection that had been added at the request of Mr. Frank Tironi from the Water Department. Mr. Bianchino followed up our meeting with a letter in mid-October confirming that we have met all the Town's comments and requirements. There were changes made to the plans and responses to comments from the Planning Board. We have added a no-cut buffer that is similar to what was previously done with the west property line. We have added a row of Austrian pines along the back of lot #7 to screen the lot next door. The Planning Board also asked for vegetation screening between the roadway and adjoining lands. We have obtained postal addresses for all the lots, which are shown on the subdivision plan. The lot numbers are in compliance with the Saratoga County Real Property system. All comments have been addressed. Mr. Nadeau asked regarding the Homeowner's Association (HOA). Mr. Belmonte stated that is in the final stages being prepared for filing. Mrs. Murphy stated the following: He has shown me a draft and the Town is concerned that they be allowed to do a tax lien if people fail to pay their association fees and that language is contained in their HOA form and that was our big concern with the HOA. Mr. Belmonte asked Mrs. Murphy to clarify the Town's concern on whether they have that ability or concern that we don't have that ability. Mrs. Murphy stated you have that ability and that is form language that you use in your HOA filing. Mr. Higgins stated the following: They are presently using the little entranceway and asked if they could start using the other entranceway because I've seen several of your contractors unloading bulldozers and everything else on the road. This makes it very difficult because there is only one lane each way at that point and there is no one out there directing traffic. Using the other entranceway would get the trucks off Farm to Market for safety consideration. Mr. Belmonte stated I would be more than happy to address that. We had not done the other entranceway for any specific reason. I have not seen this but I have seen the equipment on the site. My suspicion is that the lowboys are so low that they probably can't get it over the crown. Mrs. Murphy asked Mr. Belmonte if this was the project that had a question with regards to the lighting. Mr. Belmonte stated the following: Yes and I think we have gotten that clarified either with conversations with you or Mrs. Wormuth. I believe that it has been concluded that the Town is not interested in entertaining a lighting district and Belmonte Builders will pay for the street light service. Mr. Higgins asked if the drainage off the backside has been taken care of because I know there was



a question raised at a public hearing about where the location of the retention pond was in the back. Mr. Belmonte stated the retention pond is going on the former Tribley piece of land. Mr. Higgins asked if it would drain into some of the property owned by the Ruchlicki's. Mr. Belmonte stated yes it is and we know that EDP has paid a lot of attention to Mr. Ruchlicki's sister concern that we didn't flood out that stream. Mr. Nadeau stated the neighbor to the east of the main driveway had some concerns and have they been addressed. Mr. Belmonte stated the following: There have been trees added on both sides of the neighborhood in response to the public comment. Also, we added a row of heavy vegetation to the Arzoumanian property, which is not shown on the map.

Mr. Berkowitz made a motion to grant final approval for the Arlington Heights Major Subdivision/PDD application. Mr. Roberts seconded. Motion carried.

**05.252 OB      Walgreens, 1476 Route 9 – Commercial Site Plan**

Mr. Jim Gillespie, of Bohler Engineering, stated the following: I am representing the applicant, Mr. Tom Burke, for the Walgreens commercial site plan. When we were last before the Board we had proposed some land banked parking to meet our parking requirements. Also in that proposed phase was a proposed septic system and we were asked to look into some alternative options for either the location of that septic system or a possible connection to the Saratoga County Sewer District (SCSD). We worked with CHA and we are now proposing a force main to Birchwood Drive which would eliminate the need for the septic systems and would allow for the future land banked parking. We have worked with CHA over the last several months and we have addressed the comments from their August 29, 2007 letter. We have supplied the Town and CHA with correspondence from the NYSDOT and Saratoga County Sewer District conceptually approving what we are proposing. Tonight we are before the Board to request a conditional approval. We have a couple outstanding items and these items are engineering details that would not affect the plan. These items are and shall be included in the final plans that we will submit to the Town. The final signal system design is being worked on by Creighton-Manning and should be done within the next week or so and will be submitted to the NYSDOT again. The NYSDOT has conceptually approved the traffic study and they approved the main configurations. What the NYSDOT is looking for is more with the wiring, timing and the signal design. The SCSD is okay with the connection and they are okay with the route. All the SCSD would need is some more technical details on air relief valves and the intermittent cleanouts. CHA would obviously have to review our final wall design; the placement of it and the elevations of the wall. None of this is going to change. We have given CHA a typical section that they are okay with our geo-tech report and the direction we are going in. It is just a matter of supplying CHA with the calculations and geo-grid reinforcement of the wall. We are hoping that we can get this approved conditioned on the NYSDOT and SCSD final sign-off. Mr. Nadeau asked if anyone had considered Adirondack Tire exiting at this site to eliminate them going out before the light. Mr. Higgins stated at one time where we had talked about the land banked spaces in the rear and there was a discussion of whether or not it made sense to have a connection here because of Adirondack Tire's trying to get out onto Route 9 from their main exit with the proximity of the traffic light. Mr. Gillespie stated there is somewhat of a grade change here and we were talking about a retaining wall so we could get a sufficient grade and make all of this work. There is too much of a grade change that is not going to allow that connection. Mr. Bianchino stated the following: There are two things. One is that it is a difficult flow because of where the drive-thru is and the second is the elevation difference between Adirondack Tire and this site. Mr. Higgins asked where the snow storage would drain

into that is proposed along the front on Route 9. Mr. Gillespie stated there is a stream that runs along the southerly property line. Mr. Higgins asked if there was any requirement that it doesn't dump into that stream when it melts being that you are storing salt and snow. Mr. Bianchino stated unfortunately there is no requirement. Mr. Ruchlicki asked where the stormwater in the rear of the site would discharge. Mr. Gillespie stated that also discharges into the stream. Mrs. Zepko stated the following: That is treated in the rear of the site, which is a requirement, but the snowmelt is not. Mrs. Zepko stated the Board could require them to put the snow storage somewhere else but the NYSDEC regulations do not require it. Mr. Polak stated all the salt that they use on the Northway and Route 9 all the snowmelt goes to streams to the river. Mr. Watts stated we have had places where we required that the snow be removed. Mr. Higgins stated or they could store the snow in the land bank parking area in the rear and then it would drain into the stormwater retention pond. Mrs. Murphy stated in order to get your sewer, you are going across Town property and we need to work out that final language with regards to easement and the description of where that is going to be is one of the contingencies. Mr. Gillespie stated okay. Mr. Higgins asked if the Board received the County's approval. Mr. Watts stated the Saratoga County Planning Board issued a "no significant Countywide or inter-community impact" response in their June review.

Mr. Roberts made a motion to approve the commercial site plan application for Walgreens contingent upon final design drawings, CHA's sign off, sewer easement of Town lands is accepted by the Town Attorney and by the County, the traffic signal designed be approved pursuant to CHA's request and the NYSDOT and snow storage in front of the site is to be moved to the rear of the site near the land banked parking area. Mr. Nadeau seconded. Motion carried.

**07.099 OB      Wilber National Bank, 1683 Route 9 (St. John Plaza) – Change of Tenant**

Mr. Tom Pratico, of the Rexford Group, stated the following: We are here representing Wilber National Bank. We have responded to CHA's comment letter on 4 different points and I believe we have satisfied their concerns. Since that time we have added notes to the drawing, which coincides with our response letter having to do with the possible access to Aldi's and the relocation of 2 land banked parking spaces to provide a wider double lane access. I believe we have met all the requirements per CHA's letter. Mr. Berkowitz asked if Aldi's has agreed to the access plan. Mr. Pratico stated the following: No, we have not contacted Aldi's. We are providing our side of the access and if in the future something develops with Aldi's, it would all be lined up. We had to provide this according to CHA's request for signage for stop signs, yield signs or some type of signage, which we would do if agreements were ever made with Aldi's. Mrs. Murphy stated the following: I asked Mr. Williams if he had researched to see whether or not Aldi's had provided for access up to their property line. Mr. Williams informed me that he did not research the file, but it is his recollection that the access is there but not completed to the property line because a civil dispute arose between the parties as to what that access would be worth. Mr. Watts stated there were previous issues that we will try to deal with now. Mr. Pratico stated the access has been design so it comes to the property line at the proper grade so it would meet up with Aldi's access. Mr. Higgins asked if the access would be paved right to the property line. Mr. Pratico stated yes. Mr. Bianchino stated our November 6, 2007 letter had comments that I think this plan does address. Mr. Watts asked Mr. Pratico to inform the applicant to please indicate in their advertising that they are located in the Town of Halfmoon since this is their first bank in this area. Mr. Pratico stated okay.

Mr. Ouimet made a motion to approve the change of tenant application for the Wilber National Bank contingent upon the applicant provides an access area to its boundary line adjacent to the Aldi site. Mr. Higgins seconded. Motion carried.

Mr. Ruchlicki made a motion to adjourn the November 13, 2007 Planning Board Meeting at 8:15 pm. Mr. Berkowitz seconded. Motion carried.

Respectfully submitted,  
Milly Pascuzzi,  
Planning Board Secretary