

Planning Board Minutes

Town of Halfmoon Planning Board**June 27, 2005 Minutes**

Those present at the June 27, 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 Members: Daphne Jordan
Bob Beck

Planner: Jeff Williams

Town Attorney: Bob Chauvin
Deputy Town Attorney: Lyn Murphy

Town Board Liaisons: Mindy Wormuth

CHA Representative: Mike Bianchino

Mr. Watts opened the June 27, 2005 Planning Board Meeting at 7:03 pm. Mr. Watts asked the Planning Board Members if they have reviewed the May 23, 2005 Planning Board Minutes. Mr. Roberts made a motion to approve the May 23, 2005 Planning Board Minutes. Mr. Ruchlicki seconded. Mr. Berkowitz abstained. Motion carried.

Mr. Watts asked the Planning Board Members if they have reviewed the June 13, 2005 Planning Board Minutes. Mr. Roberts made a motion to approve the June 13, 2005 Planning Board Minutes. Mr. Ruchlicki seconded. Mr. Berkowitz abstained. Motion carried.

Mrs. Cindy Patenaude resigned her Planning Board Member position with the Planning Board effective June 27, 2005. Mrs. Jordan will sit in for Mrs. Patenaude.

Public Informational Meeting:

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

Mr. Watts opened the Public Informational Meeting at 7:04 pm. Mr. Watts asked if anyone would like to have the Public Notice read. No one responded. Mr. John Brosco, of Chazen Companies, stated that he was representing Amedore Homes. *Mr. Brosco stated the following:* They are seeking a zoning change from C-1 Commercial to a mixed use PDD as well as a waiver of a 10-acre parcel size under the PDD designation. The property is a 7.21-acre parcel bordered by Route 9, Stone Quarry Road, Plank Road and a developed property on the north side. The land use that is presented in the conceptual plan is consistent with the Town's Master

Planning Board Minutes

Plan. A highway corridor borders the front of the parcel (Route 9), commercial development fronting the Route 9 and residential development toward the rear portion of the site. The conceptual development plan is for three 5,916 SF retail office buildings and seven 4-unit condominiums buildings toward the rear portion of the site. The building coverage proposed is 43,790 SF or 14% of the site. The paved area would be 81,800 SF or 26% of the site. Green space would be the remaining 188,480 SF or 60% of the site. Storm water management would be on site with 2 storm water basins. Available land to expand to the full 10-acres required under the PDD legislation is not possible due the parcel being landlocked by the three roads and developed property on the forth side of the parcel. Public Benefit of this project includes a water main extension valued at roughly \$134,000 and a contribution of \$56,000 for intersection improvements at Route 236 and Guideboard Road. A sanitary pump station currently located on the site is properly sized for additional flows that would tie-in to the existing manholes. A Condominium Association will maintain roads, sidewalks, landscaping and drainage. Water mains would be the responsibility of the Town and the sewer mains would be the responsibility of Highway Department (note: as stated – the County has jurisdiction). Various occupants in the commercial development would privately maintain the commercial development toward the front of the site. The applicant will be back before the Planning Board for site plan approval if the PDD is accepted for both the commercial and the residential uses. At the same time they will apply for a minor 2-lot subdivision that will separate the commercial use from the residential use. They will submit finely detailed drawings and specifications for the minor subdivision. The applicant requested the Planning Board to recommend the PDD designation to the Town Board together with a recommendation to waive the 10-acre requirement for a PDD. Mr. Watts asked if anyone from the Public wished to speak. Mr. Bryan Koniowka, of 25 Plank Road, asked if there were any plans for a culvert or drainage. *Mr. Mike Blevins, of Chazen Companies, stated the following:* they propose to reduce about ½ of the existing run-off to Mr. Koniowka's property by diverting it to the proposed storm water basin area. A storm drain is proposed at the intersection of Plank Road and another dry basin is proposed near the property line. Mr. Koniowka stated that there is a 35% grade and asked if there would be accessible pumps to pump the water out. Mr. Blevins stated the run-off would be diverted to the storm water basin. Mr. Koniowka asked if the applicant's were aware that 45% of the east side from Plank Road to Route 9 is all wetlands. Mr. Blevins stated they still needed to take this into consideration. *Mrs. Ellen Kennedy, of 151 Stone Quarry Road, stated the following:* She is concerned with the traffic impact on Stone Quarry Road and Route 9. It is already very difficult to get off of Stone Quarry Road. She had two alternatives of exiting Stone Quarry Road; either Route 9 or the intersection of Stone Quarry and Woodin Roads both are very difficult. The proposed PDD would not only affect the traffic on Route 9 but also other Roads that exit onto Route 9. Stone Quarry is shortcut to exit 8 of I-87. The traffic would affect Route 9, Woodin Road and Stone Quarry Road. Mrs. Kennedy asked the Planning Board not to approve any further residential or commercial developments until the intersection at Stone Quarry Road and Woodin Road is made safe. *Mrs. Henrietta O'Grady, of Church Hill Road, stated the following:* She is chairperson for the Trails Advisory Committee. The committee has an interest in how people will be able to move from this proposed project across to Stone Quarry Road and Plank Road. In a previous presentation of the project it was mentioned that there would be sidewalks along Stone Quarry Road. Would there be sidewalk consideration along Plank Road. Mr. Brosco showed on the plan that they are proposing sidewalks on Plank Road. Mrs. O'Grady stated she was also concerned with traffic at the intersection of Stone Quarry Road and Route 9. Mr. Brosco stated that a professional traffic study was performed and no improvements were warranted. Mrs. O'Grady stated she was thankful that they have considered the sidewalks on the backside on Plank Road and along Stone Quarry Road. Mr. Brosco stated that it would be necessary that they come back to the Planning Board for site plan approval on the project. Mr.

Planning Board Minutes

Jon Riedel, of 55 Plank Road, stated he and his neighbor are very happy that the proposed water main would be coming in from Plank Road and Captains Boulevard and this would be a great benefit to those who use wells. Mr. Riedel stated that there is tremendous amount of traffic on Plank Road with people coming from Mechanicville and Waterford using Plank Road as a shortcut to Route 9 to avoid traffic. Mr. Riedel stated he would like to see a traffic signal at Stone Quarry Road and Plank Road, as it is impossible to access Route 9. Mr. Watts asked what the plans were for the water line. Mr. Brosco stated they propose to extend the water line from Rivercrest and would loop to the existing water mains. Mr. Mark Taylor, of 118 Stone Quarry Road, stated he was visited by the US Army Corp of Engineers about 2 years ago. Mr. Taylor stated that the proposed project location has vegetation in the wetland area and urges the Board to look at the property. Mr. Taylor stated the proposed 7.21-acre is well below the 10-acres required for a PDD and feels there must be a reason why the Board has set the 10-acre PDD requirement. Mr. Taylor asked if the Town needed another traffic signal that would increase the liability. Mrs. Susan Devito, of 16 Stone Quarry Road, asked where the sewer would be located. Mr. Brosco stated there would be an on-site pump station and they are looking into another alternative with gravity sewer into the existing manholes. Mr. Brosco stated the pump station would pump to Plank and Guideboard Roads and connect to the existing Saratoga County Sewer District force main at the intersection of Route 236 and Guideboard Road. Mrs. Devito asked if Stone Quarry Road would be getting the sewer line. Mr. Brosco stated that they propose sewer for their project and providing a Public Benefit but it was not possible to connect everyone to the sewer. Mr. Bianchino stated the following: One of CHA's comments were to provide a way they could put a gravity line on Plank Road. The reason why the sewer does not come out onto Stone Quarry Road is because there is no existing sewer on Route 9. It was CHA's intent to try to figure out a way they could serve the project with a Public Benefit by providing some points of access for the adjoining lands and this is something they are looking at. Mrs. Devito stated she needed a dry well in her basement because all the water that accumulates off of Plank Road and Stone Quarry lands in her driveway and basement. Mrs. Devito stated that they have installed sump pumps and the pumps do not work and asked if the project would eliminate her problem. Mr. Brosco stated that they are taking care of their storm water on-site and addressing the storm water management on adjoining properties is beyond the scope of their project. *Mr. Watts stated the following:* The scope of the project was to present a blend of Commercial and Residential development on Route 9. The Board recognizes the people who surround the area would like to benefit as much as they could from whatever mitigations the builder and developer are doing with storm water management, sewer and water. Whether or not it will benefit everybody in every location sometimes cannot be done financially and practically. The Town of Halfmoon has extended the water lines and sewer lines in all cases where they could but there are still locations that remain without storm water management, water and sewer. The Board will take the comments into consideration but there comes a point where there is only so much that a project can bear. Mrs. Mary Moss, of 34 Plank Road, asked for verification on the sewer and water. Mr. Bianchino stated the Town Board made a request that the water line be extended to serve those areas that don't have water and the intent of CHA, as they review the project, is to extend the utilities to as many people as they can. Mrs. Moss asked if the proposed retention basin would be tied into the sewer line. Mr. Bianchino stated no. Mrs. Moss stated that the wetlands should be looked at as she has concerns with storm water runoff on her property. Mr. Koniowka asked if the project is proposing natural gas. Mr. Blevins stated that they have not considered natural gas at this point.

Mr. Watts read a letter for the record from Mr. And Mrs. Sicko (see attachment).

Mr. Watts closed the Public Information Meeting at 7:34 pm. Mr. Nadeau asked if there are delineations for the wetlands. Mr. Blevins stated he understands the approximate locations of

Planning Board Minutes

the wetlands. Mr. Berkowitz asked if the plan would change significantly due to the wetlands. Mr. Brosco stated they would research the wetlands issue further. Mr. Nadeau stated that it is the engineers to advise the Board of the wetlands. Mr. Brosco stated they would respond regarding the wetlands. Mr. Higgins asked how much of the 60% green space is included in the two detention basins. Mr. Brosco stated that all of the green space is included in the two detention basins. *Mr. Higgins stated the following:* He would like to have the calculation of the green space is in a future meeting. He would like to see the detention ponds landscaped with buffering along the roadways. The sidewalk seemed internal to the site but he does not see on the plan the sidewalk going up to Route 9 as mentioned earlier to Mrs. O'Grady. Mr. Berkowitz asked if the traffic study change the level of service at the intersection of Stone Quarry Road and Route 9. Mr. Blevins stated no. Mr. Berkowitz asked what type of businesses is proposed for project. Mr. Blevins stated there would be a mix of commercial and office space. This item was tabled for wetland information and the concerns raised by the Public.

Public Hearings:**05.168 PH Auer Builders Subdivision, 148 Stone Quarry Road – Minor Subdivision**

Mr. Watts opened the Public Hearing at 7:39 pm. Mr. Watts asked if anyone would like to have the Public Notice read. No one responded. Mr. Duane Rabideau, of Gilbert VanGuilder and Associates, will represent Auer Builders. *Mr. Rabideau stated the following:* The applicant proposes to subdivide a 3.5-acre parcel into 2 lots. The parcel is located on the westerly side of Stone Quarry Road just south of the Niagara Mohawk power lines. Lot 1 will be 2.36-acre in the rear of the parcel and Lot 2 will be a 1.15-acre parcel. Lot 2 currently has a duplex under construction with a septic and a well. Another duplex is proposed for Lot 1 also with a well and septic. Mr. Watts asked if anyone from the Public wished to speak. Mr. Mark Taylor, of 118 Stone Quarry Road, asked if an adjacent neighbor, Mr. Peterson, well is located very close to the proposed project and asked what is proposed for an entrance to the project. Mr. Rabideau stated they realize that is wetland area that has been delineated and there would be a standard driveway. Mr. Rabideau explained that delineation means that the area has been marked out to show the wetland area. Mr. Rabideau stated that grading would be done for the septic. Mr. Watts closed the Public Hearing at 7:45 pm. Mr. Nadeau asked if it was possible to get an easement through the Peterson's property instead of crossing the wetland area. Mr. Rabideau stated they have not looked at that possibility. Mr. Rabideau stated that they fall under 1/10th of an area of disturbance and they have minimized the wetland disturbance. Mr. Nadeau asked where the Peterson's septic is located in relationship with the proposed well. Mr. Rabideau stated he did not know.

Mr. Nadeau made a motion to approve the Auer Builders Minor Subdivision contingent on location of adjoining properties wells shown with proper NYSDOH septic separation. Mr. Berkowitz seconded. Motion carried

05.169 PH Lot #'s 23 & 25 Siena Drive, Siena Drive – Lot Line Adjustment

Mr. Watts opened the Public Hearing at 7:44 pm. Mr. Watts asked if anyone would like to have the Public Notice read. No one responded. Mr. Paul Rogan is representing the two homeowners for the Lot Line Adjustment between #23 and #25 Siena Drive. *Mr. Rogan stated the following:* The Lot Line Adjustment would not change the acreage of either parcel. There will be an even swap of 921 SF of land to and from each lot. Mr. Watts closed the Public Hearing at 7:45 pm.

Mr. Roberts made a motion to approve Lot #'s 23 & 25 Siena Drive Lot Line Adjustment. Mr. Nadeau seconded. Motion carried.

Old Business:**02.218 OB Sheldon Hills PDD Phase I, Route 146 – Major Subdivision/PDD/GEIS**

Mr. Gordon Nicholson, of Environmental Design Partnership, is representing A&M Holdings. *Mr. Nicholson stated the following:* The Town Board Approved the Sheldon Hills PDD for 323-units in July of 2004. Mr. Frank Tironi has reviewed and is in agreement with the detailed water plans and they have addressed Mr. Tironi's comments. They have met with Mr. Lee Buck from the Highway Department and as far as they know he is all set. They have met with Mr. Jim DiPasquale, of the Saratoga County Sewer District, has signed the plans. CHA has issued a letter that they agree with the detailed engineering and there concerns have been satisfied. They have the wetlands permit from the Army Corp of Engineers that was issued May 13, 2005 and CHA was copied. The Building Department has requested that they obtain the postal addresses with the road names approved, which they have done. They have an outside user water agreement that has been signed by the Town dated May 17, 2005. The detailed Highway engineering 100% plans has been submitted to the DOT and they are awaiting their final sign-off. NYSDEC has signed the plans. NYSDOH have signed the plans. An on-site construction meeting with the Saratoga County Sewer District was held today. Mr. Nicholson stated he would like to apologize on behalf of the applicants for putting 200 FT. of pipe in the ground and that work will not continue until plans are finally approved and stamped by all the appropriate agencies. The construction of the multi-use path that they originally proposed to put the path behind the Anuszewski property has been moved to the front of the property without the approval of CHA and The Planning Board. They believe this is a better location due to the grades in the field and the Anuszewski's are in favor of granting the easement across the front of their property for the trail. If this is a problem for the Planning Board they would be happy to meet in the field with CHA and any Planning Board Members to discuss relocating the trail back to the original location or doing what is necessary to satisfy the Board's concerns with the location of the trail. Phase I of the project consist of 144-units and they are in full agreement with the discussions and agreements that were made in terms of the mitigation fees and the structure of the payments as suggested in CHA's letter. They asked the Board to consider granting a Final Subdivision Approval for Phase I conditioned upon sign-off by NYS DOT. Mr. Roberts asked why they took it upon themselves to move the trail without Planning Board approval. *Mr. Chris Abele, of Abele Builders, stated the following:* He has been in the building and development business for 20 years and the #1 thing he has always tried to address is when there was an issue from someone he built next to he always listened to their concerns. Originally when the trail line was put on the plans there was very little thought given to it. When they started clearing the site under their disturbance permit it became clear that where the trails were suppose to go the grades did not work and it was a safety hazard and roughly about the same time, the Anuszewski's approached him. The trails did get staked out where they originally were supposed to go and it then became clear how close it was to the Anuszewski's property line. He met with the Anuszewski's several times and the Anuszewski's had many concerns. The Anuszewski's #1 concern was a safety issue with their children and they did not want the trail to go behind their house. There was an opportunity for the Anuszewski's to express themselves at a prior Public Hearing and for one reason or another, they did not do so. Also part of the trails was in the DOT right-of-way. He understands now that he did not go through the right channels to change the trail and he apologizes to the Board but he believes his intent was right. Mr. Roberts stated to Mr. Abele that he needed to get the Planning Boards approval before the changes were made to the trail. Mr. Abele stated he walked the trail and it is laid out so beautifully in amongst the trees and there will be no safety issues. Mrs. Jordan stated the trail might have been greatly improved but the changes still needed to be brought back to the Board for approval. Mr. Abele stated he has been working on this project for 2 and ½ years and this is a minor misstep on his part and again he pleads

Planning Board Minutes

guilty. *Mr. Anuszewski stated the following:* They have met with Mr. Abele many times when the trail was proposed around the back of their property. They walked the proposed trail area and it is very steep and the safety issue of their children was a big concern. He stated that their backyard is where the children play. By putting the trail in the front of their property the grade is flat and smooth and is a better access for the people using the trail. *Mr. Watts stated the following:* No one is disputing the issues that have been brought up. They still have the issue of the sewer pipe. The statutory authority of the Planning Board is clear and they cannot have a society where a builder and a neighbor decide that this is the best thing. The legislature of the State of New York created laws that create Planning Boards and this is why the legislature gave Planning Boards the powers that they give them. The change to the trail may be the best thing but there is a process and the process has been aborted here. No one is disputing what you want and Mr. Abele was advised of the process relative to the trail. Mr. Abele stated that the issue of the trail was brought to people's attention 2 months ago and he could never get an answer. Mr. Watts asked whom Mr. Abele spoke to. Mr. Abele stated he talked to Mrs. Wormuth and he spoke to Mr. Watts. Mrs. Wormuth stated that it was her recommendation was for Mr. Abele to ask the Town's Attorney for the written specifics in the PDD legislation for prior Public Hearings would warrant an amendment and to come back before the Planning to make sure that it did not affect any of the other neighbors. Mr. Roberts stated the Board is concerned about setting a bad precedent when developers start changing plans in the field and no one has the right to take it upon themselves to make changes to an already approved plan. Mr. Roberts stated that before any changes were made Mr. Abele should have come back to the Planning Board. Mr. Abele asked if Mrs. O'Grady could speak. Mr. Watts stated the Board is not faulting the actual work; they are faulting when and how it occurred. Mr. Nadeau asked if the Board would set another Public Hearing to listen to this change in the PDD. *Mrs. Wormuth stated the following:* She did not know if another Public Hearings is warranted. She did not know if this is written in the PDD legislation, that is why she suggested that the applicant consult the Town's Attorney since it has been a while since she reviewed the actual language of the PDD as it has been a while since the Town approved the PDD. She is not suggesting that this is the process that has to be followed. Mr. Nadeau asked Mr. Chauvin is this a case where the Board would need to review this again. *Mr. Chauvin stated the following:* The Board is not required to conduct another Public Hearing. The way the legislation was drafted it referenced the site plan and the subdivision plan that was before you, but it also gave this Board the authority to make whatever changes they found were necessary based upon the site conditions. It is the Planning Board's decision in regard to this and certainly the Board can do this with or without a Public Hearing. Mr. Higgins stated to the applicant that it was their engineer's requirement to make sure the trail was not in the DOT right-of-way. *Mr. Abele stated the following:* This was an oversight on a lot of people's part; his engineers and he also did not pick up on the trail being in the DOT right-of-way. When they started clearing the property under their disturbance permit, it became clear that they could not go into the right-of-way and parts of the trail had a steep grade and was a safety hazard. Mr. Nadeau asked how long ago this occurred. Mr. Abele stated they pulled their disturbance permit about six weeks to two months and started clearing the staked trail about two weeks ago. *Mr. Abele stated the following:* Everything they have done in the Town has always been top notched/top shelf and he hates to have this project delayed over something that, although they didn't conform to the strict letter of the law, is really for the Public Benefit. In the 2 and ½ years since this project has been process the trail was added a year and ¾ into the process. He feels the trail wasn't given the attention that it deserved. He lives in the Town of Halfmoon and he always tries to do a good job and he is proud of what he has done in the past. The trail is an asset that is being paid for by his company, A&M Holdings. He asked the Board to look at the entire picture; his reputation and his record and not delay the project. Mr. Higgins

Planning Board Minutes

questioned what was mentioned about DOT and waiting for final approval. Mr. Abele stated that their C.O.'s are going to conditional on a DOT sign-off as per the turning lane that they have to construct as part of this project. Mr. Bianchino stated the condition would be the contractor has to obtain the DOT permit. Mr. Bianchino stated that the applicant has submitted plans and CHA has reviewed the plan and the plans are consistent with what the traffic study stated but the final plans are currently in the front of DOT and they have to give the final construction permit. *Mr. Abele stated the following:* In regard to the sewer, on Wednesday, June 22nd they received their DEC approval, Thursday, June 23rd they received their DOH approval and Friday, June 24th Jim Dipasquale, of Saratoga County Sewer, signed the plan. He posted a check in the amount of \$25,000 for inspection escrow fees and today, June 27th they had a pre-construction meeting at the site and Fraiser Engineering was hired to do the inspections for the sewer at \$600.00 per day. He realizes that they jumped the gun by a day. Mr. Watts asked Mr. Bianchino what the normal process was. *Mr. Bianchino stated the following:* CHA has a pre-construction meeting when they do the inspection on the roads, etc. Once the Planning Board grants final approval, then the plans get stamped, then they have a pre-construction meeting and then they are able to begin construction. The County takes care of their inspection regarding the sewer but typically that work does not start until the plans are stamped and the Planning Board grants final approval. Mr. Watts asked if the County gave the go ahead for Mr. Abele to start the project. Mr. Abele stated yes as they had a pre-construction meeting at 9:00 am today (June 27, 2005), he posted his check last week and they started the construction this morning. Mr. Nadeau asked Mr. Abele if in his 20-years has he ever started another site prior to having stamped approval by this Town's Planning Board. Mr. Abele stated that rules have changed and he is sure that he has. Mr. Abele stated in the confusion of all the regulations he didn't realize it. Mr. Polak stated he is not waiving that Mr. Abele did not follow the process, but being in the construction field himself, he would like the Board to give some thought about their granting approvals before the construction season ends. Mr. Watts asked Mr. Abele if he had any final comments. *Mr. Abele stated the following:* He never intended to embarrass the Board and reiterated that he is proud of what he has done in the Town in the past. He pleads guilty and he apologizes for not following the process with the trail. He knows what his intent was and when it is all said and done he knows this is the best solution for the trail and for the people who would be most affected. *Mr. Watts stated the following:* Rest assured that this will not occur again and the Planning Board process must be followed. When someone does not follow the process, their projects will be stopped. Mr. Higgins stated he had concerns with the legal review of the easement, which will be a permanent change to the drawing, and has an easement been recorded and reviewed by the Town Attorney. Mr. Chauvin stated he had not seen an easement for the public trail to cross the Anuszewski property, so an approval should be conditioned upon the review and the approval of the easement, the review and approval of the relocated line by CHA. Mr. Roberts made a motion to approve Sheldon Hills Major Subdivision, Phase I contingent upon the changes and easement for the trail is accepted by the Town Attorney. Mr. Nadeau seconded. Motion carried.

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

Mr. Roberts recused himself from this item and Mr. Beck will take his place. *Mr. Scott Lansing, of Lansing Engineering, stated the following:* This project has been before the Board in the past and the Board is familiar with the project. At the May 23, 2005 Planning Board Meeting a Public Informational Meeting was held for the project and they have received additional comment from CHA. Since the last meeting they have submitted comment responses for CHA's letter. He is open to discussion to further investigate any of the comments of the Board and from CHA. It is their goal tonight is to request the Board's consideration for a recommendation

Planning Board Minutes

to the Town Board so they can receive PDD approval for the project. Mr. Bianchino stated that the original narrative stated that there would be a 25 FT. setback and now the plans shows a 10 FT. setback, so CHA is questioning what the change was. Mr. Bianchino stated that Mr. Lansing's response letter indicated that the intent had always been the 10 FT. setback, which is consistent with Fairway Estates. *Mr. Higgins stated the following:* He recalls the discussion with Fairway Estates and part of it was because of the way the layout was configured as far as additional green space and some of the areas had sharp inclines that Mr. Tanski had to build around so this was one of the reasons why it was taken into consideration for Fairway Estates. He feels that 10 FT. is not enough in between the number of buildings for the Fellows PDD project and he would prefer to see the 25 FT. unless there is a reason why it cannot be done. Mr. Lansing stated that an increase in the side-yard setbacks would reduce the number of units and he is sure that the applicant would not be in favor of this. Mr. Lansing stated that with the 10 FT. sideyard setbacks at Fairway Estates project, the unit's layout very nicely and the separation between the units seemed appropriate. Mr. Ruchlicki asked Mr. Lansing how many units would they lose if the setbacks were change to 25 FT. Mr. Lansing stated approximately 5 or 6 lots. Mr. Lansing stated he feels 20 FT. from unit to unit is appropriate and Fairway Estates is a good example of that. Mr. Bianchino stated that 20 FT. is consistent with what the PDD ordinance states. Mr. Berkowitz asked Mr. Williams regarding the NYSDOT/County referral. Mr. Williams stated that when the PDD first approached the Town Board, Mary Pearson, the Town Clerk, did a referral to the County and the Town Board referred the PDD application to the Planning Board for recommendation, which is where we stand at the present time. Mr. Williams stated that he has sent the Saratoga County Planning Dept., two revisions with no response back at this time. Mr. Williams stated the Saratoga County Planning Dept. stated to him that the PDD is still in a referral form for the Town Board and once the Town Board takes action it will be sent to the Planning Board for final approval. Mr. Chauvin stated that he would prefer to hear from the County prior to making a final determination and would like to speak to the County to find out why the Town does not get the County's decision before taking final action either at the Planning Board or the Town Board. Mr. Bianchino stated based on what Mr. Williams stated regarding the County's referral going back to the Town Board and since the Planning Board is at the stage of referring the project back to the Town Board, the Town Board as the lead agency has the first actions on the applications. Mr. Bianchino stated he is assuming that the County's advisory opinion would go to the Town Board and is probably waiting to hear what the Planning Board's recommendation are so that he can included that in his list. Mr. Chauvin stated if the Town Board were to act on this without hearing from the County, we wouldn't know if we needed a super majority. Mr. Chauvin stated why would there be a decision from the Town Board before you had your recommendation from the County Planning Department. Mr. Higgins questioned whether the NYS DOT has commented on the traffic study. Mr. Lansing stated that nothing has been submitted to the DOT. Mr. Higgins stated the Board should be aware of the concerns that the DOT may have. Mr. Higgins stated he has concerns regarding the amount of traffic that the project will be going out onto the realigned Fellows Road and Route 146. Mr. Tanski stated that the traffic study has not been completely finalized and has not been submitted to the DOT for review. Mr. Tanski stated the traffic study has only gone through CHA as a draft report and issued initial draft comments on the traffic study. Mr. Bianchino stated CHA wanted to make sure that the Board was okay with where they are right now with a recommendation back and then it would go to DOT for their review. Mr. Higgins stated that he would be more comfortable if DOT looked at the traffic study and agreed that some time in the future, if required, a traffic light would be put at the intersection of Fellows Road and Route 146. Mr. Ruchlicki stated he had concerns with the intersection at Fellows Road and agreed that the Board needs to hear from DOT and the County. Mr. Berkowitz stated he also would like to hear from he DOT and County before

Planning Board Minutes

considering recommendation back to the Town Board. Mr. Tanski stated that he respected the Board's decision regarding this project but he feels it is unfair to hold him hostage because the County has not responded as they have known about this project for ¾'s of the year and someone should have come forward and have the County respond. Mr. Tanski further stated that if Mr. Higgins was concerned about the DOT he should have asked his question at the last Board meeting so his traffic engineer could have taken the bull by the horns and submitted the study. Mr. Tanski stated he has spent a lot of money on this project and one of the benefits he has submitted to the Board is to remove the road going through the rock cut. Mr. Tanski stated he has bought the nearby property and he cannot foresee DOT not applauding what they are trying to accomplish to get rid of the existing dangerous intersection. Mr. Higgins stated to Mr. Tanski that he complimented him on relocating the road but his concern is with the increase in traffic that will be going from your project and there would be a need for a traffic light. Mr. Higgins stated he has concerns with the size of the project and the traffic light would relieve a lot of the concerns he has. Mr. Higgins stated the main concern that the neighbors had at the Public Informational Meeting was with the traffic at the Fellows Road and Route 146 intersection. Mr. Higgins stated that if DOT should come back and states that they will not allow a traffic light then the Board would have to look at the proposed density of the project as this would make a big difference. Mr. Higgins stated that their traffic study showed this. Mr. Watts stated that the mitigations that have been done are excellent, the traffic additions are not that significant and an unsafe intersection has been made better. Mr. Watts stated that the Town Board, the Planning Board, the Planning Dept. and the committees have worked diligently with the applicant to make the project as viable as possible. Mr. Watts stated he did not know if the Planning Board has the legal authority to make those kinds of determinations. This item was tabled for a response from the Saratoga County Planning Board and NYSDOT.

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

Mr. Ruchlicki and Mr. Chauvin recused themselves from this item. Mr. Watts stated that Mr. Gordon Nicholson gave the Arlington Heights presentation at a previous meeting and a Public Informational Meeting was set for the June 13, 2005 Planning Board Meeting. Mr. Watts stated that there was no representative present for the Arlington Heights Major Subdivision/PDD at the June 13, 2005 Public Informational Meeting and a new Public Informational Meeting would need to be scheduled.

Mr. Berkowitz made a motion to set a Public Informational Meeting for the July 11, 2005 Planning Board Meeting. Mrs. Jordan seconded. Motion carried.

05.162 OB County Waste PDD, 1927 Route 9 – Commercial Site Plan/GEIS

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

New Business:

05.173 NB Spare Time (Clifton Park Bowl), 1668 Route 9 – Sign

The applicant, who works for the Corporation, stated the following: Clifton Park Bowl has submitted a sign application to change their existing freestanding road signage. There are several reasons why they are changing the existing sign: (1) They own several bowling centers and they will be changing all the names to "Spare Time". (2) Changing their identity. (3) Modernizing the 30-year old existing signage. (4) They have five bowling centers in New York and they want all the signage to be exactly the same and consistent throughout. Mr. Roberts asked if the existing sign is 18 FT. The applicant stated yes. Mr. Roberts stated that the Board is trying to keep all signs at a consistent height throughout the Town and he believes 18 FT. would be appropriate. The applicant stated they are requesting a 20 FT. sign due to the concern of vandalism to the reader board and they have 2 rental spaces at the existing facility

Planning Board Minutes

that are not occupied but have been in the past and these tenants were not satisfied with the height of their signage. Mr. Berkowitz stated he has not seen any signs that have been vandalized that are low to the ground. Mrs. Wormuth stated that there are reader signs that have plexi-boards that lock over the top of the reader board. Mr. Nadeau stated to Mr. Watts that he agreed with Mr. Roberts regarding the height consistency of signage in the Town. Mr. Watts asked the applicant if they would be agreeable to the 18 FT. height limit. The applicant stated they could make it 18 FT. Mr. Higgins asked the applicant if the 2 tenant future signs were included in the signage they are proposing. The applicant stated that it would be inclusive.

Mr. Roberts made a motion to approve the sign application contingent on total height of the sign is 18 FT., with no exposed neon and the sign is not permitted in the New York State right-of-way. Mr. Nadeau seconded. Motion carried.

05.174 NB Merle Norman Cosmetics, 1675 Route 9 (J&S Watkins Plaza) – Change of Tenant

Mr. Dominick Bizzarro proposed a change of tenant application in the J&S Watkins Plaza located at 1675 Route 9. *Mr. Bizzarro stated the following:* Merle Norman Cosmetics wishes to utilize the 2,000 SF retail space, currently operated by Lavender Florists. They have negotiated the terms of a lease but have not executed a lease. The Merle Norman Cosmetics Corporation, in California, has approved him for the franchise and he is submitting the change of tenant application before he proceeds. Mr. Watts stated the Board would appreciate it if Mr. Bizzarro advertised his business as Halfmoon and not Clifton Park. Mr. Bizzarro stated he would advertise as Halfmoon. Mr. Higgins asked the applicant how many people would he be servicing. Mr. Bizzarro stated the site is 2,000 SF and they would be using 1,000 SF for retail and in the rear there would be office space, a room for cosmetic party makeovers and down the road they are considering cosmetic services. Mr. Bizzarro stated they would not be seeking permits to have those services at the site at the present time. Mr. Higgins asked if these services have to be licensed by the State. Mr. Bizzarro stated it depended on what type of service they would have and this is why they are not proposing these services prior to opening. Mr. Bizzarro stated the proposed cosmetic business would be purely retail. Mr. Watts asked Mr. Williams if they had adequate parking. Mr. Williams stated yes.

Mr. Berkowitz made a motion to approve Merle Norman Cosmetic's change of tenant application. Mrs. Jordan seconded. Motion carried.

05.175 NB Halfmoon Family Dental, 1456 Vischer Ferry Road – Commercial Site Plan

Mr. Walt VanDeLoo, of Walt VanDeLoo Consulting Engineers, is representing Dr. Gary Swalsky, DDS who operates the Halfmoon Family Dental Practice on Route 9 in the Town of Halfmoon. *Mr. VanDeLoo stated the following:* Dr. Swalsky is seeking site plan approval for the relocation of his practice to 1456 Vischer Ferry Road. They are proposing construction of approximately 3,200 SF dental office building on the site adjacent to an existing single-family residence. The proposed building will be located to the rear of the site and would not be visible from the roadway. They project proposes continuation of the single-family use as an accessory use. Dr. Swalsky's intent is to have his parents, who both work in his dental practice, reside in the existing single-family residence. In the event the parents vacate the existing home, the applicant would seek future approval from the Planning Department for possible expansion of the dental practice in the future. The water district services the site and they are proposing a new septic field on-site for sewage disposal for the dental practice. They are also proposing construction of storm drainage facilities that would provide storm water storage in connection to existing storm water drainage. The project proposes approximately 5,300 SF of building

06/27/2005

11

Planning Board Minutes

area. The paved area will be approximate 24% and the green space would be approximate two-thirds (20% is required). Mr. Watts asked Mr. Chauvin if a residence is permitted on this site. Mr. Chauvin stated he had not researched this issue. Mr. Williams stated that in the C-1 district the permitted uses specifically state residential use is allowed when incidental to the primary use and the permitted uses listed in the PO/R district does not have that designation. Mr. Roberts stated that if this proposal is granted an approval, a PO/R zoned district only allows a 10 SF sign.

This item was tabled for Attorney review on the mixed-use issue.

Mr. Ruchlicki made a motion to adjourn the June 27, 2005 Planning Board Meeting at 8:44 pm. Mr. Roberts seconded. Motion carried.

Respectfully submitted,

Milly Pascuzzi
Planning Board Secretary

*** (see attachment)**

Planning Board Minutes

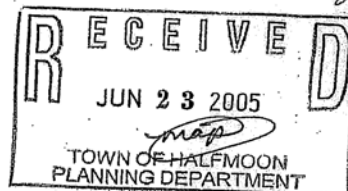
June 23, 2005
 Jeffery D. Williams, Town Planner,
 This letter is in response to
 the proposed Amecore Homes development
 plan at Stone Quarry Road and Rt. 9.
 As a long time resident of
 Stone Quarry Rd we are concerned about
 the impact of traffic exiting to Rt. 9.
 As of now it is very difficult at times
 to Rt. 9 access.

With the rapid growth of the area
 residents, quantity and speed of vehicles
 on Rt 9 and ability to see which lane
 cars are in, makes exiting to Rt. 9
 extremely hazardous.

In addition when there is trouble
 on the Northway cars pile up 10 to 12
 deep to exit Rt. 9 from Stone Quarry Rd.
 Then you get impatient drivers often
 swerve around stopped cars waiting
 to exit to Rt. 9 from Stone Quarry Rd.

This intersection does not need
 any more vehicles without improving
 the current safety issues.

Concerned Citizen
 J & E Sicko



Ms. Wilma B. Sicko
 164 Stone Quarry Rd.
 Clifton Park, NY 12065-0203

