

Town of Halfmoon Planning Board

September 12, 2005 Minutes

Those present at the September 12, 2005 Planning Board meeting were:

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

Alternate

Planning Board Member: Bob Beck

Planner: Jeff Williams

Town Attorney: Bob Chauvin

Deputy Town Attorney: Lyn Murphy

Town Board Liaisons: Mindy Wormuth
Walt Polak

CHA Representative: Mike Bianchino

Mr. Watts opened the September 12, 2005 Planning Board Meeting at 7:00 pm. Mr. Watts asked the Planning Board Members if they have reviewed the August 22, 2005 Planning Board Minutes. Mr. Berkowitz made a motion to approve the August 22, 2005 Planning Board Minutes. Mr. Higgins seconded. Motion carried.

Mr. Beck, Alternate Planning Board Member, will sit in for the Planning Board Member vacancy.

Public Informational Meetings:

04.235 PIM Adam's Pointe PDD, Johnson Road – Major Subdivision-PDD/GEIS

Mr. Watts opened the Public Informational Meeting at 7:01 pm. Mr. Watts asked if anyone would like to have the Public Notice read. No one responded. Mr. Ivan Zdrahal, of Ivan Zdrahal and Associates, is representing the applicant Leyland Development Corp. for a residential project located on Johnson Road and McBride Road. *Mr. Zdrahal stated the following:* The name of the proposed project is Adam's Pointe. This project is proposed for a 20-lot residential PDD accessed by a single road (off of Johnson Road) with minimum lot size of 15,000 SF, open space and a full service Homeowners Association (HOA) will be provided. The HOA's will provide full maintenance for the lots and the open space. Public water and public sewer will serve the project. There are three Public Benefits proposed; construction of a multi-use trail or a donation of \$20,000 to the Town and \$400 per lot for a total of \$8,000. Mr. Watts asked if anyone from the Public wished to speak. Mr. Matt Shae, of Dunsbach Road, asked if there would be a trail system going through this project. Mr. Zdrahal stated the general

proposal is for a trail system going through the open space. Mr. Watts closed the Public Informational Meeting at 7:04 pm. *Mr. Higgins stated the following:* Mr. Ruchlicki and he were the committee for this project and they have worked with the applicant and Mr. Zdrahal on a few changes that would benefit both the Town and the applicant. The Town Board will determine whether or not the trail will be built in that location and if it is not, then the donation will be determined by the Town Board if the trail is moved to another location. Mr. Higgins asked Mr. Zdrahal if the HOA's agreement has been reviewed. Mr. Zdrahal stated that a draft HOA's agreement has been submitted. Mr. Higgins stated that the HOA's language would need to be reviewed and accepted by the Town Attorney prior to final approval. Mr. Higgins made a motion to pass a positive recommendation to the Town Board for Adam's Pointe PDD – Major Subdivision-PDD/GEIS. Mr. Nadeau seconded. Motion carried.

04.245 PIM Halfmoon Development PDD, Stone Quarry & Plank Road – Commercial/Residential Site Plan/PDD

Mr. Watts opened the Public Informational Meeting at 7:06 pm. Mr. Watts asked if anyone would like to have the Public Notice read. No one responded. *Mr. John Brusko, of Chazen Companies, stated the following:* This project is a mixed-use development with retail, office and residential components. He is before the Planning Board in order to secure the Board's recommendation to the Town Board for the PDD zoning change for a waiver of the 10-acre minimum lot size. This project's conceptual development plan has been revised in response to the identification and mapping of Federal wetlands on the site. The Planning Board has previously requested a wetland's delineation. The delineation by a professional wetlands scientist, followed by a wetlands survey identified 3 wetland areas totaling 1.057-acres. Wetland area (A) has 1.06-acres of wetlands, area (B) totals 0.16-acre of wetlands and area (C) has 0.025-acre of wetlands. The retail office aspect of the project is as originally proposed with 3 retail office buildings located in the front portion of the site. The wetlands required a reconfiguration of the residential area. Originally the proposal was for 7 buildings with a total of 28 residential units. The new proposal is for 6 buildings with a total of 24 residential units. They originally proposed 1 driveway access/egress to Route 9, 1 access on Stone Quarry Road and 2 access roads on Plank Road. A revised traffic impact study considers this configuration and finds minimal impact on traffic operations within the study area. Comments for the NYS DOT region 1 traffic division have been responded to with a copy of the response provided to the Planning Board. Two detention ponds will provide storm water management. The configuration allowed for the removal of a 3rd pond and was part of esthetic concerns of some of the Board members. In addition to the on-site improvements that have been described, there are also various off-site improvements. The off-site improvements provide for the connection of the site to water supply and sewer service. In making the water and sewer connections, the off-site improvement construction also includes a variety of public benefit work in addition to a cash contribution to an intersection improvement project. There will be a water main extension from Stone Quarry Road and Plank Road to the water main located at Captain's Boulevard. There will also be a water main extension from the driveway along Stone Quarry Road to Route 9. Public benefits from these water main extensions will total approximately \$165,500. Sewer connection and conveyance construction would also be a public benefit. The preferred alternative for this would be a gravity system that will pick up the sewers from the project and convey the sewer via gravity line to Guideboard Road and Plank Road. At that intersection a pump station would be located which would also pick up sewage from an existing sewer line along Guideboard Road that is currently at capacity. The 10-inch diameter sewer that is connected to this pump station would be a public benefit as well as the ability for

residents along Plank Road to connect to this sewer. The proposed on-site lift station would then come through a force main along Guideboard Road to an outfall and an 18-inch diameter gravity main at the Route 236 intersection. This configuration would provide a means of sewer service for the proposed site, provide sewer service to residents along Plank Road and also relieve the over capacity sewer line on Guideboard Road. This configuration cannot be undertaken without a site for the proposed lift station. A site in the Saratoga DPW right-of-way provides a potential location for the proposed lift station but is also in the potential conflict with the proposed intersection improvement at that location. To locate the pump station, an easement would require negotiation or purchase reasonable cost. This entire sewer scenario would cost roughly \$557,000 and provide \$210,000 in public benefit. If it were impossible to find a location for the pump station, then a lift station would be constructed on the site of the development. This lift station would be designed to accommodate additional flows with additional wet well capacity as well as the capability to achieve greater pumping capacity with an increase in motor size or change of impellers. This proposed lift station would discharge to a force main routed along Plank Road to Guideboard and then along Guideboard Road to the 18-inch diameter gravity sewer proposed as the outfall for the other lift station. The developer has agreed to a contribution of \$2,000 per unit, which equates to \$48,000 for the 24 units for the intersection improvement project at Guideboard Road and Route 236. Mr. Watts asked if anyone from the Public wished to speak. Mr. Brian Koniowka, of 25 Plank Road, asked if there would be standing water in the storm water basins. Mr. Brusko stated there would be a fore bay that would be flushed out each time it rains. Mr. Koniowka asked where the water would be pumped. Mr. Brusko stated the water would be infused into the wetland mitigation area and enhances the possibility of restoring the wetlands. Mr. Koniowka stated he has a concern with the 1.06-acres of wetlands potentially flooding his property. Mr. Brusko stated that at the previous Public Informational Meeting (PIM) Mr. Koniowka had stated that he had a water problem in that area. Mr. Koniowka stated that was correct and he still has a problem with the water on his property. Mr. Brusko stated they pointed out that they would put in drainage facilities to alleviate this water problem to his property at the previous PIM. Mr. Koniowka stated that with an average rain there is no proper drainage along Plank Road and he has not heard about a culvert going down Plank Road and the water will keep coming to his property and eventually the basin will fill up and overflow. Mr. Brusko stated that the proposed project is a conceptual development plan and they have not solved every drainage problem that attends this project and this will be one of issues they would address in the final design. Mr. Koniowka stated he has an existing septic system and has concern with the sewer. Mr. Brusko stated that the proposed gravity sewer would allow him to tie-in to the sewer. Mr. Koniowka asked what it would cost him to tie-in to the sewer. Mr. Brusko stated they would pay from the construction of the sewer line and his personal tie-in is not included in the cost of this project. Mr. Watts stated this was standard in any project where the residents would pay for the hook-up to the system to their individual properties. Mr. Koniowka asked if he does not hook-up to the sewer would he still have to pay for the sewer line along his property line. Mr. Bianchino stated that the applicant who installs the sewer line is responsible for the cost and the line is available for any resident to tie-in at a cost to the resident. Mr. Bianchino stated there is no cost associated with a sewer line that runs by a homeowner's property. Mrs. Wormuth stated there are costs associated with water, but no cost with sewer to the residents. Mr. Chauvin stated that if they are in the district they are included in the extension of the district and he is aware what the Town Board on that issue has decided at this point. Mr. Koniowka stated the culverts are inadequate and he has countless receipts of how many sump pumps he has purchased in and it has been this way for 10 years and he has a major concern with where all the water will go

with his property being adjacent to the wetland area. Mr. Polak asked if there is a design to move the water off-site. Mr. Brusko stated no, the storm water management is all contained within the site and then would discharge to the created wetland areas enhance the mitigation opportunities. Mr. Tom Bethel, of 46 Plank Road, stated he has a concern with the amount of traffic that will be generated with the proposed project and there currently is a considerable amount of traffic going to Stewarts. Mr. Brusko stated he did not have any data on the counts at any of the locations but the configuration proposed finds minimal impact on traffic operations with the traffic study area. Mr. Bethel stated that if he crosses the road from 46 to 49 in his wheelchair the traffic on the road at certain times he has to be very cautious. Mr. Bethel asked if they have proposed traffic lights at any of the four access points with the amount of traffic that will be generated from this project. Mr. Brusko stated that the traffic consultant addressed the traffic issue by saying that there was no mitigation required at any of those intersections. Mr. Bethel stated that someone was killed on Stone Quarry and Plank Road last year. Mr. Brusko stated that a section of the traffic study also addressed accidents at these locations. Mr. Watts stated there is an issue about the need for traffic lights at various places within the Town and until there is a warrant for a traffic light they cannot put in a traffic light. Mr. Bethel asked where the water line would be extended. Mr. Brusko stated would be extended from Stone Quarry Road and Plank Road to Captains Boulevard. Mr. Watts closed the Public Informational Meeting at 7:26 pm. Mr. Polak stated that Mr. Brusko addressed the public benefit for the dwelling units but he did not mention any benefit for the commercial units. Mrs. Wormuth stated that when the project is referred to the Town Board they would still need to review whether they stay with traffic, go with the sewer or a combination of both as far as the public benefit because CHA's latest letter recommended a benefit different than what the Town Board had talked to the about with the applicant. Mr. Polak stated that the applicant would need to address the storm water so that the storm water does not affect the neighboring property owners. Mrs. Wormuth stated that the applicant is willing to work with CHA and the Town regarding water mitigation, sewer mitigation, traffic or a combination of both as far as the public benefit. Mr. Watts stated as the project progresses to the engineering phases the Board would hope that some of the issues and concerns with drainage, sewer, traffic and the water line looping would be addressed. Mr. Ruchlicki stated he would like to reiterate what Mr. Polak mentioned about the storm water and the applicant would need to take a closer look at the drainage for this project. Mr. Bianchino stated CHA's biggest concerns were regarding the sewer; water and drainage issues and these are things they would work through during the final engineering plan. Mr. Higgins asked if the applicant was willing to cut back on the impervious surfaces of the project if it is determined during the engineering review that the numbers don't work for the drainage. Mr. Nadeau stated the Board would need to know if this project is going to function properly before they make a positive recommendation to the Town Board. Mr. Brusko stated that they have submitted the conceptual storm water calculations and asked if CHA was satisfied with those calculations. Mr. Bianchino stated the following: There are two issues: (1) Conceptually the applicant has addressed the issue whether the storm water management proposal adequately handle the drainage that is generated by the ponds on-site (2) is there a way that CHA can help alleviate some of the existing on-site and off-site drainage problems and this cannot be done conceptually and CHA would look at this during the final design.

Mr. Berkowitz made a motion to pass a positive recommendation to the Town Board for Halfmoon Development PDD – Commercial/Residential Site Plan/PDD. Mr. Beck seconded. Motion carried.

Public Hearings:**04.125 PH Stone Quarry Estates, Stone Quarry Road – Major Subdivision**

Mr. Watts opened the Public Hearing at 7:38 pm. Mr. Watts asked if anyone would like to have the notice read. No one responded. Mr. Scott Lansing, of Lansing Engineering, proposed Stone Quarry Estates Major Subdivision. *Mr. Lansing stated the following:* The overall parcel is approximately 17.39-acres located on the eastern side of Stone Quarry Road and to the west of Route 9. The parcel is zoned R-1 which requires a minimum lot size of 20,000 SF with a minimum front yard setback of 50 FT and a minimum rear yard setback of 30 FT and minimum side yard setback of 10 FT. Originally a previous consultant submitted the major subdivision application with approximately 20-lots. This layout did not have the benefit of a topographic survey for the parcel. Since that submission, they have performed the topographic of the survey of the parcel and have performed a slope analysis for the parcel. The slope analysis indicated that there was a portion at the top of a hill that had some steep slopes and this hill is developable. They are proposing a 500 FT long roadway that will be constructed to Town standards and this road is proposed for dedication to the Town. They propose 9 single-family residential lots on the proposed roadway with a 10th single-family lot on the southern portion of the parcel. Public water would service the project that will connect to the Route 9 main extension located near the Hockey Hut and water would be extended along Stone Quarry Road. There will be an approximately 1,760 linier FT extension. Storm water would be managed on-site at the low point of the site to mitigate storm water impact and storm water would be discharged at or below the pre-development rates to channel down to the creek area. Sewer would be serviced by a low-pressure force main system. Each one of the units is proposed with a grinder pump that would go to a low-pressure force main system. The low-pressure force main would go down through an easement that the applicants have obtained through Lands of Kennedy and also through an existing easement to the pump station for the Wood Acres Subdivision. The easements through the Lands of Kennedy are in place with the applicant and the project surveyor is in the process of verifying the proposed easement that was proposed as part of the Brookview Court Subdivision back when approvals were sought for that project. They are before the Board for questions and comments and are seeking preliminary approval for the project so they can submit to DEC, DOH and the Saratoga County Sewer District for their review and approval. Mr. Watts asked if anyone from the Public wished to speak. Ms. Ellen Kennedy, of Stone Quarry Road, stated the following: She has concern with traffic that will be traveling on Stone Quarry Road and without any improvement to the intersections on Route 9 and Woodin Road that are hazardous exits and there is blind turn that is also dangerous. The Planning Board has approved 3 duplexes and 6 apartments near the proposed major subdivision located that have 12 cars. Another proposed 10 homes for this project would make 20 additional cars and with the Halfmoon Development PDD that has been presented to the Board she estimates would add another 48 cars. There would be an impact of approximately 80 vehicles coming to Stone Quarry Road, Woodin Road and Route 9. In the past she has protested future development in this area without improving the intersections and she is still registering that protest. Mr. Lansing stated that the proposed 10 residences would have a low impact to traffic on the roadways and would not affect the level of service for those intersections. Mr. Tom Bethel, of Plank Road, stated the following: He is also concerned with the traffic impact for this project. Traffic would now be coming from the east side of Route 9 and now with this proposal the traffic will be coming from the west side of Route 9 and there are accidents and deaths at this location all the time and there is a blind turn which comes over a hill that Mrs. Kennedy has also mentioned. Mr. Tim Murphy, of 117 Stone Quarry Road, stated that the traffic on Woodin Road and Stone Quarry Road is suicidal and allowing

additional traffic with make the situation even more hazardous. Mr. Murphy asked if there would be a traffic signal proposed. Mr. Watts stated no traffic signal has been proposed at this point. Mr. Bianchino stated that they have looked at this location over the years numerous times and they have tried to do sight distance improvements and some of shale was cut back to improve the sight distance at the intersections. Mr. Bianchino stated there are sight distance issues and this is why there are stop signs on both sides of Stone Quarry and Woodin is a through movement road. Mr. Murphy stated the intersection is a blind drive. Mr. Bianchino stated that Stone Quarry has a stop sign on both sides because you cannot see down Stone Quarry until you get to the intersection. Mr. Bianchino stated the Town also looked at some vertical alignment trying to lower some of curb. Mr. Berkowitz asked if a 4-way stop sign has ever been proposed for the Woodin and Stone Quarry intersection. Mr. Bianchino stated no.

Mr. Polak stated that the Highway Department has corrected what they could within the Town's right-of-way limit, which is very narrow. Mr. Murphy stated when the roads are icy this is when it is a big problem. Mr. Bianchino stated there was a problem with putting a stop sign on Woodin Road because as you come over the hill, all of a sudden a stop sign is introduced and during the winter vehicles would slide right through the stop sign and this would create rear end collisions. Mr. Murphy asked if lowering the road would be an option. Mr. Polak stated the Town has studied that profile and there was an issue with the cost and as proposed projects are introduced, everyone would pay so much and maybe they can do some land acquisitions to straighten out the road. Mr. Murphy asked if there would be any blasting because it is in the quarry. Mr. Lansing stated they do not anticipate any blasting and if they applicant proposes blasting they would have to go through the permitting process and notify the Town. Mr. Bruce Tanski stated that when he had to do blasting on Johnson Road they had to get a permit from the Department of Labor. Mr. Matthew Kennedy, of 143, 145 and 147 Stone Quarry Road, stated he agrees with the traffic concerns and when you are at the intersection of Stone Quarry Road and Route 9 the traffic traveling north and south on Route 9 have different speeds, which may be the reason for so many accidents. Mr. Kennedy stated his primary concern is that he has notice that the water line is located on the east side of the road and is there an engineering reason why it is on that side of the road. Mr. Lansing stated it was for convenience. Mr. Kennedy stated the water line is running through the primary drainage area for the other side of the street and there is a problem in the spring time where the excess water flow goes into the property because of an inadequate drainage ditch. Mr. Kennedy stated that it would make more sense to put the water line on the other side of the street. Mr. Lansing stated he would take a look at the maps for the water line but he believed it was proposed for the east side of the road for wetland impacts and any water line that would be constructed would be put at the proper depth below grade and everything at the surface would be restored to the original grades and conditions. Mr. Lansing stated if there presently is a drainage ditch, then this ditch would be restored after the water line is constructed. Mr. Watts closed the Public Hearing at 7:58 pm. Mr. Higgins asked if the house on the other side of the Niagara Mohawk transmissions lines was part of the original proposal. Mr. Lansing stated that this is not part of this proposal and may have been constructed prior to this project. Mr. Higgins asked where the driveway was located for the lot that is located in the quarry. Mr. Lansing stated that driveway would access Stone Quarry Road across from another driveway in that vicinity. Mr. Roberts stated he has traveled Stone Quarry Road and this is a very bad intersection and he agrees with what the public has said about this and something should be done. Mr. Watts stated that the Board has heard the concerns of the public relative to engineering issues that still need to be reviewed.

This item was tabled for further review.

05.195 PH Jennings Subdivision, 14 Upper Newtown Road – Minor Subdivision

Mr. Watts opened the Public Hearing at 8:00 pm. Mr. Watts asked if anyone would like to have the notice read. Mr. Dave Flanders, of Dave Flanders and Associates, proposed a minor subdivision for portion of lands of Mr. Robert Jennings. *Mr. Flanders stated the following:* The Jennings parcel is approximately 20-acres that lies on the southerly side of Upper Newtown Road immediately adjacent to the Delaware & Hudson Railroad. The purpose of the subdivision is to divide out the existing single-family residential house from the 20-acre parcel. This lot is self-sustaining in the fact that it has an existing septic system in the rear yard and a well in the front yard. The proposed lot meets all existing zoning requirements and has access to a Town road. Mr. Watts asked if anyone from the Public wished to speak. No one responded. Mr. Watts closed the Public Hearing at 8:01 pm. Mr. Nadeau asked if the Jennings owned the property where the trailer trucks are parked. Mr. Flanders stated no, Mr. Jennings owns the property east of the canal and the west of the railroad tracks. Mr. Nadeau made a motion to approve the Jennings Minor Subdivision application. Mr. Roberts seconded. Motion carried.

Old Business:**01.186 OB Plant Road Plaza, Route 9 & Plant Road – Extension of Approval**

Mr. Chauvin recused himself from this item. *Mr. Roger Bardakjian, the applicant, stated the following:* He obtained site plan approval for the Plant Road Plaza in June 2003. He now has obtained financing for the project and is before the Planning Board to obtain an extension of the approval for the project. No changes have been made to the original site plan that was submitted in June 2003 that was granted an approval from the Planning Board. Mr. Watts stated he has reviewed this application and all the engineering and architectural reviews have been completed and Mr. Bardakjian is representing his application that the Board had previously approved and he recommends an extension of the approval.

Mr. Roberts made a motion to extend the June 2003 site plan approval for The Plant Road Plaza. Mr. Nadeau seconded. Motion carried.

04.214 OB Fellows Road PDD, Fellows Road – Major Subdivision/PDD

Mr. Roberts recused himself from this item. *Mr. Scott Lansing, of Lansing Engineering, stated the following:* They are before the Board to be considered for a positive recommendation to the Town Board for the Fellows Road PDD. The overall project is approximately 84.2-acres. 15 percent of this acreage has DEC wetlands, Army Corp. wetlands and slopes that will reduce the buildable area of the parcel to approximately 53.55-acres. The applicant is proposing 147 townhouse units, 200 apartment units and 8 duplex units for a total of 355 units. The density of the project equals 6.63 units per acre for a net density and 4.21 units per acre for the gross density, which is significantly less than 10 dwelling units per gross acre that is allowed within the zoning ordinance. There is an existing water main on Fellows Road that would service both portions of the project. Storm water would be managed on-site through individual storm water management areas scattered throughout the low points of the parcel. Sanitary sewer would be provided by a gravity system that would run to a centralized pump station that would be located by the Town Park land that would service both this project and the facilities for the Town Park as well as additional sanitary sewer contributors to the west of the project that have overwhelmed the system to west of this area and the Route 9 corridor. The community benefit for the project would be a donation of 60-acres as part of the Vosburgh Road PDD. This 60-acres has been identified in the GEIS as a passive recreation park. The applicant is proposing 6.71-acres of this project that could be annexed on to the current Town land in the Town Park

that has been identified as another community benefit. Another benefit to the town would be the sanitary sewer improvements as previously discussed they would be providing a pump station that would service both the Town Park land and alleviate some of the overload of the sanitary sewer system to the west of the project. The applicant is proposing improvements to Fellows Road to the acute intersection on Route 146. The applicant is proposing to relocate Fellows Road to connect near the Town's Highway Garage. Since the last meeting, CHA and the Town have visited the site and they have been in contact with the DOT to discuss the intersection. In accordance with the DOT, CHA and Creighton Manning's suggestions they have moved the intersection toward the east approximately 200 FT which would put the intersection between the existing garage and shed which was identified as the most optimal location. The Town has had discussions with the DOT and the DOT has found the traffic study acceptable at the conceptual level. Mr. Higgins asked who would pay for the traffic light that may be warranted in the future. Mr. Bruce Tanski stated that it was his understanding that there may not be the necessary criteria for a traffic light but he has opted to put an additional \$300 per unit to be used either for the traffic light or for whatever the Town desired. Mr. Higgins stated there were questions about either the side yard or rear yard setbacks at a previous meeting. Mr. Bianchino stated the following. There was some confusion about a comment they had raised because the project narrative had changed from a previous submittal and they were under the assumption that there was a change that they wanted to make the Board aware of which turned out to be a typographical error in the applications original narrative. As it turned out the plan had always had the setback as it was proposed which is consistent with the setback at Fairway Estates PDD in which this project is very similar to. Mr. Higgins asked if the road that would be located on a portion of Town property would be part of the project. Mr. Tanski stated that was correct. Mr. Nadeau stated that at the first Public Hearing for this project, Creighton Manning stated they were very close to the threshold for the need for a traffic light and asked what has changed their opinion. Mr. Tanski stated that Creighton Mannings opinion was that if the Belmonte subdivision and the piece of property across the street (the Pingelski property) came on line this might trigger a traffic light. Mr. Nadeau stated that he was under the assumption that the Belmonte and Pingelski sites were not considered in the decision for the traffic light. *Ms. Alana Moran, of Creighton Manning Engineering, stated the following:* They did review the traffic signal warrant analysis and what they are finding is that it is marginally satisfied. If the other developments come in, it would be definitely satisfied. Mr. Bianchino stated the issue is not necessarily that it's not marginally approaching that level; it is whether or not DOT feels that marginally is enough for them. Mr. Berkowitz made a motion to pass a positive recommendation to the Town Board for Fellows Road PDD - Major Subdivision/PDD. Mr. Ruchlicki seconded. Motion carried.

05.154 OB T-Mobile USA, Crescent Road – Cell Tower Site Plan

Mr. Jeff Davis, of Hiscock and Barclay, is representing Omni Point Communications *dba* as T-Mobile. Mr. Davis stated the following: They previously were before the Board in an informational stage and they are requesting the Board to set a date for a Public Hearing. The proposal is for a cell tower site plan on an existing lightweight 100 FT tower with a 9 FT. antenna at the top of the tower located on the west side of Interstate 87 at Exit 8. The proposed site is located in the Town of Halfmoon and shares a boundary line with the Town of Clifton Park. T-Mobile proposes to remove the existing lightweight tower and replacing with a 140 FT monopole tower that would improve their coverage from their existing sites at Exit 9 and at the twin bridges. Information was submitted to the Town's engineering consultant for this project. They submitted propagation studies, performed a balloon test and have addressed

all the issues. The cell tower does meet all setbacks except one, which is the setback to the Northway property. It was his understanding that the Town wrote a letter to the DOT and DOT's comment was they had no issue with the tower. T-Mobile has agreed to paint the facility to make it a more stealth facility and requests a waiver setback. *Mr. Higgins stated the following:* He was on the committee for this proposed cell tower and he was present to witness the balloon test. He does not feel the painting of the tower will meet the Town's definition of requirements for a stealth tower. This particular location has natural camouflage for the tower and the tower would not be very visible. Mr. Higgins questioned Mr. Davis on his statement of "approximately 150 FT". Mr. Davis stated the tower and tips of the antennas would be a maximum of 140 FT. Mr. Higgins stated if the tower were to be extended in the future they would have to come back to the Planning Board for any height higher than 140 FT. Mr. Davis stated that he is aware of this and they build the towers extendible in case that need arises so there is not a need for a new facility. Mr. Higgins stated there were discussions about the buildings at the base of the tower and the fence and being that it is somewhat visible, the Board would like the applicant to look at the possibility of putting some pine trees or something around the exterior of the fence to camouflage the area. Mr. Davis stated okay. Mr. Roberts asked for clarification on whether the tower is proposed to be painted sky blue. Mr. Davis stated the following: They would paint the tower any color that the Board recommended. He feels the best color for this facility would be a steel or light blue. He would bring in some color samples to show the Board at the Public Hearing.

Mr. Higgins made a motion to set a Public Hearing for the September 26, 2005 Planning Board Meeting. Mr. Roberts seconded. Motion carried.

05.191 OB Otto Mitsubishi-Daewoo, 1658 Route 9 – Commercial Site Plan

Mr. Dan Tompkins, of Environmental Design Partnership, proposed a commercial site Plan for Otto Mitsubishi-Daewood located at 1658 Route 9. *Mr. Tompkins stated the following:* This application was originally presented at the August 8, 2005 Planning Board meeting. The primary comment from the Board was a concern about additional customer parking. The Board requested the parking spaces to be 9 FT wide as apposed to the standard 10 FT. Currently Otto-Mitsubishi is located next to the True Value Hardware store and Otto-Mitsubishi is proposed to occupy the True Vale site. One of the benefits would be they would be doubling the amount of capacity of cars that they could have on-site with a larger building and a larger lot. A concern was that the parking along the front of the store would not adequately address customer parking. They are now proposing an additional 7 parking spaces in the rear that would be for customer use for the service function of the dealership. As part of the proposal there are 6 work stores in the rear of the building and the showroom, administrative and waiting room would be in front of the building. This would bring the proposed parking spaces from 8 customer spaces to a total of 15 parking spaces and 16 with the 1 handicap parking space. They are in the process of bringing the project from the conceptual plan to the final stage. The on-site septic would have service flow drains serviced by a holding tank which will not be connected to the septic systems. Periodically a recycling service would come to the site to empty the holding tank. The grading would be on-site recharge that would be reshaped. It will be made deeper to compensate for some of the slight additions to the pavement area. Mr. Bianchino stated that the revision that was made has addressed all the outstanding issues that CHA had. Mr. Roberts reiterated that the Board has requested that there be no car carriers at this site or along Route 9. Mr. Tompkins stated there is no need for car carriers to come to this site because they have another parcel of land in Clifton Park that will receive the delivery of new inventory of cars and then they would be brought to the Route 9 site. Mr. Higgins asked if

1 handicap parking space was sufficient. Mr. Tompkins stated that if demand required another handicap parking space it could be provided. Mr. Ruchlicki asked how much deeper would the basin be made. Mr. Tompkins stated at least 1 FT. deeper and it will be reshaped. Mr. Tompkins stated the rear of site that is unpaved is extremely hard packed with a little bit of concrete on it. Mr. Higgins stated that he was familiar with the parcel of land where their car deliveries were made in Clifton Park and he had heard that another car dealer in Clifton Park might possibly purchase this property and he reiterated that Otto-Mitsubishi couldn't have car carriers unloading at the Route 9 location. Mr. Chauvin stated the Board is making this a condition of any recommendation of approval along with a map noted on the plan that would be evidence to anyone who might acquire the property in the future and that is a condition of the approval also. Mr. Roberts asked if there was a sign application for this project. Mr. Tompkins stated not at the present time. Mr. Tompkins stated a sign representative would process a sign application and submit it to the Planning Board. Mr. Watts stated he would like to compliment Mr. Mangino with his immediate response with advertising Otto-Mitsubishi as being located in Halfmoon. Mr. Mangino thanked the Board for their expedient process of an approval for this project.

Mr. Roberts made a motion to approve the commercial site plan for Otto Mitsubishi-Daewoo with a note stating on plans that there will be no car carriers on-site or along Route 9. Mr. Nadeau seconded. Motion carried.

New Business:

05.200 NB Spinuzza Subdivision, Guideboard Road – Major Subdivision

Mr. Ivan Zdrahal, of Ivan Zdrahal Associates, presented a conceptual major subdivision for the Spinuzza's 66.7-acre property. *Mr. Zdrahal stated the following:* Frontage is located on Guideboard Road and Harris Road and is also accessible on Locust Lane. This is a residential project in the R-1 zone for 57 lots. They have completed all surveying work and all wetland delineation work. They propose to have two access points; one on Locust Lane and one on Harris Road. The Guideboard Road frontage cannot be utilized due to wetland constraints. All of the 57 lots comply with the zoning of the site. The smallest lot would be over 20,000 SF, the largest lot would be 182,000 SF and the average lot size would be approximately 43,000 SF. Gravity sewer would service the project with connections on Locust Lane and Harris Road. The project is located within the water district. The water main would be constructed from Guideboard Road and connect to the existing water main on Harris Road. The wetlands and steep slopes would be protected in the land preservation area depicted on the plans. A provision has been made for a possible Town road access into the target parcel. Mr. Higgins asked if it would be possible to do a wetlands swap where the wetlands are located along Guideboard Road. Mr. Zdrahal stated this would put them over the ½-acre limit. Mr. Higgins asked if you go over the ½-acre infringement would it then become a major impact. Mr. Zdrahal stated then it would require an individual permit, which would be quite an undertaking, but he would take Mr. Higgins's comment into consideration. Mr. Zdrahal stated that they would extend Locust Lane to Guideboard Road. Mr. Higgins stated he had concern with the intersection of Middletown Road and Harris Road with all the development and the traffic that would be generated. Mr. Polak stated that this intersection has had at least a dozen accidents with a couple of these accidents being fatal and feels a traffic light would be warranted at this intersection. Mr. Zdrahal stated that they would be discussing the contribution of the traffic light for the project. Mr. Roberts stated he was pleased with the size of the lots but had concern with cars exiting Locust Lane onto Guideboard Road because at times traffic is backed up at the intersection of Route 236 and Guideboard Road. Mr. Nadeau asked if an estimate has

been made on which areas the traffic would flow. Mr. Zdrahal stated in their traffic study they would measure the average speed on Middletown Road and have full documentation on the sight distance. Mr. Nadeau asked the length of the cul-de-sacs. Mr. Zdrahal stated that one is 500 FT and one is 700 FT. Mr. Polak stated this project had a lot of acreage but the wetlands and the topography would limit the number of homes and he would say that there would be a major impact on the wetlands. Mr. Zdrahal stated there would be roughly 22-acres of wetland impact. Mr. Higgins asked if the applicant considered not making the 2 cul-de-sac and making them a through road connection. Mr. Zdrahal stated the 2 cul-de-sacs would be less intrusive to the wetlands but he would look at this suggestion of making the through road connection. This item was tabled and referred to CHA for review.

05.201 NB Provident Development, 1652 & 1654 Route 9 – Commercial Site Plan

Mr. Ed Esposito is representing Provident Development. *Mr. Esposito stated the following:* Mr. Jim Quinn, of Provident Development, is also present. The property is just south of the Otto-Mitsubishi proposal or the current True Value store. There are 3 parcels owned by Dr. Ken Rotundo, of Provident Development. They have met with the Town to discuss the best layout for this project. They are presenting a conceptual review of the planning for a 2-story office building with a shared parking concept to the existing Animal Health Center located at 1656 Route 9. The application is something that was determined to try to achieve a 40% green space with fewer driveways than they currently have. They currently have 2 existing driveways with 2 bungalows', one of which would be widen and they would try to screen the parking in the rear and side of the building. The building would have the same elevation on all sides. On the entrance side door entries there would be 2 handicap accesses. The façade facing Route 9 would consist of more windows and doors. They are before the Board to determine if they are on the right path for the reviewed of the shared parking with the Animal Health Center. The Animal Health Center currently has 34 parking spaces and the applicant intends to create a 100 FT versa lot retaining wall at the north property edge and reline stripe the current lot with 36 parking spaces. Currently the Animal Health Center requires 24 parking spaces with evening oriented use. The proposed site would require 38 parking spaces and the applicant has shown 30 new parking spaces and is proposing, via an easement, of utilizing the surplus 8 parking spaces from the Animal Health Center. They would like to get the Board's comments regarding the shared parking prior to any further technical review. There are 30 stand alone parking spaces to the rear all of which are 10 FT x 20 FT but in order to make the density work they are proposing 9 FT x 18 FT parking spaces for the employee which would be located in the rear of the property which will put the parking at 38 parking spaces that is required for the proposed 2-story office building. Mr. Nadeau asked if the Board was looking at this proposal as one project or incorporating the Animal Health Center. *Mr. Esposito stated the following:* They are looking at both sites combining with shared parking element but they are doing a lot merger on .6-acres. There would be 2 separate site plans. Mr. Williams gave him the 1999 parking layout that was approved by the Board for the Animal Health Center. They have documentation that the Animal Health Center only requires 26 parking spaces and they propose to give the Animal Health Center 36 parking spaces and they feel there would be sufficient parking with the shared parking arrangement to benefit both sites. They would create the shared parking area in a deeded easement. Mr. Chauvin asked if they are proposing one lot for the entire development. Mr. Esposito stated they would be merging 2 lots but the proposing parking would impact the existing Animal Health Center. Mr. Chauvin asked if they would end up with 2 lots and then subdivide the other piece into one of the lots. Mr. Esposito stated that was correct. Mr.

Ruchlicki asked if the lots could co-exist without shared parking. *Mr. Esposito stated the following:* They could demonstrate 2 parcels with stand alone parking but they do not want to cram in 8 parking spaces as he feels it is contrary to the benefit of having a nice green area along the drive of Route 9. Their goal is to create 2 sites with the appropriate balance. If they need to do an easement agreement, a deeded condition or a lot line adjustment; they are looking to the Board for some kind of direction. Mr. Williams stated the applicant would be combining 2 existing lots for the proposed commercial site plan and Animal Health Center is a stand-alone lot. Mr. Watts asked if 1 corporation owned all the lots. Mr. Esposito stated yes, Dr. Rotundo owns all lots. Mr. Watts asked why all of this couldn't be just one parcel. Mr. Esposito stated that it could be. Mr. Williams stated that he had earlier discussions with Dr. Rotundo and he suggested at that time to make it all one parcel but Dr. Rotundo wished to keep them separate. Dr. Rotundo stated he could make it all one parcel. Mr. Watts stated it has been the Boards' precedent not to allow off premise parking even with easements. Mr. Esposito asked if there would be a zoning concern with the lot merging that would unify two separate office buildings on the same property. Mr. Watts stated the parcels were zoned commercial. Mr. Polak stated this would be no different than a small plaza. Mr. Ruchlicki asked the applicant to try to come up with more continuity in the green space and perhaps they could combine the green space all in one area.

This item was tabled for applicant to review the possibility of combining the proposed office site with the Animal Health Center Veterinarian Hospital site.

05.202 NB Route 146 Office Building, 436 Route 146 – Commercial Site Plan

Mr. Frank Fazio, of C.T. Male Associates, is representing Skymark Properties for a conceptual commercial site plan located at 436 Route 146. *Mr. Fazio stated the following:* Currently there is an existing residential structure that is proposed to be removed. The parcel is approximately 0.07-acres and they propose to construct a 5,850 SF two-story office building. They propose a new curb cut to the existing driveway that would meet the requirements of DOT. There would be 5 parking spaces in the front and the remainder of the parking would be in the rear of the property. There would be between 12 and 16 employees. According to the Town's requirements they will need 29 to 30 parking spaces on site. At the present time they are showing 24 parking spaces and would like to land bank 6 spaces. They feel that 24 parking spaces would be adequate parking for the office building. They propose green space along the sides of the property and a tree buffer along the residential line. They would connect to existing water along Route 146 and they would connect to sanitary sewer also located along Route 146. They proposed a grinder pump to connect to the sewer force main on the opposite site of the Route 146. Preliminary they are looking at the possibility of on-site dry wells for storm water detention. They will be on-site to do some perc test and test kits. The hours of operation for the office building would be approximately 9:00 am to 5:00 pm. There would be one tenant on the first floor and one or two tenants on the second floor. Mr. Watts stated that there are some issues with the frontage and pre-existing non-conforming use. Mr. Chauvin stated the issue comes in as a pre-existing non-conforming use and their conversion is to be a conforming use then they would be required to either get a variance or meet the zoning for the front yard setbacks.

This item was tabled for the Town Attorney to review pre-existing frontage.

05.204 NB Cinnamon & Spice Bakery, 15 Route 236 (Woods Plaza) – Sign

Mr. John Zumbo, the applicant, presented a sign application to replace the former Brooks by Design sign with the exact dimensions of the former sign. Mr. Roberts asked if the sign would

have neon. Mr. Zumbo stated no. Mr. Roberts asked what colors the sign would be. Mr. Zumbo stated white, black and burgundy. Mr. Roberts made a motion to approve the sign application for Cinnamon & Spice Bakery. Mr. Nadeau seconded. Motion carried.

05.205 NB Solomon Apartment Mngmt./Twin Lakes, 1A Lakeview Drive – Sign

Mr. Shawn Depew, of Solomon Apartment Management, proposed to change out the existing signs with their company's sign. Mr. Depew stated they propose to remove four existing entryway signs and replace them with three new signs. Mr. Roberts asked if the signs would be placed in between the pillars. Mr. Depew stated yes. Mr. Roberts stated he has visited the sign location site and he has no problems with the three new signs. Mr. Roberts asked the applicant to please use the Town of Halfmoon in their advertising. Mr. Depew stated they would advertise as being located in the Town of Halfmoon and they were happy to be in Halfmoon. Mr. Roberts made a motion to approve the sign applicant for Solomon Apartment Mgmt./Twin Lakes. Mr. Nadeau seconded. Motion carried.

05.206 NB The Stereo Workshop, Inc., 1668 Route 9 – Change of Tenant

Mr. Ron Alvaro, the applicant, proposed a change of tenant application to relocate to his previous location. *Mr. Alvaro stated the following:* He had previously conducted his Stereo Workshop business at 1668 Route 9 for 15 years. He wishes to return to the Clifton Park Bowl site because he needs more space to run his business. Mr. Higgins asked if there would be a sign applicant. Mr. Alvaro stated he would submit a sign application at a later date. Mr. Berkowitz made a motion to approve the change of tenant application for The Stereo Workshop, Inc. Mr. Ruchlicki seconded. Motion carried.

05.207 NB Major Glory Sports, Inc., 1410B Route 9 – Change of Tenant & Sign

Mr. Ed Keyrouze, the applicant, is requesting a change of tenant and sign applications for Major Glory Sports, Inc. located at 1410B Route 9 in the Garden Gate Florist Plaza. *Mr. Keyrouze stated the following:* The same manufacturer who made the existing sign is making the sign and he would be putting his sign in the empty space with the same dimensions. Mr. Roberts asked how many employees there would be. Mr. Keyrouze stated initially there will be two employees. Mr. Watts asked Mr. Williams if there would be adequate parking. Mr. Williams stated Major Glory Sports, Inc. would be a new tenant that would occupy a new space in the Garden Gate Florist Plaza whose site plan was approved by the Board in 2004. Mr. Roberts made a motion to approve the change of tenant and sign applications for Major Glory Sports, Inc. Mr. Berkowitz seconded. Motion carried.

05.208 NB New York Long Term Care Brokers, Ltd., - 11 Executive Park Drive – Addition to Site Plan

This item was removed from the agenda.

05.210 NB Kenetic Inc., 159 Ushers Road – Change of Use

This applicant was not present and no action was taken on this item.

05.211 NB Dalston Subdivision, 116A Route 236 – Minor Subdivision

Mr. Gil VanGuilder, of Gilbert VanGuilder and Associates, proposed a minor subdivision located at 116A Route 236. Mr. VanGuilder stated the following: The parcel of land consists of 1.19-acres on the westerly side of Route 236 and just north of the intersection of Fellows Road. This parcel was approved a number of years ago as part of the Anderson Subdivision with a single-family home and there was a garage that had been used for past commercial use. Mr. Dalston appeared before the Zoning Board of Appeals and was granted an approval to construct another living unit on the property in the existing building. Recently Mr. Dalston has tried to market the property as 1 lot with 2 residences on the parcel and has been unsuccessful. They are looking for a configuration of a subdivision that would need 3 variances in order for the Planning Board to be able to act on the project. The existing structures are service by public water and the water is connected from one structure to the other. Mr. Dalston has received approval for the Town's Water Department to interrupt the water service between the two structures if this subdivision is approved. An easement would be provided to the Town of Halfmoon for maintenance of the water and the two properties would then be served by individual water services. Mr. Chauvin questioned why the Town would want to maintain that water service on private property. Mr. VanGuilder stated the following: Mr. Dalston has had discussions with Mr. Frank Tironi, from the Town's Water Department and he would confirm the discussions with Mr. Tironi to clarify whom the easement would go to. When this subdivision was put in by Mr. Tanski, this was the rule of the water service from Fellows Road over to the existing single-family house that was on a well with the approval of the Town's Water Department. They realize they do need a denial from the Planning Board to be able to go to the ZBA to pursue the 3 variances. Mr. Watts stated that based on the history of the property and the confused issues that have happened in the past, the Board would refer this project to council for review.

This item was tabled for review by the Town Attorney.

05.213 NB e.nfrastructure Technologies, Inc., 5 Enterprise Drive – Change of Tenant

Mr. Bob Marini, Jr., the applicant, stated the following: He owned the building at 5 Enterprise Drive and he proposes a change of tenant application for e.nfrastructure Technologies, Inc. who would be relocating from Mechanicville. e.nfrastructure Technologies, Inc. have been approved by the Saratoga County IDA for occupancy of that premises. They have 75 employees and approximately 50% of their employees work off-site and 50% work at the location. They are a technology business that put together computer systems and then deploy them at client sites. Mr. Watts asked Mr. Williams if there would be adequate parking at the site. Mr. Williams stated the 7,500 SF of office and 22,500 SF of warehouse required 60 parking spaces with 54 parking spaces provided, however, there is adequate room on the site to gain the six needed spaces. Mr. Roberts asked if there would be a sign application. Mr. Marini stated not at the present time but the sign will be similar to the sign approved at #10 and # 12 Enterprise Drive. Mr. Roberts made a motion to approve the change of tenant application for e.nfrastructure Technologies, Inc. contingent upon banking the six parking spaces if the Board deems necessary. Mr. Nadeau seconded. Motion carried.

Mr. Ruchlicki made a motion to adjourn the September 12, 2005 Planning Board Meeting at 9:20 pm. Mr. Nadeau seconded. Motion carried.

Respectfully submitted,

Milly Pascuzzi
Planning Board Secretary