

Town of Halfmoon Planning Board

December 10, 2007 Minutes

Those present at the December 10, 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
Gerry 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 December 10, 2007 Planning Board Meeting at 7:01 pm. Mr. Watts asked the Planning Board Members if they had reviewed the November 26 2007 Planning Board Minutes. Mr. Roberts made a motion to approve the November 26, 2007 Planning Board Minutes. Mr. Ruchlicki seconded. Motion carried.

Public Hearings:

05.209 PH Pino Commercial/Light Industrial Park PDD, Route 146 – Major Subdivision/GEIS/PDD

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. Scott Lansing of Lansing Engineering, stated the following: The proposed PDD has been in front of both the Town Board and the Planning Board for a public informational meeting and a public hearing. The parcel is approximately 64-acres and there are some structures in the front portion of the parcel that are proposed to be demolished. The project consists of a commercial/light industrial park. At this time we are proposing a subdivision of 1-lot that would be in the right-of-way. In the future when the applicants obtain tenants for the project we would be coming back in for individual subdivisions of the parcel in accordance with the PDD. In regards to the utilities, we are proposing a Town roadway going into the site with a cul-de-sac at the end. Public water and public sewer would service the project. Stormwater would be managed on site. We are requesting consideration for an approval of the 2-lot subdivision and site plan approval for the PDD. 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: I don't think that they have executed the water district extension agreement yet with the Town. Therefore, public water will be available subject to the extension agreements being formalized. Mr. Lansing stated yes, this is understood. Mr. Nadeau asked if there is a traffic signal proposed for this site. Mr. Lansing stated the following: Yes, there were some thresholds in the traffic study that warranted a traffic light. No matter which side exceeded that threshold a light would have to be put in or a combination of both.

Mr. Roberts made a motion to grant preliminary approval for the Pino Commercial/Light Industrial Park PDD/Major Subdivision/GEIS. Mr. Berkowitz seconded. Motion carried.

07.114 PH Jennings Subdivision, Upper Newtown Road (18 & 20 Upper Newtown Road) – Minor Subdivision

Mr. Watts opened the Public Hearing at 7:06 pm. Mr. Watts asked if anyone would like to have the public notice read. No one responded. Mr. Dave Flanders, of David A. Flanders Surveying, stated the following: I am here tonight representing the Jennings'. The parcel is located on the southerly side of Upper Newtown Road. Our proposal is to subdivide 19.5-acres into 3 lots. Two of the lots would be 2-acres each and would be serviced by Town water by connecting to the water main along the Champlain Canal towpath that is adjacent to the property. A 10 FT utility easement would be on the southerly side of the road that would also service lands of Coreno. All the lots would meet the existing zoning regulations with the exception of lot #3 which is going to be considered a flaglot that would have 2 accesses. One access would be 60 FT wide on the westerly side of the Coreno parcel and the other one would be approximately 30 FT wide on the easterly side between the Lands of Coreno and the railroad. The lots would have on-site septic systems. Mr. Watts asked if anyone from the public wished to speak. No one responded. Mr. Watts closed the public hearing at 7:08 pm.

Mr. Nadeau made a motion to grant a Negative Declaration per SEQR. Mr. Ouimet seconded. Motion carried.

Mr. Nadeau made a motion to approve the Jennings minor subdivision. Mr. Ouimet seconded. Motion carried

07.116 PH Busch Subdivision, 70 Route 236 (68 Route 236) – Minor Subdivision

Mr. Watts opened the Public Hearing at 7:09 pm. Mr. Watts asked if anyone would like to have the public notice read. No one responded. Mr. Harold Berger, Prof. Eng., stated the following: This proposal is for a 2-lot subdivision. Currently the parcel is one single lot with two existing dwellings. The purpose of the subdivision is to split the existing parcel in half and create 2 zone compliant building lots. One lot would have an existing home on it and the second lot would have a mobile home that would be removed and replaced by a new dwelling, which would be either a single-family home or a duplex. Mr. Watts asked if anyone from the public wished to speak. No one responded. Mr. Watts closed the public hearing at 7:10 pm.

Mr. Nadeau made a motion to grant a Negative Declaration per SEQR. Mr. Ruchlicki seconded. Motion carried.

Mr. Nadeau made a motion to approve the Busch minor subdivision. Mr. Ruchlicki seconded. Motion carried

07.121 PH Charlew Subdivision, 80 Ridgewood Drive/56 Cary Road – Lot Line Adjustment

This item was removed from the agenda at the applicant's request.

New Business:

07.122 NB Architectural Glass & Mirror, 11 Solar Drive/Crew Road – Amendment to PDD/Minor Subdivision

Ms. Stefani Bitter, Attorney for Architectural Glass & Mirror, stated the following: I am here with Mr. Dan Hershberg, of Hershberg & Hershberg Consulting Engineers and Land Surveyors and the applicants. Architectural Glass & Mirror (AGM) is seeking the Planning Board's recommendation for a PDD amendment. AGM is currently located on 11 Solar Drive. Over the past 21 years AGM has been quite successful and they would like to expand their operation. AGM would like to expand on the parcel immediately adjacent to their parcel. The parcel is currently owned by James Johnson and the parcel is 14.35-acres and the applicants currently have a contract to purchase 3-acres of that 14.35-acre parcel. Although AGM's business is currently located in the PDD zone, the adjacent parcel is zoned commercial. AGM are proposing to construct a 30,000 SF building on this parcel if this PDD is accepted. The building would actually be 20,000 SF utilized by AGM and the remaining 10,000 SF would be reserved for a future tenant. When AGM was considering this proposal, what they did is try to keep the privacy of the residences on Crew Road. They kept it so it would be facing Solar Drive and they would access the new proposed building over AGM's existing driveway on Solar Drive. The property would have Town water and private septic. AGM is in the business of fabrication of aluminum frames, doors and associated glass glazing. AGM is a commercial glazing contractor. Most of their site work is done off-site. AGM produces the product and then it is shipped to the site. As a result, a majority of their employees are field employees. AGM only anticipates approximately 10 employees at this site. With such they would have a minimal traffic usage off of Solar Drive which they will continue to maintain. There is little noise or odor associated with the business. They are a local group of individuals and they want to stay that way which is why they are proposing to expand immediately adjacent to their existing site. Not only will we be before this Board for this PDD amendment but also we will hopefully be back before this Board for a subdivision and a site plan. Mr. Hershberg stated the following: The project accesses to Solar Drive where we intend to extend the existing parking lot into a driveway to access the property. Trucks would come to the site and back into a loading dock and would leave in the same direction. We are showing 20 paved parking spaces and we only have 10 employees. The reason why we are showing all the other parking spaces is because we don't know who the second tenant is going to be. Even if the future tenant is entirely office, we are providing enough parking spaces. We don't anticipate that the future tenant for the 10,000 SF to be strictly a straight office type tenant but they would actually be a tenant similar to what AGM is which is a warehouse, office, shop and storage space all in one. We think that the plan works well with room for expansion. We tend to use ground water recharge for our stormwater. The soil is sandy and we performed some soil testing. This recharge basin would be in compliance with the stormwater regulations. We have the required handicapped parking, 2 entrances to AGM plus the truck entrance. If there is another tenant in the future we have it set up to have access for covered storage. The covered storage area is an area that AGM could use now or not and the 10,000 SF tenant might have the advantage of having that area. We think this makes good use of the property. The access is off Solar Drive and not off the NYSDOT access road. Mr. Watts asked if they would be land banking some parking spaces. Mr. Hershberg

stated yes, all the other spaces shown on the plan are banked. Mr. Watts asked if there were 41 land banked parking spaces. Mr. Hershberg stated the following: We actually have 45. The building was originally proposed for 33,000 SF and we changed it to 30,000 SF. We have reconfigured the parking and proposed 20 parking spaces and have the full capability of 65 parking spaces. Mr. Higgins asked for an explanation on the enclosed storage area. Mr. J.T. Pollard, of Pollard & Smith Architecture, stated the following: The covered storage area would be an extra storage area that AGM plans on storing some of their material in that do not have to be in heated storage. They could store racks and store their aluminum frames for windows so in the winter months they could still access that material. Mr. Higgins asked if the covered storage area was included in the total square footage of the building. Mr. J.T. Pollard stated yes, it is included in the overall footprint. Mr. Higgins asked from what direction would they access this covered storage. Mr. Hershberg stated the following: They would pave right up to the storage area and they could unload material at that location. My guess is that most of the material would be unloaded into one building and then transferred into the storage area. All unloading would take place at the loading dock. Mr. Higgins asked if the whole side of the storage building would be open with racks of materials. Mr. Pollard stated the following: Yes that is correct. This area is a pretty heavily treed area so there would be a buffer between this site and the adjacent property. Mr. Higgins asked if the outside area would remain green. Mr. Hershberg stated they would be doing some grading and we are proposing to do some landscaping. Mr. Higgins asked if the only access was from that one driveway and asked if they would be driving trucks around the side of the building and unloading. Mr. Pollard stated I believe all the unloading would take place at the loading dock and any material that couldn't be store would be moved to that covered storage area. Mr. Watts asked the zoning of the adjacent parcel. Mr. Hershberg stated the Johnson parcel is zoned commercial. This item was tabled and referred to CHA for review.

07.124 NB Clearwire US, LLC, 56 Plant Road – Commercial Site Plan-Cell Tower

Mr. Jeff Davis, Attorney for Hiscock & Barclay, stated the following: I am representing Clearwire for this application. At the last Planning Board meeting I referenced this site briefly. This proposed cell tower location is to be located at 56 Plant Road. This property is currently the site of the John Wojtowicz Trucking facility. The proposal is to construct a stealth 80 FT flagpole at the rear of the trucking facility adjacent to the existing storage structure at this site. Access would come in off of Plant Road into the site and then over the existing paved area. Because of the amount of truck parking around the area and the service facility we have not proposed any landscaping around the base of the facility. Instead we are proposing a wooden fence around the facility to conceal the equipment at the base of the flagpole. The concern both from the landlord and from our engineers was that we probably couldn't get any thing to live/grow because of the amount of heavy traffic that is in and around the area. The proposed structure would be an 80 FT flagpole and the antennas would be housed completely inside of the flagpole and the cables would be connected inside the flagpole to the base of the facility in Clearwire's equipment cabinet. A smaller compound area is proposed at this time and the pole could support two other additional carriers to provide space for them should someone want to co-locate their antennas inside the flagpole. I have provided maps to show the coverage gap in this location. This site is a more industrial site and at the 80 FT level we can achieve the coverage objective as to what we are trying to achieve for this area. Mr. Higgins asked how high was the dome. Mr. Davis stated the dome is a 45 FT dome and we did look at trying to do something on top of that but it would have required us to actually build almost a guide tower at the top of the dome to get up above the tree height. There were some concerns with that

structurally and also visually, as it would look pretty bad on top of the existing dome. Mr. Berkowitz stated there are residences across the street from this site and this area is not entirely industrial. Mr. Davis stated the following: Yes, this is correct. There is vacant land and the nearest residential structure is 283 FT and I believe there may be some residences across the street. Mr. Berkowitz stated there are a lot of residences across the street and there are going to be more residences to the north of that. Mr. Davis stated this is why we have proposed the flagpole stealth design. Mr. Berkowitz asked if there would be any co-location outside of the tower. Mr. Davis stated not unless the Board would approve that. Mr. Berkowitz stated you said it would be inside the tower. Mr. Davis stated yes. Mr. Berkowitz stated so there would be no outside tower co-location ever. Mr. Davis stated other carriers could go inside this pole. Mr. Berkowitz asked not outside the pole ever. Mr. Davis stated correct. Mr. Davis stated I am sure someone could possibly present that to you. Mr. Berkowitz stated you said there would be no outside co-location ever. Ms. Meredith Smith stated the pole is designed so that the antennas go within the pole, they can't go outside. Mr. Berkowitz stated so you wouldn't pursue any other providers outside on that pole. Mrs. Murphy asked structurally could the pole hold antennas on the outside? Mr. Davis stated the following: Structurally it could, yes. But the pole is designed to be a stealth flagpole. I can't tell you what other carriers are going to do but ultimately they would have to come before this Board to do anything. Mr. Berkowitz stated but ultimately we can't say no. Mr. Davis stated if there is a spot inside here, it is designed to be stealth flagpole. Mr. Berkowitz stated my questions is can somebody located outside on that pole? Mr. Davis stated if you wanted to make this a condition of an approval that nobody can locate on the outside of the pole, I don't think that would be an issue. Mr. Berkowitz stated okay. Mrs. Murphy asked does the inside of the pole give you the same propagation rate as locating on the outside of the pole. Mr. Davis stated no, absolutely not. Mr. Berkowitz asked who owns the pole. Mr. Davis stated the following: Clearwire would own the pole. The reason for locating inside of the pole is that you reduce a normal antenna array down to 3 antennas and these antennas are a specially designed antenna to go inside of there. Other carriers that may come before you at this time have a 12 antenna array, a 6 antenna and a 9 antenna. You do this in areas where visibility is a concern and you are trying to get coverage to an area but you recognize that there is going to be compromise in your propagation. Mrs. Murphy asked would you consent as part of your approval to not permit leasees to be on the outside of the pole and they would have to be located inside the pole? Mr. Davis stated yes, I don't think that would be a problem. Mrs. Murphy asked would you verify this. Mr. Davis stated yes. Mr. Ouimet asked what the diameter was of this flagpole. Mr. Davis stated the base of the pole is roughly 2.5 FT and tapers up to about 22 or 24 inches at the top of the pole. The pole needs to be wide enough to get the antennas inside. There is no other room inside the top of pole than for the 3 antennas. The pole would be off-white in color. Because there would be a flag on it there are U.S. regulations that require that the flag be lit at night so there would be a light inside of the compound that would shine up on the flagpole similar to what the Town may have. I am doing several of these installations right now and the lighting is not really an issue. Mr. Berkowitz asked how strong was the light. Mr. Davis stated I can get you the wattage but it is a directional light that would just shine on the top of the pole and would meet the U.S. code. Mr. Ouimet asked if all the maintenance would be done by Clearwire or by contractors of Clearwire's. Mr. Davis stated Clearwire does the maintenance for the pole. Mr. Ouimet asked if this includes the light and the flag when it becomes tattered. Mr. Davis stated the following: Yes, Clearwire would maintain the flag. All of this information is included in the packet; the maintenance facility, checks on the facility and flag maintenance is one of the things that goes with the flagpole to insure that the flag is not tattered. Mr. Ouimet asked the height of the flag. Mr. Davis stated the pole is 80 FT and the flag would go right to

the top of the pole. Mr. Berkowitz asked the dimensions of the flag. Mr. Davis stated the following: I am doing one of these flagpoles in Poughkeepsie right now and they requested a certain size flag that doesn't make any noise. I can give you the size of that flag but I believe the size would be 5.5 FT by 7.5 FT or something like that. Mr. Berkowitz asked what if the flag has to be at half-mast. Mr. Davis stated they would have the maintenance company come out and lower it down to half-mast. Mr. Watts asked how many approved flagpoles sites do they have now. Mr. Davis stated the following: I am working on 2 of them in the Rochester market and this proposed flagpole is the only one in the Albany market for Clearwire. With other providers, they are all over the place. Some of them stand out more because they are taller but some are shorter. Mr. Watts asked if they had any approved flagpoles at this point. Mr. Davis stated Clearwire has some approved sites in the Rochester area. Mr. Berkowitz asked if they had performed a balloon test. Mr. Davis stated the following: No, this is one of the things in the application we said we would do if the Board wanted us to do that. We would certainly take some direction as to where you would like some pictures taken. Mr. Roberts asked how many of these poles do we intend to see throughout our Town. Mr. Davis stated you asked me this at the last meeting and that is an impossible question to answer. Mr. Roberts asked are there going to be more poles. Mr. Davis stated the following: Yes, there are 6 or 7 FCC licensed carriers in the area. I am sure that you are seeing an influx of applications right now because the industry is again going through one of its building phases. The technology is such that they are getting shorter to try to fill in more problem areas. It all comes down to technology and what each carrier needs. I can't speak for the other carriers but for Clearwire this is their 2-year plan in the Town of Halfmoon. Mr. Nadeau asked if they had some of these units down south. Mr. Davis I have some from other carriers in the Poughkeepsie area. Mr. Berkowitz asked if Clearwire had any in Poughkeepsie. Mr. Davis stated the following: No, Clearwire does not have any down in Poughkeepsie. Clearwire's market where they have a license in New York are in Albany, Syracuse and Rochester. These facilities are all over the country. I could ask Clearwire where they have their facilities. Mr. Berkowitz stated the reason why I am asking you this question is I would like to know how many facilities are in a certain square mile area. Mr. Davis stated that Clearwire has 36 other cities where they have markets in. Mr. Berkowitz asked if Mr. Davis could tell him how many of these facilities are in a 5-mile square area to give us an idea of what we may see in the Town of Halfmoon. Mr. Davis stated the following: You really can't compare apples to apples because of topography, tree coverage and density. Perhaps we could choose something that maybe a little similar either in one of the markets that we have done up here in New York and I will try to get you that information. Mr. Ouimet asked if the flagpole's total height is 80 FT. Mr. Davis stated that is correct. Mr. Ouimet asked at what height are the antennas inside of the pole. Mr. Davis stated the antennas are at about 74 FT. Mr. Ouimet stated so any co-location would have to be below the 74 FT. Mr. Davis stated that is correct. Mr. Polak asked who would maintain the flag. Mr. Davis stated the following: This question was asked already. Included in our application is the Clearwire's maintenance procedure for the facility. They will do site inspections and part of their site inspection procedure for their equipment is making sure that the site itself is in good working order at a flagpole site that includes the flag and making sure that it is not tattered. Other sites that we have done like this there were concerns regarding flag maintenance and we can provide a contact number so if something happened to the flag and it was in between one of the site visits, a number can be called to get that flag replaced. The Board mentioned that they wanted us to do balloon test photos for all 4 applications and asked the Board for the photo locations and what information is needed so they won't have to do this twice. Mr. Polak stated I did send a note to all of the Town Board members about the last applications that were submitted and I received one comment back but am still waiting for other comments. Mr. Davis

asked Mr. Williams to submit the escrow request for all 4 applications. Mr. Watts stated we will let you know the notification process for the surrounding neighbors if a public hearing is required.

This item was tabled and referred to Mr. Mike McNamara, of Environmental Design Partnership, for review.

07.126 NB NY Mattress Factory (RMFD), 1683 Route 9 (St. John Plaza) - Sign

Mr. Tom Pratico, of the Rexford Group, stated the following: The applicant wishes to place a 30 SF sign above the Plaza's storefront. The sign would be 2 FT x 15 FT, with box letters and would be internally lit. Mr. Roberts asked if this proposed sign would conform to the rest of the signage at the plaza. Mr. Pratico stated yes, it is almost identical to the hair salon sign.

Mr. Roberts made a motion to approve the sign application for the NY Mattress Factory. Mr. Nadeau seconded. Motion carried.

07.127 NB Capital Region Business Park, 3 Corporate Drive – Sign

Mr. Brian Sleasman, of ABD Engineering, stated the following: This application is for a proposed monument sign located on Corporate Drive. The sign size is 55.2 SF, sign dimensions would be 5.75 FT x 4.8 FT, two sided and flood lit. Mr. Roberts asked that the flood lights do not shine out into the road.

Mr. Roberts made a motion to approve the sign application 3 Corporate Drive located in the Capital Region Business Park. Mr. Berkowitz seconded. Motion carried.

07.128 NB CHEP, 430 Hudson River Road – Change of Use

Mr. Paul Tacy, of CHP USA operations stated the following: Currently our operating hours are from 7 am to 11 pm. What we would like to do is open the operating hours to a 24-hour operation. This would allow us to get trucks in and out of the facility. Between 12 am to 6 am there would be about 3 to 4 trucks leaving the site. For the most part the operation time frame would be from 6 am to about midnight for employees coming in and out of the site. We would need the same amount of parking that we currently have because there is a ½-hour shift change in between shifts. When one shift of employees leave, the next shift would be coming in after that so we would have ample parking. We have enough trailer parking. Our operation would not change very much from what we have at this point. It would just be an extension of the hours. Mr. Higgins asked if there would be a ½-hour in between shifts. Mr. Tacy stated the following: Yes, we would have a ½-hour shift change. At the current time we have 30 parking spaces. Mr. Higgins asked if they would shut the entire operation down between shifts. Mr. Tacy stated yes, we would have a supervisor, a manager and an administrator that would be in the building between shift changes. Mr. Watts stated there were some concerns raised in the past about noise at this site at night. Mr. Tacy stated the following: There were some trucks that were pulling in and idling in the parking lot and they were also doing trailer switches between the hours of midnight and 6 am that did not need to be done at that time frame. So, we stopped the trailer switching during those hours and any trucks that we find in the parking lot we ask them to remove themselves so they are not idling their trucks. Mr. Watts asked if the Board made this a condition as part of the prior approval process and if not, we could make this a condition at this time. Mr. Williams stated the Planning Board conditioned the 2004 addition to site plan approval with no outside storage of pallets and that the stored trailers on site will be used for the pallet repair business only. Mr. Watts asked if this covered the concern

of somebody from another company sitting there and idling a truck all night. Mr. Williams stated no. Mr. Watts stated the following: This is what we want and this is what we did with Sysco, Wal-Mart and Lowe's. Mr. Tacy stated the following: This would work for us. We don't have any sleeper units, we just have day cabs. Actually the day cabs do not stay in the lot at night because the drivers take the day cabs home with them. Mr. Berkowitz asked if they would have trailer trucks leaving the site at night. Mr. Tacy stated the following: Yes, there probably would be 3 to 4 trucks dispersing and this is the same procedure that we are doing right now. Most of the trucks would be leaving at 5 am to 6 am. Mr. Nadeau stated it wasn't an issue of the trucks making noise it was because the trucks were sitting there idling. Mr. Watts stated whatever went on we took care of the problem and we haven't had a complaint in over a year. Mr. Tacy stated we have been checking the parking lot and if we do find a driver in that parking lot, we disperse them and if we need to, we will call the carrier and inform them not to allow their driver to park there. Mr. Higgins asked if the trailers that are coming out in the middle of the night are moved to the other side of the building. Mr. Tacy stated yes they would be moved out at the end of a shift change. Mr. Roberts asked if they load trucks during the night. Mr. Tacy stated the following: No, they would be loaded by 11:15. Currently we are doing live loading and appointment scheduling so the drivers come in. We do have our own fleet of 4 trucks and those carriers generally load and reload during the day. We will have those carriers pulling out with those loads between the hours of midnight to 6 am but most of the moves I believe are going to be in the neighborhood of 5 to 6 am. Mr. Higgins asked if they had outside carriers. Mr. Tacy stated the following: I don't envision this because it would be a dedicated carrier that would be coming in to take a trailer out. They will pull in with an empty trailer, park it in the back and then pull back out. Mr. Higgins stated so they would be less likely to stay there and sleep for a couple of hours. Mr. Tacy stated correct; they have day cabs anyway. Mr. Higgins stated the day cabs are your own fleet but the contract people may not; they may have sleepers. Mr. Tacy stated they would only be in there for an appointment schedule and our times are so close on our on-time service that I don't predict them staying in the yard very long once they are loaded because they are going to want to get back out.

Mr. Higgins made a motion to approve the CHEP change of use application contingent upon there will be no overnight stays of truckers, trucks will not idle for extended periods of time, no outside storage of pallets and all trailers stored on the site will be utilized for the pallet repair business only. Mr. Roberts seconded. Motion carried.

07.129 NB Sheldon Hills PDD-Phase 3, Route 146 & Upper Newtown Road - Major Subdivision/GEIS/PDD

Mr. Gavin Vuillaume, of Environmental Design Partnership, stated the following: We are the original engineers for the Sheldon Hills Planned Development District (PDD). We are asking the Board to take another look at the conceptual design for Phase 3 of the project. As you all know the Sheldon Hills PDD began back in 2004 and has been under construction for the last 3 years. The original PDD was approved for 133 single-family, along with 84 twin homes and 106 of the mutli-family homes. Phase 1 consisted of 88 single-family homes and 52 twin homes. Earlier this year the Town Board approved Phase 2 of the Sheldon Hills PDD, which has 29 single-family homes and 54 twin homes. Phase 3 is proposing 100 multi-family units for a total of 323 units for the 3 phases of this PDD. The same road layout has been shown essentially having 1 access off of Covington Drive and another access off of Sheldon Drive. Where they come together there is a single road with 2 types of housing products being proposed. The first being a mixture of 2 and 3 unit buildings which would be town home style units that the applicant has introduced as a different type of unit. The two housing units is something that the applicant

has chosen as being a more diverse residential housing type that have not been constructed in this vicinity. There are a lot of benefits to having these types of housing units that I will be covering. The original layout shows the 2 and 3 unit buildings and in another area there will also be 6 unit buildings that would be similar in style to the type of units that we had originally proposed as part of the PDD. At one point it was decided that we would want to try to bring in a different housing type that would react a little differently in providing more of a separation between units and between buildings in environmentally sensitive areas. As you know, we have some wetlands and some slopes that we want to stay away from. The twin homes are 2 and 3 unit family buildings that would give us more variety and more flexibility when we do the original design for this. The big benefit for the 2 and 3 unit buildings is the fact that we do have all 2-car garages as being part of this layout and this is something that we didn't have with the original layout. We have met with the emergency services people and they seemed very happy to see that we were going to be able to provide those 2-car garages. With the 2-car garages you would get a wider driveway and more area for off-street parking. With the other types of units there is usually not as much parking. We want to make sure that we gave both the maintenance people and the emergency services people area to turn around at the end of the driveways. There is also a cul-de-sac and another key turn around that they were also happy with. They have reviewed the plan and they feel that accessibility is better with this plan. I don't know if we have anything formally yet in writing from the fire department, but again we met with several of the fire chiefs and they seemed to be pretty good with it. The layout is very similar to what we originally had. The only thing as far as infrastructure that has to be changed a little bit is our sewer connection that we are bringing in. Keep in mind that all these roads and utilities will be owned and maintained by the Homeowner's Association (HOA) as far as the stormwater. The sanitary sewer is the Saratoga County Sewer District. The Town has easements over the mains. All the roads themselves in that general area that we are proposing would be maintained by the HOA. That gives a good break for the Town not to have to plow in these areas and this was always a part of the proposal for the PDD. We have done a preliminary grading plan for the drainage and the grading plan worked out very well with this new layout. We were able to get the gravity sanitary sewer and storm sewer down toward the corner of this project where there is a proposed pump station being constructed as part of Phase 2. Mrs. Murphy asked who would own these units because you are not proposing a subdivision because you don't have a public road. Mr. Vuillaume stated the HOA would own the units for just the interior portion of the building. In other words, the HOA would own all the common area around the buildings and I believe the outside of the structure. Mr. Dave Michaels, of the Michael's Group stated the following: Basically what happens is once we survey the foundation, the footprint of each unit of the townhouse is delineated to show ownership. Originally we proposed the multi 6-plex homes and now we are proposing 30 of them in 5 to 6 unit buildings. That is what we had laid out in our preliminary concept with the private roads. We did some market analysis and we will offer a price point that are lower than what has been sold to date in Sheldon Hills. To date the prices have been considerably above our original forecast in terms of what costs are. I think with this layout these units will fit in architecturally which is very important to us as well as the Town. All the owners would still be able to utilize the amenities of the whole community, which are the walking trails and the clubhouse building. The HOA will own and maintain the private roads and we have done this numerous times. There is a full service HOA already in place in Sheldon Hills for the clubhouse, walking trails, lighting and irrigation. The HOA is already set up with the difference being that there would be a sub-HOA. Mr. Watts stated in other words you are saying there would be no condominiums. Mr. Daniels stated the way the ownership works is that the 6-plex buildings have to be under the guise of condominiums for legal purposes, but they would not be leased,

they would be for sale. There are 6 units in each of these buildings, 2 down and 4 above. Because there are units for sale on the upper level the only way you can offer them is based on a condo. So, because they are condos they still have to go through the process of Attorney General approval, a budget and a HOA. These 30 units would be under the legal condo rights. Mr. Watts asked how many would be condominium units for the total buildout. Mr. Daniels stated of the 98 that are proposed here there are 30 condos, which are 5 buildings of 6-units. The remaining 68 would be the town homes with some 2-unit buildings and some 3-unit buildings. We have a typical rendering of a twin town home to give you an idea that we are trying to do a nice job with architecture and these are all newly designed homes. Mrs. Murphy stated people are going to buy these units but you are not saying that they can't rent them to third parties. Mr. Daniel stated the following: No, just as anyone buying a home, they could rent that home. In the HOA documents there are pretty strict rules on renting that says there has to be a long-term lease with multi months. We don't want it to be a high transit type of use at all. We are concerned about the integrity of this whole community and how all the products relate. These people are going to be equal owners of all the amenities from the condo unit to the smaller town home. The market so far has been that we have been addressing a lot of seniors and empty nesters so far. We are going to have a lot more side entry garages so that you are only going to see one garage on a typical building. We think this is going to be an improvement of what has been built so far. Mr. Vuillaume stated there also would be less curb cuts out onto the private road. Mr. Watts asked what school district is this development located in. Mr. Daniels stated I think it is 90% in the Mechanicville School District. Mr. Watts asked in your market scheme if you were going to guess, how many school age children are you looking at. Mr. Daniels stated the following: We don't see the profile changing much in terms of households having children and it is going to be pretty limited. We see the market to be younger empty nesters, singles or professional couples. The average square footage of the twin homes are going to be 200 SF less per home verses what we have been averaging so far. The condo 6-plex homes are built like luxury mansion type buildings. In fact, of those designs, they all have garages and we are most likely going to have one to two elevators to access the second floor.

This item was tabled and referred to CHA for review.

Old Business:

06.201 OB

**Lussier's Auto & Body Repair, 1385 Vischer Ferry Road –
Commercial Site Plan**

Mr. Gil VanGuilder, of Gilbert VanGuilder & Associates, stated the following: This application has been held up from coming back to this Board because of an issue with encroachment of the outlet for the drainage system for the site that crosses over surrogate lands of Saratoga County. We have been working with the County to try to get an easement or to outright purchase this property. We had to go through sort of an approval process of the history of this parcel. In the early 1950's the New York State Canal Corporation abandoned lands in this area and it was abandoned to Saratoga County. Saratoga County has not used this but they did not want to grant an easement without sign-off from New York State because now the NYSDOT maintains Crescent Vischer Ferry Road. With the help of some NYSDOT employees we got a sign-off from the NYSDOT but Saratoga County still is not willing to move ahead to either grant or to convey the land. A suggestion was made at a meeting a few months ago that we show an alternative that would work for the drainage if Saratoga County ever says that this culvert pipe has to be removed we indicated a catch basin would be extended from the existing catch basin down to near the right-of-way line. There is a jog in the highway right-of-way line to the culvert that could then be directed to the stream and it would all be within the right-of-way of

Crescent Vischer Ferry Road. That improvement would require an approval by the NYSDOT by permit. NYSDOT has indicated that this would not be a problem. Some of the things that we have worked out while this project has been going through the review process with CHA for technical matters are things that would be done to help alleviate congestion and parking on the shoulder of the road. There will be a curbed island that would be constructed along the right-of-way line between the roadway and the parking area for the new building in the front. All of the drainage would be kept internal and the discharge will be into the stream as it is now. That will keep the traffic from flowing out on to the roadway causing traffic problems that people experience today. I think that we have resolved all of the technical matters with CHA and their review. Mr. Watts asked if they have submitted any architectural renderings of the proposed building. Mr. VanGuilder stated no, I don't think we have submitted these but the applicant has the original plan that I can submit for review. Mr. Watts asked what date was the original plan. Mr. VanGuilder stated the following: The original plan was done in 1990. I don't believe the applicant has changed the style of the building but I will get a set of those renderings and submit them to the Board. Mr. Watts stated I don't know how the rest of the Board feels, but this site is a gateway to the Town and I don't know if the building is a commercial or industrial Butler building type look. Mr. VanGuilder stated the following: I believe the building has many amenities and I think it is going to help out the visual appearances. There would be no overhead doors on the front of the building. It would appear more like an office type building in the front. The access back to the repair facilities would be in rear. We do understand that we need to submit renderings. Mr. Roberts stated the following: As we all know for many years this site has been an eyesore. They have since cleaned up the site and my concern is that once this approval is granted the site will go back to the way it was. I want to make sure that the site remains cleaned up. Mr. Watts stated the following: Our Code Enforcement Office and myself have had numerous discussions with the owner of this property relative to cars being parked along the roadway. I believe there were a number of abandoned vehicles that have been removed from property. As Mr. Roberts mentioned this site was an eyesore for a long time and we would hope that with the money being spent here on the property that the site is maintained in an appropriate manor. Mr. VanGuilder stated I am sure that it will be. Mr. Watts stated we still need to look at the architectural renderings. Mrs. Murphy stated I think Mr. VanGuilder has stated that he is willing to work with the Board with regards to the architectural rendering. Mr. VanGuilder stated we can submit the architectural rendering plans for full Board review or we can submit them to the Planning Department. The Board stated they would like to see the plans for their review. Mr. Higgins asked how long the driveway was going into the site. Mr. VanGuilder stated the following: The driveway is about 30 FT wide and it would all be located on the property. The actual pavement at the current time is partially on the County property. The reason why we made it 30 FT wide was because of the longer wheel base vehicles pulling in their tow trucks and things like that and we wanted to have adequate room to make the turn to get into the repair facility. Mr. Higgins stated I think the 30 FT is a little on the narrow side for a flatbed tow truck and cars coming in and out. Mr. Watts asked Mr. Bianchino if he looked at the driveway with Mr. Stevens, of Code Enforcement, to see if the driveway was adequate enough in regards to fire trucks getting in and out of the property. Mr. Bianchino stated yes, it has been looked at and this is fine. Mr. Watts stated I know this was an issue and a couple of parking spots were removed for better access to the rear of the facility. Mr. VanGuilder stated I know that the fire chief has also been on site and he made some comments about keeping the entry free of vehicles. Mr. Nadeau asked if the existing building was going to be removed. Mr. VanGuilder stated the proposed building would be built first and the tenants from the existing building would be moved to the new building and then the existing building would be demolished immediately.

This item was tabled for the applicant to present an architectural rendering of the proposed building for the Planning Board's review.

07.115 OB Leyerle Subdivision, 970 Hudson River Road – Minor Subdivision

Mr. Dave Flanders, of David A. Flanders Surveying, stated the following: Based upon the Board's comments from the previous meeting, we have combined the northerly portion of the property into lot #1 so that we wouldn't have a non-buildable/useable parcel. The parcel is approximately 50-acres located on the west side of Routes 4 & 32 and the railroad. The two lot subdivision will separate two existing residential dwellings (pre-existing, non-conforming uses). Lot 1 would be 12.19-acres and Lot 2 would be 7.99-acres. The proposed action would leave 29.6-acres of vacant land remaining with frontage on Routes 4 & 32 with 3 different access points. There is Town water available and there would be on-site septic. Mr. Watts stated our concern at our last meeting was that there not be a vacant parcel because it was all wetlands. Mr. Flanders stated we have now combined that piece of wetlands with lot 1.

Mr. Nadeau made a motion to set a Public Hearing for the January 14, 2008 Planning Board Meeting. Mr. Higgins seconded. Motion carried

Mr. Ruchlicki made a motion to adjourn the December 10, 2007 Planning Board Meeting at 8:21 pm. Mr. Ouimet seconded. Motion carried.

Respectfully submitted,
Milly Pascuzzi,
Planning Board Secretary