

Town of Halfmoon Planning Board**Meeting Minutes – June 9, 2014**

Those present at the June 9, 2014 Planning Board meeting were:

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

Planning Board Alternates: Margaret Sautter
Robert Partlow

Director of Planning: Richard Harris
Planner: Paul Marlow

Town Attorney: Lyn Murphy

Town Board Liaison: John Wasielewski

CHA Representative: Mike Bianchino

Mr. Ouimet opened the June 9, 2014 Planning Board Meeting at 7:02pm. Mr. Ouimet asked the Planning Board Members if they had reviewed the May 27, 2014 Planning Board Minutes. Mr. Roberts made a motion to approve the May 27, 2014 Planning Board Minutes. Mr. Berkowitz seconded. Mr. Ruchlicki and Mr. Partlow abstained due to their absence from the May 27, 2014 Planning Board Meeting. Vote: 6-Aye, 0-Nay, 2-Abstained. Motion carried.

Public Informational Meeting:**11.143 PIM Linden Village PDD, Dunsbach Road – Residential PDD**

Mr. Ouimet opened the Public Informational Meeting at 7:04pm. Mr. Ouimet asked if anyone would like to have the notice read. No one responded. Mr. Donald Zee, Esq. stated the following: I'm here tonight with Mr. Ivan Zdrahal who is the project engineer and Mr. Robert Marini, Jr. and Mr. Justin Marini who are the proposed builders of the project. We have a 38.3-acre parcel located off of Dunsbach Road and we had Public Informational Meeting on the initial application back in October of 2013. At that point in time we had heard the comments of the public and members of the Planning Board with regard to the project. At that time the public had raised concerns about the project that we initially had proposed. We heard that there were too many apartments and at that point in time the project consisted of 260 apartments and 42 single-family homes. We have eliminated all of the apartments completely and we are now proposing 48 single-family homes. So, we've reduced the number of units from 302 to 48. Due to the number of housing units that were

originally proposed, there were obviously concerns with regard to too much traffic impacts onto the traffic network around Dunsbach Road as well as Crescent Road. In looking at the change in the project; initially during peak hours there was going to be 67 trips during the peak AM and PM hours with the original project at the intersection of Dunsbach and Crescent and now we have reduced that to a 29 trip average. With regard to concerns about impacts to your school system; with the original project of 302 housing units it was anticipated there was going to be 103 students going to the schools. Before I get into the proposed anticipated impacts from this project, I want to point out that we have a concept where we are talking about carriage homes with smaller homes on smaller lots. The lots would be 10,000 SF; however, there would be buffers around the homes because we would have open space that would be maintained by a Homeowner's Association (HOA). We propose to build carriage homes like homes that were built in North Colonie in a project known as Latham Ridge. These homes range in square footage from 1,700 SF up to 2,300 SF and they are geared more for empty nesters. Many of the homes are one floor, they are on smaller lots, smaller footprints as well as smaller square footages and they are geared for empty nesters and people who don't want to maintain a lot of lawn. We have some of this type of homes being built currently in Halfmoon in a project known as Brookfield Place and a good percentage of the homes in there are carriage homes. Based on the Brookfield Place homes, which are carriage homes and the 23 homes that are in Brookfield Place there are six school aged children. In the same project type in Lake Ridge that is in the Town of Colonie in the North Colonie School District there are 55 homes built there and there are only two school aged children. However, for our numbers that we put into our project narrative, we are using the higher ratio of what is in the Brookfield Place Subdivision and we would anticipate that in such a project that we would have twelve school aged children, where as in our original project that we proposed as a Planned Development District (PDD) of 302-units, there would be 103. So, we anticipate a substantial reduction in the impacts to the school system. With regards to impacts to the sanitary sewer systems; with the original project proposed there were 49,500 gallons of sewer per day anticipated for the project and we have reduced that by over three-quarters down to 12,000 gallons a day. Regarding drainage or stormwater management; we have reduced the number of acres of impervious surface from 19.3-acres to approximately 5.8-acres. In regards to the public benefit; from a ratio of a per unit we initially proposed for the project a public benefit worth \$1,000.00 per unit and now we are proposing a total public benefit of \$125,000.00, which is up to \$2,600.00 per unit. So, even though we are reducing the number of units, the amount per unit of public benefit that the project proposes is substantially higher on a per unit. There was also a concern raised in the original project that there was a lack of a play area and not enough greenspace. We are now looking to have approximately 56% of the acreage being protected as open space managed by a HOA and we have community recreational amenities such as trails, a shelter and open space. We are proposing a single entry point into the subdivision and the roadway network plan has been reviewed by the Town's Highway Superintendent, Mr. John Pingelski and he has deemed this acceptable. We are proposing an emergency access and we have shown it to lands of the south, but we have made other potential arrangements to other areas and we are finalizing negotiations on this access point, but if we cannot make this access point work for an emergency access, we do have alternatives that we are working on. I know from the Board's standpoint there were some concerns about lands to the north of Craver and we have worked out tentatively some arrangements there that we're just finalizing and hopefully documents will be executed, but we have a variety of options there as well. As I said, what we are proposing is a 48 lot subdivision with 56% of this space being preserved for open space for recreation, trails and a community recreational area. If we did not seek the PDD by rights, we are permitted to have 41 single-family building lots. However, there is a cost with regard to the 41 single-family building lots. By way of

comparison between the proposal that we have with the 48 lots verses the 41, which is permitted on the conventional and once again, 56% of the land would be greenspace preserved under the PDD proposal whereas with the conventional layout 38% would be. There will be substantial difference in the length of the roadway, which at the end of the day would be more maintenance required by the Town of Halfmoon. The roadway as was shown on the proposal under the PDD is 2,500 linear feet and with regard to the conventional it would be 3,100 FT. So, there is 600 FT of additional roads that would have to be maintained. We are proposing a public benefit that would be approximately \$125,000.00 worth of benefit where as in a conventional layout there would be zero public benefit obligations from the developer. Park fees; under the layout we propose \$72,000.00 paid in park fees where as in a conventional layout there would be \$61,500.00. We went through the analysis with regard to the number of school aged children with regards to the carriage homes as opposed to the conventional homes built on the larger lots we would anticipate that being 34 school aged children. Once again, we have the recreational area within the site with the PDD project whereas with the conventional layout none would be required under your Town Subdivision regulations. Mr. Ouimet asked if anyone from the public wished to speak. Ms. Brenda LaMere, 124 Dunsbach Road, stated the following: I'm just worried about the drainage onto my property because my property kiddy corners this project. Other than that, I'm very happy with what has been proposed as to the original proposal. Mr. Zee stated the following: Obviously, in regards to drainage, we are obligated to meet the requirements of both the Federal and State requirements for stormwater management. In addition to that; with regard to the public benefit, we are proposing over and above what we would be required to do to meet the stormwater management rules and regulations. We are proposing additional stormwater improvements along Dunsbach Road, which may in fact assist in any stormwater issues that currently exists in that area. So, I don't think we would adversely impact your home whatsoever. Mr. David Hroncich, 104 Dunsbach Road, stated the following: I'm still opposed to the development on the basis of the water drainage issue. With the way the terrain is across the street, 75% of that water goes right through my lot and cuts my property in half. As for the reduction in public benefit; on the base of just seven units from 41 to 48 is crazy and there should be some sort of public benefit. I think they still haven't addressed the traffic issue because of all the other developments that are going up in our area at Krause's and Stone Quarry Road. As for the comparison between us and Colonie, Colonie is deteriorating and we're building. These cottage homes are a prime market for young up starters with children and they will gravitate to Shenendehowa Schools. So, I think they have to rethink some of their philosophies on this and don't compare us to Albany County. We're Saratoga County and we're people who want to be out here in the country. We don't want to be in the city and we don't want the city to come to us. Mrs. Irene Brown, 121 Dunsbach Road, stated the following: I was born across the street in a historical home and I've been a lifetime resident. I'm just sad to see the way things are going. I think these are lovely starter homes for young couples who are just starting out. I sold the land next door to me last year and a young couple built a house on it and it's very nice and it's bigger than these proposed homes. Again, these are perfect little starter homes for a young family just starting out and usually both the husband and wife are working. So, if you take 48 homes times two cars going to work, you would get 96 cars and then add one teenager driving to school or their job, that's 48 more cars. So, that's 144 cars leaving that development every day to go to work or to go to school. So, they're going to drive by my house and they're going to turn towards Crescent Vischer Ferry Road and they are going to get gridlocked there because Exit 8 is already tied up. Also, there is no traffic signal there and you can wait there forever to get on the road so, then you go to the other end to Woodin Road and Dunsbach Road and there is a stop sign there and it's a "T" and this comes out at the Quarry Road development and then there's Northway and half of that traffic goes this way up Woodin and up to

Exit 8A. Coming off of my street, Dunsbach Road, it dead ends, there's a stop sign on Dunsbach and you cannot get out there in the morning now and I don't make any appointments until 10:00am because I'm going to be late and I'm not going to make it no way/no how because nobody will give, nobody will share and it's just bedlam. Then you throw in the school buses and how many times do they go by every day. There hasn't much thought given to this besides the impacts on the school. I'm not happy with the fire trucks and I haven't heard anything about that. There was supposed to be access off of Cambridge Avenue in North Woods and if you go over there and you look at it, it's just a pile of weeds with a little gate across it and having lived there all my life and walked that land, there are ravines there that have to be filled in to put in access for a fire truck. Also, there is a creek there and there's a swamp and none of that has been addressed and it's just "oh, we're going to have a gate there for it". I'd like to see a fire truck, especially one of the big trucks, get into that little cul-de-sac and better yet I'd like to see them get over that ravine and the swamp land there. It's going to cost money and somebody has to do it. Being an old timer here, I hate to see all of these new developments. When there is a new development and all the old timers have been there all their life and they don't have an access to the waterlines going past their house and they don't have any access to the sewers going past their house. I have sewer because the County told me that if I didn't sell them part of my land that they would take it by eminent domain and I held out because their grant was going to be up and I knew that. So, they had to give me the nipples for the sewage on both of my lots. I split part of the property and I have the sewer on my lot and have the sewer for the other lot that I split off and that was all because of the sewer plant. I don't mind the sewer plant because it's quiet and I don't notice any noise or anything for the most part, but it's already overwhelmed. So, where is that sewage going to go? Over by the American Legion they have been working on the unit trying to build it up. Mr. Ouimet stated Grooms Road. Mrs. Brown stated the following: Yes, Grooms Road. I don't think enough thought has been given to this for the utilities and where are the people going to go with all the traffic. I don't like it at all. Mr. Ouimet asked Mr. Zee to address the issue of traffic and what you're proposing for the intersection of Dunsbach Road and Vischer Ferry Road. Mr. Zee stated the following: I'm going to have the traffic engineer come up, but I do want to point out a couple of things with the last two speakers when they talked about the issue of traffic. Attached to our project narrative that was submitted to the Town there was a traffic study done for this project and included is the traffic generated by several new developments, which had been approved by the Town and that includes Princeton Heights, Hudson Ridge also known Kensington Place Phase I, Kensington Place Phase II, Halfmoon Village & Yacht Club, Sandy Rock, Grooms Road residential, which is 105 single-family units as well as Crescent Woods. So, we have done a traffic study and in doing the traffic study, which has been submitted to this Board and to the Town Board, those projects projected generated by those projects are included in our analysis. So, I just wanted to point that out and I'm going to have our traffic consultant come up and talk specifically about the traffic study and answer some of the concerns raised by the residents. Mr. Mark Nadolny from Creighton Manning Engineering stated the following: As Mr. Zee just indicated, we did the traffic assessment. We originally had done the traffic assessment for this project back in 2007. However, understanding that it's six or seven years ago, we actually went out and redid all new counts. I don't want the people to think that the data that we're relying on is six or seven years old. We did traffic counts out there three months ago so, we have very up-to-date data and based on that analysis traffic has actually decreased since we counted back in 2007 by 12% to 18%. It may be hard to understand, but it actually has and we do have the numbers from counting from 2007 to 2014. The improvement that we are recommending, although it's not necessary from a standpoint of delay, but as a public benefit the applicant has agreed to construct a southbound right turn lane on Dunsbach Road at Vischer Ferry Road. So, anyone that is making a left turn would no longer

delay anyone making a right to go towards the exit. So, typically the left turners take a lot longer to make that left turn to cross traffic on Vischer Ferry and the right turners will no longer be delayed by those left turners and that's where the majority of the delay occurs. There's not as many people making left turns off of Dunsbach travelling southbound and it's maybe 10 to 20 vehicles and the majority of the people are making the right to go towards the exit. So, by providing that separate right turn lane, they are no longer going to be delayed by the left turners. So, that is a fairly large and significant improvement that is not really necessary, but the applicant has agreed to construct that as a public benefit for the project. Mr. Zee stated the following: I know that the young lady had indicated that she thought these homes were starter homes and I just want to point out that the starting price of these homes are going to be somewhere between \$350,000.00 and \$400,000.00. So, I don't really think that they particularly would be deemed as starter homes. Ms. Kathleen Kowsky, 132 Dunsbach Road, stated the following: A couple of questions; starter homes, yes, we have a development already named Mapleridge and they are the smaller 10,000 SF lots and the kids are always in the road and there are a lot of kids in that area. So, 10,000 SF for me seems a little small because there is no place for the kids to go. As for the greenspace; how do you keep it forever green? Is there any way that the developer can come back and say "oh, by the way I'm going to put some houses back in this greenspace at a later date" or is it locked up? Mr. Zee stated the following: We've worked with the Town of Halfmoon counsel's office on numerous occasions with regard to HOA and what happens is we have to prepare for filing with a HOA a document that is submitted to the Attorney General's Office. However, prior to its submission to the Attorney General's Office we have worked with your counsel and they have reviewed it to make sure that all of the representations and promises that they have made to the Town during the approval process are complied with and are included in the document. Included in that is the fact that the land would be set aside as openspace and there would be what we call a Declaration of Covenants and Restrictions and as a result those lands are set aside so that they cannot be further developed and they would be owned, not by the sponsor or the developer builder and they would be in fact deeded over to the 48 homeowners and they would own the land and they would ultimately maintain it through a payment of monthly charges assessments and that's been done throughout the Town of Halfmoon. Mr. Ouimet stated with respect to the HOA, when does it become owned by homeowners as opposed to the developer and at what percentage of buildout? Mr. Zee stated prior to the first closing it is created. Mr. Ouimet stated I understand that, but doesn't the builder control it until some point in time and what point in time is that when the builder turns it over? Mr. Zee stated we've done it on numerous occasions where we have a number of units 50% or a passage of time of 2 years or 3 years. Mr. Ouimet asked would that be in the offering statement. Mr. Zee stated the following: Yes. As I said, but at that point in time the declaration is filed prior to the first closing. So, the record restrictions, which are reviewed by your counsel are a matter of public record and they can't be changed without homeowners approval and then ultimately without review by the Attorney General's Office. Mr. Ouimet stated so, to answer the first question; then would the greenspace be maintained by the HOA? Mr. Zee stated that is correct. Mr. Ouimet stated to answer the second question; obviously you would have to come back for a PDD amendment if you wanted to add more lots, correct? Mr. Zee stated absolutely yes. Mr. Ouimet stated and that would trigger another round of public hearings and another round of reviews by the Town Board and this Board as well, correct? Mr. Zee stated the following: Yes. I just want you to understand the complexities of what would happen if we had a PDD that was approved, just so the public knows why we would never come back for more lots; when you buy a house and let's say you're the first owner of the house and we have the 48-units, you have a 1/48th interest in all of the openspace. Now if you're going to change it to add let's say 10 more lots, now you need permission by everybody so that I'm reducing your interest

from 1/48th to 1/58th. I then will also need the approval of the bank that has the mortgage on the individuals' home because you're reducing their interest in the property. So, there are a lot of parties that come into play that would have to authorize such a modification. So, that is why it is inconceivable to me that anybody would ever come back to do that. Ms. Kowsky stated the following: As for the traffic study; my cousin did one before the last go around and it's very different. I have friends that can't get out of Horner Drive, which is the most northerly portion of Spring Brook Trailer Park, in the morning that is just before the bend on the "S" curve in the road and they can't get out of their own little drive because the traffic is backed up so badly. The other thing is that Princeton Heights has been approved and being that I am between Exit 8 and 8A, I am fearful of having trucks coming in both directions because my property is right across from Cambridge Drive, which trucks could easily be going in if they are coming from Exit 8 and now this is going to be up the road and then I'm going to have them coming in from the other way for the other project. So, is there a timetable? It's not going to happen overnight. Is this going to be slow process or do you want to have it done in a 2-year period? Mr. Zee stated the following: We would try to, but obviously we would have a lot of steps still to go through if this Board was to recommend the PDD, we would still have to go to Public Hearings with the Town Board. If the Town Board were then to approve the rezoning to a PDD, we would then have to come back to the Planning Board for site plan approval and I would anticipate all of that taking a year or so. We would then have to make filings with the Attorney General's Office, etc. So, it's going to take a period of time to get approvals if we get the approvals. Then from a construction standpoint; putting in the infrastructure and going from start to finish on a project with 48 lots, I would anticipate that that is going to take several years as well and it would probably be 3-years from start to finish. Knowing Marini Home's track record, which is pretty quick from a construction standpoint. They would want it to be in a year or so, but as a practical approach it would probably take close to 3-years. So, starting from today until the end of the last home being built, I would think best case that it would be somewhere around 4-years. The biggest disturbance with regard to heavy trucks would be probably a short window of somewhere of 6-months or less to put in the infrastructure. Mrs. Kathy Tribley, 79 Dunsbach Road, stated the following: Are you guys going to be widening road only because I live so close to the road and if the road does widened, it will take half of my house. Mr. Ouimet stated the following: I think I can answer your questions. The plan that was submitted with the proposal shows the widening and addition to that right turn lane at the end of Dunsbach to end at the furthest end or closest to your house from the parking lot of the fast food restaurant that's in front of you. So, it doesn't come beyond that and it just goes up to that point. Mrs. Tribley stated okay, thank you. Mr. Jake Weber, 75 Dunsbach Road, stated the following: The traffic study; I'm a little off on that because I have a hard time getting out of my driveway. If you're going to be widening the road, are you going to widen it on both sides or are you only widening it on one side? Mr. Ouimet stated they only proposed widening one side. Mr. Weber asked are they proposing to put a red light there at some time? Mr. Ouimet stated that is controlled by the State and State determines when a light is warranted at an intersection. Mr. Weber stated the following: Wow, I don't want to see how many more people nearly get hit there or get killed there because they are trying to turn left or right. There was one there a few weeks where the guy was trying to turn right and a motorcycle ran right into him and I don't really believe it was all of the motorcycles fault because he had nowhere to go because the car behind him was coming right up on him. So, it should have been a three car pileup instead of just the two. So, my biggest concern is getting out on that road because it is terrible especially in peak hours. It may not be so bad during the middle of the day, but you get those peak hours on the weekend, peak hours during the week and it's a disaster. I'm lucky that I go to work early enough and I don't catch most of that and if anything happens on the Northway, you can't get out that road because it

goes all the way to the Crescent Bridge and it's terrible. I think my wife has it on film because she videotaped it one day when they were working on the Northway and we had traffic going off of Exit 8 and coming down and we had traffic coming the other way and nobody could go anywhere. It was a dead stop for probably 25 to 30 minutes and it was brutal that day and we had to go the back way all the way around, go down by the canal and back up the other way just to go grocery shopping. Mr. Ouimet closed the Public Informational Meeting at 7:37pm. Mr. Higgins stated you mentioned \$2,600.00 for a public benefit per lot and could you give us a breakdown on that? Mr. Zee stated the following: Yes, there are three sets of improvements; one is the construction of a turning lane at Dunsbach Road and Crescent Vischer Ferry Road intersection, second there will be improvements to the existing drainage facilities located in two locations on Dunsbach Road and the third is the clearing of vegetation along Dunsbach Road. The cost analysis is in the report if you want the breakdown of those specifically. Mr. Higgins asked is that in addition to the \$1,500.00 per unit recreational fee? Mr. Zee stated yes. Mr. Higgins stated the following: As far as the drainage; that's part of your stormwater retention plan, correct? Also, Mr. Zee mentioned some numbers as far as off-site improvements for the stormwater retention, but those off-site improvements are required in order to make your stormwater retention plan work, correct? Mr. Ivan Zdrahal from Ivan Zdrahal Associates, PLLC stated the following: No, they are not. They are strictly to improve the existing infrastructure on Dunsbach Road. So, I don't need those improvements for the construction of improvements for the project on the site. Mr. Higgins stated I've asked you every time about stormwater retention and I just want to be consistent. Mr. Ruchlicki stated the following: We were looking at the traffic study and you spoke regarding school bus traffic and on your particular report that is in this book it shows nothing. For the morning hours for school buses you have zeroes all the way across, could you explain that. I guess my question is simply; why don't you have any numbers for school buses on either chart. Mr. Nadolny stated the following: I would have to ask the person who counted, but I would be 95% positive that it would have been counted as a heavy vehicle, which is the same designation in the analysis. The way you register a heavy vehicle and a school bus is the same amount of delay. So, the person counting it, instead of hitting school bus probably hit heavy vehicle and when you're counting heavy vehicle percentage in the analysis, you don't give a separate percentage for heavy vehicles and school buses and you just wrap them all into one as heavy vehicles because a school bus takes longer to enter and exit the roadway. So, if they counted it as a heavy vehicle, it's six one way and a half dozen the other for school buses and heavy vehicles. So, I'm sure they counted them and it just that they were counted as a heavy vehicle instead separately. Mr. Ruchlicki stated well, how do you account for the bus continually stopping? Mr. Nadolny stated well, the analysis takes into account just the specific intersection of Dunsbach and Vischer Ferry or Dunsbach and Woodin. So, it's not taking an evaluation of Dunsbach as a whole and it's not a link analysis; it's an intersection analysis. So, the analysis is of the intersection itself. So, the bus would only stop to make the right or left turn to come off of the intersection and it's not evaluating how many times it stops on Dunsbach to pick up children. So, it's looking at the intersection itself, which would only stop one time at the intersection to either make the right or left on or off. Mr. Ruchlicki stated then, if I might say, I think your study is flawed because regardless of whether that bus is stopping at an intersection or it's stopping at somebody's driveway to pick up a child up, it still an interruption of the traffic flow. Mr. Nadolny stated correct. Mr. Ruchlicki stated the following: Myself personally, I don't understand how the person that was doing the counting could count a bus as if it was a heavy vehicle. If it was a tandem truck, it wouldn't be doing the same thing that that bus is doing. With the traffic situation in that area, I don't understand how you could not do that and, what I would say, do it correct. I understand that you're strictly talking about intersections in your study, but as far as the traffic flow through that area through those same intersections, they're affected by bus

traffic and what those buses are doing at two different times during the day and sometimes three times a day if they're delivering kindergarteners on a half day schedule. So, I'm not sure that I totally agree with your study. I understand what you're explaining to me, but I'm not sure that I totally understand it; why it was done that way and was it done that way deliberately and that would be my first question. Mr. Nadolny stated the following: I can assure you that it was not done deliberately and I'm very sure that school buses were counted as heavy vehicles. So, like I said, as it relates to the specific intersection operations, I understand what you're saying that the bus will stop multiple times in the road, but when you're talking about delay and the delay at an intersection, the multiple stoppings on the road does not have an impact on the delay at the specific intersection at one point along the road. Yes, they're going to delay people traveling down the road, but the intersection, if it was counted as a heavy vehicle, it takes into account the longer time it takes to make the left or right turn off. As far as the PM peak, I believe there wouldn't be very many school buses there anyways because the schools are done prior to 4:30pm or 5:00pm. However, I do agree that they would be there in the morning. I will have to ask the person that counted it and see if they counted it as heavy vehicles, which I'm sure they did and they just didn't make the distinction. For the intersection analysis it still takes into account the longer time a heavy vehicle would take to make the left or right turn off. That intersection analysis does not get into an evaluation of the link of Dunsbach as a whole. I think that we're talking about two different analysis and two different evaluations and you could look how the link operates and how the intersections operate because they are two different types of analysis and this study focuses on the intersections because the intersections are usually your pinch points and they're the worse spots. Mr. Ruchlicki stated okay, thank you. Mrs. Sautter stated the following: I haven't been able to bring this up before because, as far as I know, since I've been on the Board that there were not several federally listed endangered species. So, I was just concerned because I know that people will bring that up at some point. You have two endangered species in that area, the Karner blue butterfly and the Indiana bat and that's on page 4 of 4. What do you do in those instances that they are identified? Just out of curiosity do you have an avoidance and I know you're giving an awful lot of greenspace, but are those the spaces where that goes on? I guess I'm asking how you identify those areas. Mr. Zee stated the following: What would happen first is that we would have a biologist go out to the site and visit the site to see if there are in fact any nesting areas for the Karner blue butterfly and there are certain requirements with regard to the Karner blue butterflies setting aside potentially areas for them to be able to migrate. I know that in other communities they say that you can't put in picket fences because they don't fly high enough to go over fences, so you have to put in chain linked fences and those type of things. You may have to fence in an area to protect the Karner blue butterfly if they are found to exist and if this is a habitat for them. It's kind of interesting that we hear different comments from the neighbors who said this is swamp lands and Karner blue's don't live in swampy areas and they live in sandy soils. So, I'm not sure if they are in fact going to be located in this specific area although there is a possibility, but that's something that we would hire a biologist to do. The same thing with regard to the Indiana bats and we would have to find out from biologist that in fact that there are any nesting areas for such bats and if that were to be the case, then we would have to some avoidance. Mrs. Sautter stated the following: Okay, so your plan would be avoidance. Just so you know that this is in your report and it's from the U.S. Fish and Wildlife and it says there "regarded known or likely counting occurrences", but I do understand that there are many sandy areas in that area and there are a lot of wetlands. Also, I wanted to make it clear about the open greenspace. You've been saying "community" and I think that it gets misconstrued as to whose community. So, you need to let people here know who is allowed to use that and that would just be the residents that are buying those homes. Mr. Zee stated that is correct. Mrs. Sautter stated so; it is not an open public space

for the Halfmoon community. Mr. Zee stated that is correct. Mr. Berkowitz stated has the issue with the driveway been solved yet? Mr. Zee stated we have met with the adjoining property owners and yes, we believe that we have worked it out. Mr. Berkowitz asked so, is there a signed agreement? Mr. Zee stated we do not have a signed agreement yet because we want to hear what is going on at tonight's meeting, but plans and a draft of an agreement has been submitted to the adjoining property owner. Mr. Berkowitz stated regarding the traffic study; you have discussed that there is a decrease in traffic, but you haven't stated what the levels of service at the intersections are. Mr. Nadolny stated the following: Regarding levels of service; an intersection is assigned a grade like you would get in school and it's based on the amount of delay that the average vehicle experiences at that intersection. So, you would get a level of service "A" through "F" and it depends on the amount of delay and the grade is based on the amount of delay a typical driver would expect to encounter at an un-signalized intersection. A level of service "A" is 10 seconds or less, "B" is 10 to 15 and so forth until you get to a level of service "F", which is typically over a minute delay. The level of services at Dunsbach and Vischer Ferry is a level of service "B" in the morning southbound and a level of service "C" in the afternoon and that's average delay. So, that's not to say that someone may not wait if they're trying to make a left turn, they may wait a minute, but if someone is making a right turn and it takes them five seconds to make that right turn, it averages out to about 30 seconds of delay for that southbound move. So, I'm not saying that you may wait more 30 seconds trying to get out of there, but on average the southbound move will wait about 25 seconds to get out of Dunsbach Road and that is with the construction of the southbound right turn lane. If the right turn lane was not constructed, the delay would be about 5 seconds more. So, with the improvement, although it's not needed from a delay standpoint, it's not over a threshold that we typically would try to mitigate and the delay for that construction of the southbound right turn lane would improve conditions by about 5 seconds on average. Then the Dunsbach Road and Woodin Road intersection; the northbound move is a level of service "B" in the morning and a level of service "A" in the afternoon and then the driveway itself would be a level of service "A". So, those are the important levels of service. Mr. Berkowitz asked are there any failures in your study? Mr. Nadolny stated the only failure is on the northbound Dunsbach Road approach and that actually fails no-build and it's really a result of the traffic associated with the Yacht Club and then, of course, if it fails in the morning without the project, it's going to continue to fail in the afternoon with the project. Then it goes from an "E" in the morning to a "F" in the afternoon with an increase of about 8 seconds no-build to build. So, there is a failure, but it's on the northbound approach, the approach that this development is not adding any traffic to and it's really just adding traffic on the southbound approach and on the mainline. Mr. Berkowitz stated so, there's no change from Dunsbach Road going southbound onto Vischer Ferry because on your report it says it's going from a "B" to a "C". Mr. Nadolny stated the following: Southbound on Dunsbach it's saying it's going "B" to "B" in the morning and "C" to "C" in the afternoon, but that includes the improvement. If that improvement wasn't there, it would go "B" to "C" and "C" to "D", but with the improvement it improves it to be "B" to "B" and "C" to "C" on the southbound approach. Mr. Berkowitz stated okay, on northbound it's going 41 seconds to 142 seconds. Mr. Higgins asked is this the most current study that you did? Mr. Nadolny stated yes, this was based on the traffic counts that were done in March of this year. Mr. Higgins asked when did you do the previous counts? Mr. Nadolny stated I believe those were done in 2008. Mr. Higgins stated because I seem to recall, but maybe I'm wrong, that that was a "D" or a "F" at that time. Mr. Ouimet stated that was a bigger project. Mr. Nadolny stated yes, the build condition previously was a "F". Mr. Higgins stated no, I'm talking about the existing conditions. Mr. Ouimet stated I think you said earlier in your presentation that the actual counts went down. Mr. Nadolny stated it's a "E" and "F", but the delay is also reflective of how much mainline traffic there is and with the

reduction of mainline traffic, like I said, it reduced about 12% in the morning and 18% in the afternoon if there are more gaps for people to get out so, the levels of service were actually better now than they were seven years ago. It could be the economy, there's people spacing their drives out differently or whatever the reason is, the traffic volumes have decreased on Vischer Ferry so, there are more gaps there so the levels of service have actually gotten better. Mr. Berkowitz stated how about on Grooms Road; has that gotten better or worse? Mr. Nadolny stated the following: I don't believe Grooms Road was a part of the original study. I think Vischer Ferry and Dunsbach was the only intersection as part of this study. Mr. Berkowitz stated but you studied Grooms Road before. Mr. Nadolny stated the following: I believe that was studied for the Princeton Heights project and I will have to go back and look because I don't have that data in front of me. I don't think we did study that for Princeton Heights. Mr. Berkowitz stated you did. Mr. Nadolny stated the following: Did we? I will have to take a look. I wasn't the project engineer on the original one and I did some follow up, but I can take a look if you want me to. Mr. Berkowitz asked do you know what percentage of your traffic is going to go north towards Grooms Road? Mr. Nadolny stated I believe we have 60% going south and 40% going north so; it's a little bit more going south than north and it's 60/40 split. Mr. Berkowitz stated also, with the stormwater management areas; are there one or two stormwater management areas or is that yet to be resolved? Mr. Zdrahal stated I'm anticipating that we will have two stormwater management areas; one near the intersection of Dunsbach and another one in the northerly end of the project. Mr. Berkowitz asked where will those two areas going to drain to? Mr. Zdrahal stated the one near the intersection of Dunsbach will drain into the existing low area by Dunsbach Road and the northerly one will drain into a major low area, which goes towards Dunsbach Road also. Mr. Berkowitz asked can those areas cover that extra drainage? Mr. Zdrahal stated the following: Yes, they can and this will be all documented and detailed when we do our final engineering plans. Actually one of the culverts there for the major low area, which is a little bit north from the project site, is part of the public benefit improvements to that culvert that is very deep. We will replace that culvert as part of the public benefit and not because of this project flow, but because that culvert is in bad condition. Mr. Berkowitz asked how close to the Lands of Proctor is the management area going to be because it seems like it's right in their backyard? Mr. Zdrahal stated well, it's kind of upland from their property and the existing low area is actually a very small area, which drains only a very small portion of the project site. Mr. Berkowitz stated well, will they see that? Mr. Zdrahal stated no, they will not see that. Mr. David Hroncich, 104 Dunsbach Road, stated the following: My issue with the water is; the topographic lineages on this map, this area of storm runoff; 70% of this goes right through my property. The water runs all year round and I have a video tape that I would like to show him of one of our most recent storms and how much water that they're actually going to have to deal with that comes through this area. Mr. Zdrahal stated the following: Actually that area that Mr. Hroncich is referring to is draining a very very small portion of the project site and I have discussed the drainage situation with Mr. & Mrs. Proctor and their recollection was there was never any flooding because the drainage goes right next door on their property. Certainly, we are not going to do anything to aggravate any drainage problem or increase any drainage issues for the existing drainage ways in that area and we will document that in the final drainage report, which will be prepared with the final engineering plans. Mr. Ouimet stated so are you saying that your project won't contribute to any stormwater going into that channel? Mr. Zdrahal stated there will be water going there, but we will address that to our drainage rate of flow from our drainage stormwater facility will not adversely affect that property. Mr. Ouimet stated and that is something that you have to work out with the Town engineer when it comes to that point. Mr. Zdrahal stated correct. Mr. Nadeau stated the following: Based on the number of children that could be there, I think using another development or two other developments and what's in another area doesn't

really represent what could be in this area. So, I don't find that as accurate. Mr. Ouimet asked are you talking about school aged children? Mr. Nadeau stated yes. Mr. Ouimet asked Mr. Zee if there was any way that you can do better projections other than referring to a Colonie development? Mr. Zee stated the following: No, what I was said was that even though that Colonie is lower than Halfmoon's project, we used the Halfmoon numbers. We did not use Colonie as our example when we calculated this. We used the Brookfield Place development located in Halfmoon with those carriage homes and the number of school aged children generated in that project in using our estimate. They are in Halfmoon and there are 23 homes, they are carriage homes and there are six school aged children there. Mr. Ouimet asked are they the same size homes as the homes you are proposing? Mr. Zee stated the following: They are absolutely the same and it's built by Marini as well. So, he's building the exact same product that he's building in Brookfield Place on the cottage lots and that's what we used as our number for this pro forma, which was six for 23 homes. So, with regard to 48, we indicated 12. What I had said earlier was; in Lake Ridge, which is the Colonie project, in 55 homes there were only two school aged children. We just noted that, but we didn't use it on the pro forma. Mr. Nadeau asked did you say that Marini Builders would be doing this project? Mr. Zee stated yes and Mr. Marini is here tonight. Mr. Partlow stated I would like you to be able to clarify what one of the young ladies said out there with regard to the fire department access along the common area road because I don't think that was actually addressed in one of the comments that was asked. Mr. Zee stated we had shown the entire proposed roadway network to the Highway Superintendent and the fire chief was able to review these plans and he didn't have any objections as well to the way that we have conceptually laid it out. Mr. Nadeau asked could you explain to the public; you're talking about possibly having a future access on these lots and just to give a brief scenario of what possibly could take place on the other adjacent properties? Mr. Zee stated the following: As we said at the last meeting, my clients/the developers have no contracts with any adjoining property owners to acquire any land. We had laid out, because good planning dictates in the Town and the Planning Board often wants to know what our possibilities are and there is always a possibility where we have this hammerhead end in this location here and there's always the possibility of extending the road down and coming back down to Dunsbach, but that is lands owned by another property owner that says "Lands now or formerly of Hughes" and we do not have a contract on that property and the Hughes's are aware of the project that has been presented here tonight and as you were indicating; that is always a possibility. Mr. Harris asked have you had the fire chief look at the revised plan through Hatter Blvd. because I don't have anything on that and there is a new fire chief as of January and I don't have anything from him that says that he reviewed the emergency access to Hatter Blvd. Mr. Zee stated Mr. Zdrahal is saying that he did review this plan. Mr. Harris stated I don't have anything regarding that. Mr. Zee stated okay, we'll get that to you. Mr. Ouimet asked so, what was the answer given by the new fire chief? Mr. Zdrahal stated the correspondence will be sent to you. Mr. Ouimet stated the following: I know, but it's dated last year and there is a new fire chief as of the first of the year. Also, I was confused in Mr. Zee's presentation when he was talking about the emergency access. You said that you haven't resolved it all for Hatter Lane, but you have other options, correct? Mr. Zee stated yes. Mr. Ouimet asked have all of those been discussed with the fire chief? Mr. Zee stated no, not at this time. Mr. Ouimet stated so; it seems to me that we have an open issue as to whether or not the emergency access point is acceptable to the fire department, correct? Mr. Zee stated well, we have it as of Hatter and we've discussed it with the adjoining property owners of access through there and we're just working out the final details of an agreement. Mr. Ouimet stated but it's not done yet. Mr. Zee stated no, we don't have any final agreements at this point in time. Mr. Ouimet stated normally, at this stage, it would be done, correct? Mr. Zee stated no, not necessarily because we are seeking a PDD. Mr. Ouimet stated the

public needs to know where the emergency access is going to be. Mr. Zee stated we don't know if we will have access either to Crescent Road directly or to Dunsbach Road. Mr. Ouimet stated right; so you don't know, so we don't know. Mr. Ouimet stated the following: So, I'm concerned about that and I think we need to know what the ultimate answer is for the emergency access. I also think we need the current fire chief from the West Crescent-Vischer Ferry Fire Department to give us his or her opinion as to what it is and that it's acceptable to them. The other thing that I'm concerned about is you said that you don't have a final agreement with the land owner, the Cravers and I think I made it clear at the last presentation when you all were here that we needed resolution of that. Mr. Zee stated just so you know, under the easement agreement we can set aside as open space and have the HOA maintain a driveway directly for the benefit of the Cravers. That is a possibility and we are talking with the Cravers and offer them some remuneration for a different layout. Mr. Ouimet asked do you have a signed agreement with the Cravers? Mr. Zee stated no, we don't need one with regard to it. Mr. Ouimet stated I think you need one if the Board asked for one. Mr. Zee stated the following: It is not required under their easement agreement. They have a specific easement and we would maintain that easement if we don't have a signed agreement. Mr. Ouimet asked Mr. Zdrahal if that was his understanding regarding that you are not required to resolve your issues with the Cravers before you come back? Mr. Zee stated the following: If I may, we have under the easement agreement that the developer of this property is obligated to keep the easement in place as well as to maintain that easement area. We have the ability to do that whether we have a signed agreement with the Cravers or not. Mr. Zdrahal stated the following: What I would like to add to that is; it took a little time before I met with Mr. and Mrs. Craver. We met in the early part of last week and we discussed that I believe we reached an agreement on what will be done in respect to their concern and I have actually dropped off the documents to them today. They are here in the audience, but I'm not sure if they had a chance to review it, but I believe everything is there on what you and I discussed with them at a meeting. Mr. Ouimet stated but, as you stand here in front of us tonight; you do not have a signed agreement with the Cravers. Mr. Zdrahal stated no, the agreement is not signed at this moment. Mr. Zee stated but as I said, the Craver's rights are specifically spelled out under their easement, which is in their deed and we can comply with that whether we have alternate arrangements. Mr. Ouimet stated well, you could have done that before and Mr. Zdrahal could have come in here before and said "I'm not trying to work out anything with the neighbors because I have a signed easement agreement". However, that's not what he said, he said that he was working out a resolution with the neighbors and all I asked was that he has it resolved by the time that you guys come in here. Mr. Zdrahal stated the following: I agree with what Mr. Zee said in respect to the easement. In my opinion, the way that I proposed the agreement to the Craver's creates a much better situation for them and it removes the easement from their property. Mr. Zee stated the following: But there is no legal obligation to do so under the easement that they currently have. We're trying to benefit them, but we have no legal obligation to do so. Mr. Higgins stated the way the existing easement is affects the lot layout that you're showing, correct? Mr. Zee stated no, it does not. Mr. Higgins asked it doesn't go through the back of some of the houses? Mr. Zee stated this is the conceptual layout and we have more than enough space with regard to the layout of the lots to have open space in the rear that would have an easement through it and that would be maintained by the HOA just like the open space. Mr. Higgins stated but that's not what is presently shown. Mrs. Murphy stated the following: I think part of the loggerhead that we're at right now has to do with the fact that this is an application for a recommendation with regards to the PDD legislation and because this Board has done a great job in making the applicant go through several steps, it looks like a fully engineered plan because it is. You typically don't have that much of an engineered plan at this stage of the game because they're not bound to that layout

because right now you're doing a recommendation and you're not doing a site plan approval. So, they have wiggle room on that and that's what he's trying to say that you're seeing a fully engineered plan, which typically you would only see when you're being asked to do a subdivision approval. So, for that, he can move around laws. Mr. Ouimet asked what is the pleasure of the Board? Mr. Nadeau asked so we don't need a report back from the fire department with the new fire chief, is that correct? Mr. Ruchlicki stated that would be my only question too. Mr. Harris stated the following: I do understand the letter that is in the memorandum that Mr. Zdrahal has in the report, but it's relying on an older plan, while the emergency access is a similar location and a fire chief that is no longer the fire chief and you don't have anything from January or more recent since this has been revised. I'm not a fire chief so, I don't know all of the dynamics that they review. So, we do not have anything from the current fire chief on the current plan. Mr. Ouimet asked Mrs. Murphy if the Board could condition any recommendation that we make on a review and an approval by the current fire chief. Mrs. Murphy stated the following: There are two things that you could do. Yes, you could do and secondly; again, a lot of times we don't even have this detailed of a plan and we certainly don't have signoff from emergency services when we're making just the recommendation with regards to the PDD. So again, because everybody has done on this Board such a good job in making sure this is detailed and cutting out a lot of stuff, it feels like we're much further along in the process than we really are. We're at least two Public Hearings away from doing anything with this. So, yes you can do it with conditions. Mr. Berkowitz stated but the Town Board is going to have another Public Hearing and then we're required to have a Public Hearing on the final site plan. Mrs. Murphy stated correct.

Mr. Berkowitz made a motion to recommend a Positive Recommendation to the Town Board for the proposed PDD to construct 48 single-family homes on 38.79-acres. Mr. Nadeau seconded. Vote: 6-Aye, 1-Nay. Motion carried.

New Business:

14.060 NB

Anna's Place Subdivision, Lot #20 & Lot #13 Kelly Lane – Major Subdivision/Lot Line Adjustment

Mr. Jeff Williams from Bruce Tanski Construction & Development stated the following: We're here tonight for a proposal of several lot line adjustments revolving around Lot #20 of Anna's Place Residential Subdivision. It also involves Lot #13 of Anna's Place and two existing parcels at 83 and 85 Werner Road. The first lot line adjustment that we're going to talk about is for 83 Werner Road, Lands of Taylor and it's an existing 29,620 SF lot and its utility shed encroaches over the line of Lot #20. So, in order to amend that, we're proposing to annex 1,750 SF from Lot #20 and give it to the Lands of Taylor. The second proposal is a lot line adjustment for 85 Werner Road, Lands of Daignault as the Lands of Daignault actually has there access to their driveway, their parking area and a shed that all encroaches on Lot #20 and in order to amend that we're proposing to annex 7,375 SF of land off of Lot #20 and convey that over 85 Werner Road. Also, 85 Werner Road is an existing 14,374 SF and after the annexation it will be 21,780 SF. So, that will be more conforming for that property. We have to adjust the lot line in order for the Lands of Daignault to get their driveway and there parking area back. So, in order to do that, we had to shift our flaglot frontage along Werner Road for Lot #20 further to the north. So, in order to accomplish that, we are taking 2,014 SF from Lot #13 of Anna's Place and convey it over to Lot #20. So, at the end, Lot #13 was originally 24,433 SF and after the conveyance it will be 22,392 SF. Lot #20 was 36,852 SF and after all the lands being conveyed over to Werner Road and gaining more lands from Lot #13 it will be 29,768 SF. That is basically the changes of the lot lines. The last part of the proposal was that originally when Anna's Place was proposed it had an access ingress/egress easement going

between Lot #13 and Lot #14 of Anna's Place to gain access to Kelly Lane and now we're hoping to gain access directly to Werner Road. By doing that, we want to use the existing access point that serves the lands of Daignault at 85 Werner Road and the reason for that is because that access is optimal for site distance and if you look to your right you can see 680 FT to the top of the hill and you can 1,000+ FT all the way down the bottom of the hill from the existing driveway that's serve the Lands of Daignault at this point. Mr. Tanski and I didn't believe that was actually what would occur and we wanted to bring our driveway out onto Werner Road but by moving it 20 FT to the north you cannot see over the top of this hill. So, we are proposing an access shared easement with 85 Werner Road to serve Lot #20 of Anna's Place. I believe that all of the lot line adjustments, the conveyances and everything meets to minimum standards to the Town of Halfmoon, subdivision regulations and we meet the sight distances by sharing that access easement with the Lands of Daignault. Mr. Higgins asked why can't you just leave the driveway the way it was between Lot #13 and Lot #14? Mr. Williams stated I think we did look at that and marketability is a basic part of it as no one would want a driveway between their houses, side yard and of course this person probably wouldn't want to drive between the houses. Mr. Higgins stated but that's the way you proposed it and that's the way it was approved. Mr. Williams stated the following: Right and so, I'm here tonight asking for a change, but part of the change was to adjust all of these encroachments also. So, when we looked at, we saw that this existing driveway met all of the sight distances so, we're asking to utilize this. Mr. Higgins stated coming out of that driveway looking to the left, can you see past the house? Mr. Williams stated the following: You can and we went out and actually verified it and the way they do it is 12 FT off of the payment and at a height of 38-inches high and that's where they measured it from and like I said, if you go out there, you can see all the way down Werner Road from where this existing driveway is. If you move 20 FT up a little bit, it goes away and you can't see it, but the house is not in the way from 12 FT back and 38-inches high. Mr. Higgins asked do you think we should have a committee go out and take a look at it? Mr. Ouimet stated okay, in the interim Mr. Nadeau and Mr. Higgins will be the committee to go out and look at the sight distance. Mr. Williams stated I would be happy to go out there with them. Mr. Ouimet stated okay, could you please coordinate that through Mr. Harris. Mr. Williams stated okay.

Mr. Ruchlicki made a motion to schedule a Public Hearing for the June 23, 2014 Planning Board meeting. Mr. Nadeau seconded. All-Aye. Motion carried.

14.063 NB Anna's Place, 95 Werner Road – Sign

Mr. Jeff Williams from Bruce Tanski Construction & Development stated the following: We are proposing to put up a residential identification free-standing/monument sign for Anna's Place. The sign would be located on Lot #1, which is actually across the street from Kelly Lane from Lot #13, the lot that we just talked about. The sign would be on a masonry planter box base with two masonry columns. The sign itself is single sided, it's non-lit and it would be 36 inches x 92 inches or 22.9 SF. The total height of the sign would be 6 FT. Mr. Ouimet asked the Planning staff if they had looked at the sign proposal? Mr. Marlow stated we did and all of the dimensions do meet the code.

Mr. Nadeau made a motion to approve the Sign Application for Anna's Place. Mr. Partlow seconded. All-Aye. Motion carried.

14.062 NB New Cingular Wireless PCS, 204 Brookwood Road – Addition to Site Plan

Mr. Allen Hinkley from New Cingular Wireless PCS, LLC/AT&T stated the following: We are proposing to install nine wireless antennas on the existing Town water tank at 204 Brookwood Road. The installation consists of nine antennas with some related equipment attached to the side of the tank at a height of about 128 FT and I believe the overall tank height is 134 FT so, we're not going above the top of the tank. There are existing antennas on that tank and I believe it's the County EMS communications and they are on the top of the tank so, we would be proposing to use the side. We would also be installing a 11.5 FT x 12 FT equipment shelter at the base of the tank to be located on a concrete pad with an emergency generator mounted on a 11.5 FT x 20 FT concrete pad and there would be access road built to that and power and utilities would be brought into the site using some existing conduits that are actually in place from the road. We have negotiated a lease with the Town Board to this point and one of their conditions was obviously an approval of the site plan by the Planning Board. Mr. Ouimet asked have we conducted any reviews to see whether or not the proposed installation would interfere with the 911 relays that are already on top of the tower? Mr. Hinkley stated the following: Yes, our engineers will work with any interference problems. Again, because this is an FCC licensed frequency and the County's frequencies are also FCC licenses, there should be no issues with any kind of interference and if there is, AT&T will work to correct that obviously before they turn their sites on. Mr. Ouimet stated assuming the Board was to approve your request, what would your building schedule be? Mr. Hinkley stated the following: That's yet to be determined. I'm not handling the construction side and the lease actually is an option in lease, which I believe gives AT&T a two-year option to do the lease. The indication at this point is that they would like to try to start construction towards the end of the summer. Again, that can change based on budgetary issues and things like that, but at this point I believe they're looking to start fairly soon. Mr. Ouimet asked did you say that part of the agreement with the Town is to install a paved road? Mr. Hinkley stated yes, AT&T has agreed to repave the existing roadway that goes into the tank with a surface coat pavement and just patching some of the bad spots in it and then doing a surface coat. Mr. Higgins stated some of that road is off-site and asked if there was an easement there or who owns that? Mr. Hinkley stated there is an easement and there is one parcel that does have an easement to go into the property and that's also being conveyed by the Town as part of the lease for the right to use that. Mr. Higgins stated okay, so you're going to pave the entire length and even the piece off-site. Mr. Hinkley stated they would pave the entire access road that goes in from the road and that was the agreement that they worked out. Mr. Berkowitz asked do you have a timetable when you would pave that road? Mr. Hinkley stated the following: I would assume that it would be done as part of the construction process when they do the construction on the site because obviously they have to do some excavation for the site and once they get all done they would be considering paving it. I did have a conversation with Mr. Harris tonight and thinking about it afterwards; the only concern that I would have with putting a limit on that that you mentioned would be in the event that they do the construction in the wintertime, they may not be able to pave it until after the weather gets better only because you can't pave in the middle of the Winter. So, that would be the only issue that may have to wait until after. Mr. Ouimet stated so; you're that uncertain that they may not do the construction right away. Mr. Hinkley stated the following: I'm not the one that makes the decision on exactly when they build it and that goes to their construction department and it gets scheduled. I don't believe that it's in this year's construction schedule, but once the building permit is issued, they sometimes move them up and do it much quicker than what they proposed. Again, that's all something that is handled at a higher level with AT&T. Mr. Ouimet stated at our pre-meeting Mr. Harris indicated that they pretty much wanted to get started imminently. Mr. Harris

stated the following: I think that was an assumption on my part because I've been dealing with Mr. Hinkley since last June or July and in several cases he was waiting for a response from me and I sensed his urgency and attempted to have a quick turnaround from Mr. Hinkley when the ball was in his court. So, that was an assumption by me that they were champing to go. Mr. Hinkley stated the following: Yes, they are anxious to get it done and as I said, I don't want to commit to the fact because it's not my decision as to when they build it so, I really can't commit to exactly when they're going to start construction. So, I would assume that they will be building it relatively soon. Mr. Ouimet stated the following: The issue that we have is that we'd like to have some finality as to when certain conditions are going to be met. We talked at the pre-meeting that we thought it would be reasonable to say that you needed to pave that roadway within 60 days of your date of final installation of the equipment, but if you're talking about installing in the middle of winter, then 60 days doesn't get you very far. Mr. Hinkley stated the following: After Mr. Harris and I talked at the start of the meeting that's one of the concerns that I have is that in the event that they did start the construction in November instead of September and didn't get it finished until the middle or the end of December, they may have wait until Spring until they pave the driveway because they wouldn't be able to do that. Mr. Ouimet stated right, but our problem is that if we say to leave it open-ended, there's no guarantee that you'll pave it at all. Mr. Hinkley stated the following: You can probably make it a longer timeframe or you could put something in your decision that says something like "in the event" or "weather prohibits pavement", and it would be done once the weather permits or something like that and that would probably be acceptable. I wouldn't see that it would be a huge concern for them because the intent would be once they start construction; they would do the whole construction project once they budget for it and start it. Mr. Ouimet stated I personally would like to see something like 60 days from installation weather permitting and then if the weather doesn't permit, then 60 days from when it permits. Mr. Hinkley stated I think that seems reasonable. Mr. Ouimet stated we talked at the pre-meeting that the paving job would have to be accepted the Director of Water and our Highway Superintendent. Mr. Hinkley stated yes, I think we did discuss that previously. Mr. Ruchlicki stated what we're talking about being paved is that driveway that comes up to the property line, there's what appears to be that that goes all the way around both pads; would that also be paved? Mr. Hinkley stated I believe that we looked at paving the whole loop around the tank and then whatever driveway we have to install, which is very minimal because we're pretty much coming off an existing access.

Mr. Roberts made a motion to declare a Negative Declaration pursuant to SEQRA. Mr. Nadeau seconded. All-Aye. Motion carried.

Mr. Roberts made a motion to approve the Addition to Site Plan application for New Cingular Wireless PCS with the following conditions: (1) The applicant shall install the driveway within 60 days of the installation of the telecommunications equipment, weather permitting; and (2) The driveway construction and installation shall be inspected and approved by the Director of Water and the Highway Superintendent. Mr. Nadeau seconded. All-Aye. Motion carried.

14.069 NB VALERO (Halfmoon Petroleum, Inc.), 1493 Route 9 – Change of Tenant & Sign(s)

Mr. Scott Shearing from Bohler Engineering LLC stated the following: I'm representing our client, Halfmoon Petroleum for a Change of Tenancy and a Signage approval. The site itself is located on the corner of Route 9 and Guideboard Road and I have provided an aerial photo on how the site itself is laid out in relation to the streets themselves. We have a client that is looking to reinvest into this site. Our client would just be opening the existing formerly Getty Station itself and do

some big reinvestments for the site for the underground storage tanks that would have to be replaced and to just cleanup the site itself. It's a very simple plan to get the ball moving and we are looking for the approval to move forward and get this shop open and our client is very excited to move forward on this. Mr. Ouimet asked could you outline what improvements that you're planning on making to this site? Mr. Shearing stated the following: The improvements are relatively simple. There is an existing convenient store that kind of sits just below the existing canopy, it is 663 SF, it will remain unchanged and they are doing a parameter band around the top of it to kind of coordinate with the upgrades of the new branding, which is going to be the Valero brand. The fuel island canopy itself will remain unchanged and it will have new branding around the whole parameter and everything will be freshened up. So, in terms of overall improvements on the site; it's just going to be the canopy itself with the parameter and the branding, the convenient store and the fuel storage tanks. It's a very simple plan just to kind of keep things in check because they are excited about getting it open. Mr. Ouimet asked the Planning staff if he had an opportunity to take a look at the parking situation around that building? Mr. Marlow stated the following: We did look at the parking situation at the site and the applicant submitted a plan that showed ten parking spaces that are required. When we looked at the code in the required parking, they are required to have nine parking spaces. So, they do have adequate parking on-site as it's shown in the plan. So, we're all set on parking as far as that goes. Mr. Ouimet asked are you planning on expanding the convenient market portion of the site? Mr. Shearing stated we are not; nothing will be expanded for the store or the canopy. Mr. Ouimet stated so; you're just going to do cosmetic changes around the building to make it conform. Mr. Shearing stated yes, just cleaning it up and conformance. Mr. Berkowitz stated so; if it's not up to code, you'll make it up to code, correct? Mr. Shearing stated yes, it will absolutely be up to code. Mr. Berkowitz asked does that include fire suppression? Mr. Shearing stated as regulated by the governing bodies that would be in compliance with the New York State Code. Mr. Higgins stated previously they had some aboveground tanks for kerosene and asked are you going to have any aboveground tanks or will the tanks all going to be belowground? Mr. Shearing stated the following: The tanks will all be belowground and I believe the kerosene pad still exists and that will be removed and paved. It's relatively a small pad, but there will not be any aboveground storage tanks. Mr. Higgins stated okay and one of your handicap spots is 10 FT wide and the other is 8 FT or is that just a single spot there? Mr. Shearing stated the following: The handicapped spot is 8 FT and the 10 FT spot represents just a standard typical spot. To the right of the handicapped spot is the unloading zone that has the hash mark. So, what you're seeing as a 10 FT wide spot is a traditional parking spot. Mr. Higgins stated the following: You're losing me there. So, the handicapped spot is 8 FT and then there is the reserve spot to unload the handicapped to the left or is that a parking spot? Mr. Shearing stated that's a parking spot. Mr. Higgins stated the following: #1 – the handicapped spot should be the same size as a parking spot, which is 10 FT x 20 FT and I thought for handicapped parking; isn't there supposed to be a designated unloading area to the side of handicapped parking? Mr. Shearing stated you're absolutely right, it should be 10 FT and the area to the right there would be a designated unloading area. Mr. Higgins stated okay, the area to the right. Mr. Shearing stated that's correct. Mr. Higgins stated and with the number of spots, you're only required to have one handicapped spot, right? Mr. Shearing stated yes. Mr. Higgins stated the following: As far as the access road that goes out to Guideboard Road; from a personal experience I have seen cars cutting through there and making a shortcut. Do you have any plans to change that to a one-way or to do anything different then the way it is now just for safety concerns? Mr. Shearing stated the following: Well, as a functioning convenient store and gas station; I think it will be a deterrent when there is somebody looking to take a shortcut and I believe it would actually be somewhat of a hindrance to still try to create a pass through. Would you recommend

that or do you have suggestions? Mr. Higgins stated I have no idea, but I know when they originally came in years ago, that they have presented it as a just an access to be able to get from the strip mall down and they really weren't presenting it as an often used access, but I think over the years it has become a lot more used area. Mr. Ouimet stated I think we talked about this at the pre-meeting and I think the result of our conversation at the pre-meeting was that we are going to refer it to our engineer to take a look and make sure that all of this stuff works as proposed. Mr. Higgins stated okay, I just wanted the applicant to know that this is a concern. Mr. Shearing stated I will offer that it's about 24 FT wide and I believe it has been functioning as a two-way access forever. Mr. Ouimet stated the following: I'm not so sure because I've used it to get to Guideboard from the gas station when it was a functioning gas station. I have not seen two vehicles pass because it is also used as the entrance road to the plaza that's above you. Mr. Shearing stated I understand that, yes. Mr. Roberts stated as we said in the pre-meeting; that access was not intended to be used going from Guideboard Road into the gas station and the entrance to the gas station is intended on Route 9. Mr. Shearing stated what we could do is that we could post a sign that says "no through traffic" to insist in that. Mr. Ouimet stated I still think that I want to refer this to CHA to take a look. Mr. Higgins stated I agree and I think we should have Mr. Bianchino take a look at it. Mr. Ouimet stated are you planning a dumpster area here because we can't locate it on the plan that you gave us. Mr. Shearing stated we have an independent building that is actually the restrooms and we'll probably put the dumpsters to the outside of that building. Mr. Ouimet asked will the dumpster have an appropriate enclosure? Mr. Shearing stated yes, I understand and the convenient store is only 663 SF and it's not going to generate a lot debris, but absolutely we will have an enclosure. Mr. Nadeau asked can you explain what's on the northern end of the site; what is that wood curb flush? Mr. Shearing stated I believe that was part of a landscape retaining area at one time and that will be removed because it certainly would be a hindrance for plowing, for maintenance and it's rather unsightly. Mr. Higgins stated yes, but you're not going to be plowing over there because it's past your electric transformer. Mr. Shearing stated I'm sorry, that's actually in the greenspace and we won't be plowing over there. Mr. Berkowitz asked how much greenspace is there? Mr. Shearing stated the following: It is all existing, but I did not run our percentages. The lot itself is 1.28-acres and I would conservatively say that it's over a third of the property. Mr. Berkowitz stated where is the greenspace? Mr. Harris stated what we discovered and you might have seen this in the late 90's; they acquired the parcel to the south and combined it with the lot with the Getty property and that's almost all grass except a little paved area next to the Ruddy parcel and when you add that in, it's easily 30%. Mr. Berkowitz stated okay, I just don't remember any grass growing there. Mr. Harris stated the following: It would be the right or to the south and it's overgrown. When you look at Getty plan approved in 1999 or whatever, it doesn't have any of that to the south of the driveway or the access so, we combined it. Mr. Nadeau asked do we really need to have that access at all and can we maybe do away with it at this site plan review? Mr. Ouimet stated well, let's get a better definition of it after CHA's review and then we can determine whether or not to do it. Mr. Ouimet asked do we want to do anything with the signs at this point in time? Mr. Roberts stated I would think that we should wait to do the whole thing together. Mr. Ouimet stated okay, we're going to wait for our engineer's review before we do the signs as well. Mr. Shearing stated okay.

This item was tabled and referred to CHA for further review.

14.066 NB Fred's Tents, 420 Hudson River Road – Change of Tenant/Use & Sign

Mr. Fred Tracy, the applicant, stated the following: My wife Linda is also with me tonight. We own Fred's Tents & Canopy's in Stillwater, New York. We're looking for a Change of Tenant and Sign application for 420 Hudson River Road. We don't rent tents and we actually manufacture tents for the movie and sporting industries. We employ about 45 people and we are trying to keep these employees in Saratoga County and we had looked at Montgomery County and Amsterdam west. We are looking to occupy the Yankee One Dollar building and converting it. At this present time we are going to utilize around 40,000 SF and have another 40,000 SF where we'd like to have possibly one or two tenants in there to help us until we ramp up and can utilize the whole building. Mr. Ouimet asked do you have a display area planned. Mr. Tracy stated the following: I do and it was on the original map at my pre-meeting. We sell all over the world so, we bring in clients and at this particular site we would like to utilize this back area if we have to, but I called it out on the drawing and it was 100 x 100 area on the map that you have for a display area. Mr. Harris stated Mr. Tracy kind of sketched over an old version of a site plan that we had in our files. Mr. Ouimet stated when it's not used for display what is it used for? Mr. Tracy stated parking. Mr. Ouimet stated alright so, you would be taking how many parking places away when you're displaying? Mr. Tracy stated it depends on the size of the tent. Mr. Ouimet stated well, you have to give us some idea because we're going to have to figure if you have enough room. Mr. Tracy stated the following: Let me see if I can answer your questions another way; anything that we would give up here in display; we have access parking in another area that would fill that number. Mr. Ouimet stated the following: I'm not all that concerned about your operation that you're proposing to move into this building; it's the unknown and it's the two tenant spaces that you want to lease out. If the tenant use calls for a significant amount of parking based on who you lease it to, you're not going to have parking if you're showing a display. You may be fine for your initial operation, but as you expand it you may be shorting yourself in parking and as of now this Board doesn't have the authority to waive parking requirements and you'd be forced to go to the Zoning Board of Appeals (ZBA) if you get a tenant that eats up your parking is what I'm saying. Mr. Tracy stated the following: Can you just clarify that for me. That's one and half employees per parking spot, correct? Mr. Harris stated the following: Yes, for manufacturing and for your use of 40,000 SF of the total 80,000 SF based on what you provided for employees, you require 23 spaces and there are 104 spaces on-site. So, that leaves 81 spaces for what would be a vacant 40,000 SF tenant space. So, while a warehouse use which is what I think your idea is for the remaining tenant and the remaining 40,000 SF, it will be dictated by the number of employees. Mr. Tracy stated the following: So, what does the Town want for tenants? We're going to go out and look for a tenant for that 40,000 SF and then what does that do to jump us out of that one and half employees per parking space. Mr. Murphy stated I think what the Chairman is doing is just cautioning you to be conscious of the issues as it relates to parking because you are using some of your parking for you display area. So, this Board can't dictate what you put in there, but you should check with Mr. Harris and keep in contact with Planning when looking at potential tenants just to make sure that it won't be an issue for you. Mr. Tracy stated the following: Correct. I just want to clarify and I want to make sure this Board and whoever else we have to go in front of and if we do, this spot is not for us if we can't use a display because the spot that we're in now we currently have to go to another location to set up a tent if we have client come in from Germany and it's inconvenient. We want to be able to set the tent up at our location, let them come in to take a look at it and then take it down. Mr. Roberts stated I think the best thing you can do is plan on that and whatever tenant that you get, make sure you have parking leftover so you can do your display area and accommodate those tenants as well. Mr. Nadeau stated in other words, don't get a tenant that's going to require a 110 parking spaces. Mr.

Tracy stated so; they can only commute on a motorcycle. So, we're going to get a tenant that they all have to drive motorcycles and asked can I get two for one? Mrs. Murphy stated the following: The best example that I can give is a restaurant is a permitted use. If you were to put a restaurant in there, it would lower your parking. So, that is what the Board is questioning you about. Mr. Tracy stated I don't want a restaurant. Mr. Harris stated the following: I can just give you an idea; for the remaining 40,000 SF there is a different parking calculation for storage and that would be 1 parking space per 1,000 SF plus one parking space per employee. So, what that means is that you have 40,000 SF and you're going to lease it out to warehouse and that right there is 40 parking spaces and then you basically have 41 employees for that 40,000 SF and that gives you 81 parking spaces. Now that is using every one of the parking space and if you're going to eat up, we'll say liberally 20 parking spots for these tents and that cuts you down to 40 parking spots plus 21 employees for that warehouse use. So, you have ability depending on how many employees are going to fill up that remaining 40,000 SF and how far you can go. So, I think what Mrs. Murphy was trying to say was to contact us with a perspective tenant and then we could give you an idea if you tell us how many employees you could have. Mr. Higgins asked how often do you setup these display tents? Mr. Tracy stated the following: I would say that's two questions in one. One I would say; four to five times a year that we would set them up and then the other buildings that we build it. I design and manufacture them so, before we send them to an engineer, we have to design those buildings, put them up, go through it and we do an engineer calculation and then we actually do an existing model. So, there are two things that we're asking within that space. Mr. Ouimet asked is this going to be a permanent display. Mr. Tracy stated no, and let's define "permanent display". Mr. Ouimet started so; you put them up and then take them down, correct? Mr. Tracy stated the following: If we build that building, this is going to up and it may go through a winter because it's engineered for snow load. So, I just want to be clear and I don't want to get myself back in here and have to go in front of you for something, but if it's a new arch that we make, we'll get engineered and then we actually make an existing model, put it up, prototype it and if everything checks out, then that comes down and we'll usually sell it as a discounted unit hopefully to you for salt storage or something. Mr. Higgins asked is there any more room or is that the entire site? Mr. Berkowitz stated on the map it looks like you can actually move it a little bit more towards the tracks. Mr. Tracy stated yes, there is a grass area there. Mr. Berkowitz asked do you need to set it up on the pavement or can you use grass? Mr. Tracy stated pavement is preferred and I got called for 100 x 100 and the largest tent that we make that we put up and down in the catalog is 80 x 80 right now and we may put up a 30 x 30 within that 100 so, I'm only losing 3 spots. Mr. Berkowitz asked can you park cars within that tent? Mr. Tracy stated yes. Mr. Berkowitz stated there you go. Mr. Ruchlicki stated you know what your largest unit is and you just described it perfectly. Mr. Higgins asked what is the area behind the building? Mr. Tracy stated the following: The railroad tracks are over here, that's Hudson and that's the main building and there is a pond. So, are we all set on the parking and the display area? Mr. Ouimet asked Mr. Harris if there was enough parking. Mr. Harris stated there is adequate parking for this tenant and his largest unit. Mr. Ouimet asked how many spots are there on the entire lot? Mr. Harris stated we came up with 104. Mr. Berkowitz stated he has covered parking when those tents are up. Mr. Harris stated correct. Mr. Berkowitz stated so; he's only losing a couple of spots. Mr. Harris stated I understand the winter type of structure that could cover cars, but when we had met, I was under the impression that you put them up for a specific client and they are only up for a few days at a time normally. Mr. Tracy stated correct and I had gone to my boss and wanted to make sure that it was clear that both prototypes or types of tents that we put up would be covered so yes. Mr. Harris stated when they come in for a tenant for the remaining 40,000 SF, it's going to be important in terms of how many parking spaces are left once you remove any spaces from the

calculation that are used for tent display. Mr. Tracy stated for clarification; if I have a storage or warehousing client and they are just going to use it for warehousing and they have four employees, do I still have to have 41 spots? Mr. Harris stated the following: You would have to have four spots in that case; one per 1,000 SF plus one per employee. So, that's for the employees and you can't really change the square footage if you're renting the entire 40,000 SF. I think that will be an important conversation in terms of parking and what those temporary tent setups are taking away. Mr. Tracy stated I really think there are two approvals here; one for us to become a tenant and it looks like I'm going to be coming back in front of this Board or my tenant is so; it's has to work for both of us. Mr. Berkowitz asked is there room for expanded parking if he needs it? Mr. Tracy stated I think we have enough parking and I think we're getting hung up on the display, which is something that we want to do that we don't have at our existing location. Mr. Ouimet stated right and you don't have a special display area and it's in your parking lot. Mr. Tracy stated correct. Mr. Ouimet stated right and then you maintain it in your parking lot as best you can. Mr. Tracy stated the following: Yes, there or on the grass. We're doing the Special Olympics in New Jersey and they're all small tents and if they came in and took a look it, the biggest tent there is 20 x 30 and we would set it up on the lawn and we wouldn't lose any parking spots. Mr. Harris stated the following: He does have some in the front of the building if he needed to have parking and there is additional room in the back and I would just caution that because it is a stormwater management area so I'm not sure how far back. You could probably push a tent back further closer to that than to add additional paved parking. Easily you could squeeze in, and I'm guesstimating, a dozen to two dozen parking spots somewhere on that site. Mr. Ouimet stated okay, you also have an application for a sign and what do you want to do with the sign. Mr. Tracy stated I want to the sign, but the other thing that was on my application was that front walk and did you mention that in the pre-meeting? Mr. Harris stated it's on that plan and they want to put in a walk to the other loading zone that you can't really see. Mr. Tracy stated the following: This door is in the building so, if you face the building, it would be the left building and it has a dock door that goes out to grass. I'm not asking for a State curb cut or anything, I just want to be able to access that door with gravel or something to utilize that dock door. Mr. Ouimet asked what size vehicle would you use? Mr. Tracy asked what size vehicle? Mr. Berkowitz asked is that a walk, a walking path or is it for a vehicle? Mr. Tracy stated yes, for a truck. Mr. Higgins stated but it's going to go and tie into your existing door, correct. Mr. Tracy stated correct. Mr. Higgins stated okay, so it's not going out to Routes 4 & 32 or Hudson River Road. Mr. Tracy stated correct and it's not a curb cut and I just want to access that door. Mr. Higgins stated so; you're just reducing the greenspace a little bit and that's all. Mr. Tracy stated the following: Correct. My sign is well within the square footage of the building for my sign and at the base of it has two proposed tenants and I left rooms for those tenants to put their names on it. Mr. Roberts stated the sign is a 4 FT x 8 FT freestanding/monument sign with flood lighting and it meets our requirements. Mr. Nadeau stated so; you do understand what you're using in your own facility is going to limit you to what you can lease out for the rest of the site. Mr. Tracy stated no, I don't understand how you are stating it to me. Mrs. Murphy stated what we just talked about as far as the fact that you couldn't put a restaurant in there because you're not going to have sufficient parking if you put in a use that has excessive parking demands and that's just the constraints of the site. Mr. Tracy stated the following: I'm looking for a warehouse client for distribution or somebody else. So, I'm not looking for a restaurant and I don't want a restaurant client. Mr. Ouimet stated welcome to Halfmoon. Mr. Roberts stated yes and in your advertising please use Halfmoon.

Mr. Roberts made a motion to approve the Change of Use/Tenant application for Fred's Tents. Mr. Berkowitz seconded. All-Aye. Motion carried.

Mr. Roberts made a motion to approve the Sign application for Fred's Tents. Mr. Berkowitz seconded. All-Aye. Motion carried.

Old Business:

14.042 OB

Jack Byrne Ford, 1003 Hudson River Road – Addition to Site Plan/Special Use Permit & Sign(s)

Mr. Walt Lippmann from McDonald Engineers stated the following: I'm representing Jack Byrne Ford at 1003 Hudson River Road. As you know, we were in front of the Board on April 14, 2014 in which it was denied due to several variances. In the meantime, we did attend May 2014 Zoning Board of Appeals (ZBA) meeting applying for an expansion of a non-conforming use as a auto dealership is not a permitted use in a M-1 Industrial zone. Also, the greenspace percentage and also an area variance for the front yard setback. The ZBA set a Public Hearing for June 2, 2014 in which we presented again in front of the ZBA and the three variances were granted at that time. I'm going to go through a quick overview of some changes that we did include both from being in front of the ZBA and also receiving the technical comments from CHA. The proposed project is a 2,700 SF addition to the southwest corner of the facility. It's going to be an expansion of the showroom as well as a service area. The service area will now have two exterior doors and as the customer's lineup in inclement weather, they can go right on in and going to the right hand side will be a service advisor that they can to let them know what is going to be done. The existing single door will remain and as you bring the cars into these two doors, they will then file them in single file into that existing overhead door. The addition that is here has about 20 FT of the proposed 50 FT addition will be showroom space. Also, as part of the project is the whole southern face of the existing facility; the façade will be redone and a little bit on both the east and west ends just to blend it into the existing. Also, as part of this project Jack Byrne has consolidate three lots. The first one was the main lot in which their existing dealership is located, the second one is over on the northeast corner and the last one is this strip in the back, which is actually the access road to the quick claim in the back. By doing the consolidation we were able to eliminate additional variances that would have been required for setback requirements not only for the metal building in the back, which we were able to eliminate a rear and a side setback. Also with the existing dealership, we would have had setback violations on the north and east end as well. So, by doing the consolidation we were able to eliminate several other variances. In talking with the ZBA, we do have an 18 inch landscaping strip and we do show a landscaping plan over here as part of greenspace. We're not decreasing the greenspace as part of the project; however, we weren't increasing it to the 20% requirement. So, on top of this there's also existing growth of grass out this way and what we're proposing is that this area will now become a lawn area with some landscaping on the southern tip of it and that was an addition. Also, due to the site visit by the ZBA when we were out there the setback variance for the front, which is 15 FT we're proposing to make that a one-way only northbound so traffic will be able to go in a clockwise direction and it's 15 FT and a typical lane of traffic is 12 FT, but there isn't room to have two lanes. So, we can't get 22 FT in there so; we're going to designate that as a one-way only. Also, we do show the circulation of fire access that they get around the building at all times because there will be no vehicles parked within this path here shown in red. Another issue that came up that I would like to show; as you know we received a letter this morning from Saratoga County Planning on some New York State Department of Transportation (NYSDOT) questions so, we tried to get something together as quickly as we could with the short timeframe. I was able to speak with Mr. Matt Haggerty from the NYSDOT and he put me in contact with Mr. Kevin Novak. I wasn't able to get a response back from Mr. Novak, but I was able to get the 2008 bridge replacement plans, which

shows as part of the NYSDOT's work that they installed the curb cut going into Jack Byrne Ford off of Route 4 & 32, which also includes paving and the installation of this concrete gutter. So, the one question that came up was the width of this curb cut and that was something that was incorporated as part of the project back in 2008. So, another revision that was made due to the technical comments; there was parking originally shown across the concrete gutter and there are 15 spots that have been eliminated so, the total parking spots from 425 to 410 that can still handle the 30 parking spots for staff, 30 parking spots for customers and the inventory is usually 250 to 350 and that leaves the 350 for the inventory. Mr. Higgins asked where is the Quick Lube; is it on this site or is it on another site? Mr. Lippmann stated actually it's on a different site and it's off the map and it would be out in this location. Mr. Higgins asked where is the access to that then? Mr. Nadeau stated it has its own access as it goes off of the side street. Mr. Higgins stated okay so, there's no access from this lot into the Quick Lube? Mr. Lippmann stated it's through the back and this narrow strip is actually the access to get to this back parcel, but yes, you can also access it through the back also. Mr. Higgins stated I've gone there to pick up parts before and where do you propose people are going to park. Mr. Lippmann stated the parts department; there's going to be a door back here for parts and this is going to be the new parts designated area. Mr. Higgins stated as far as service; if you just want to walk in and talk someone, where would you park your car in the front if you didn't want pull in to the service bays? Mr. Bryan Lamansky from Bette & Cring Construction Group stated the following: There are parking spots in front of the dealership so; they will be there for customers. I think part of what Ford wants to do is to get people to come in. So, you can actually bring your vehicles inside. As of right now, everybody pulls up in front of the garage door and then walks into service. I think their new plan is to have people pull up to the door and have a service technician greet you at your car and then bring you in and then that technician will take your car in. Mr. Higgins stated agreed, that's the way things are supposed to work, but let's say that I just want to go in and talk to a service manager and not bring my car in, are those spots in front going to left empty or are they going to be display spots? Mr. Lamansky stated the spots at the building will be left empty. Mr. Ruchlicki stated I know why Mr. Higgins is asking what he's asking because we're used to the way it is now. That orange or red corner that you show there; that's how we're used to coming in there and going into parts, going into the service bay and all of that and you have your offices there to the right hand side. So, when you redo the building and put that new façade on it, is that going to change that access point so that it's in that back corner that you pointed out on the back lot? Would you still be able to access through that area on the front side of the building or are you trying to make it so that everybody would go around to the back? Mr. Lamansky stated the following: You're familiar with building and you know where the current customer waiting is and as part of the showroom expansion they're going to be putting a new customer lounge that will be right off of the showroom and the existing customer service 10 x 10 room in the back, the existing door there is going to be reconfigured to allow you to come into a vestibule to access the parts directly. So, the intention would be to have people that want just parts to be able to pull right to the back and not have to walk all the way through the building. Mr. Ruchlicki stated the following: I'll be perfectly honest with you, this time of the year I would go to that front corner just because of the way the building layouts because it's wide open and you can go right in there and walk into parts. However, but in the wintertime it presents a little different situation because that's all closed up and that overhead door is closed so you can't really walk in there as conveniently as you normally would. So, by reconfiguring the building itself, you'll change that. Mr. Lamansky stated the following: Let me show you the floor plan which may help clarify; right now the service lanes come in right through here and this is where you're used to coming in to walk right into this door into the service write-up and the parts department is actually through the garage and into here. These parking spots out back here and

you'll actually be able to pull around the side of the building and walk directly into this door to the parts counter. So, it will actually be even closer and more convenient and again, we're just trying to get that traffic around the back of the building. Mr. Higgins stated and those parking spaces will be left for the customers. Mr. Ouimet asked how do you access the showroom; through the front or through the side because right now it's either side. Mr. Lamansky stated the following: The main showroom entrance will be underneath the new Ford tower so, when you park up in front, you'll actually walk through essentially the main entrance. There is still going to be the side door and there is going to be a small man door on the side of the actual service drive. So, that way in the wintertime or summertime if they want to go outside, they don't have to open up the entire overhead door just to go out. Mr. Ouimet stated so other than handicapped parking in the front of the building that you're proposing, where are the showroom visitors supposed to park? Mr. Lamansky stated there are two parking spaces here. Mr. Ouimet asked and those are not handicapped? Mr. Lamansky stated no, there are three handicapped spots in front and there are two more additional spots over there. Mr. Ouimet asked so, why are you making handicapped people walk further to the door then the other two? Mr. Lamansky stated the following: They are actually centered on it and the third spot had to pick either left or right. So, whether we moved it to one side of the entrance or the other you'd still be at the same distance. Mr. Ouimet stated the following: So, other than the handicapped parking, where are the showroom customer supposed to park? The only reason why I'm asking this question is because I bought four cars from Jack Byrne and I always parked over by the garage side and walked in that side door. Mr. Lippmann stated these back spaces would be available. Mr. Higgins stated yes, but people aren't going to pull out back to go in the showroom in the front. Mr. Lippmann stated I mean back as in there are two near the backside. Mr. Ouimet stated I always remember that as being show space area or a display of some nature. Mr. Jack Byrne from Jack Byrne Ford stated the following: Ford's main objective is to bring people to the center and as my father has always said "more cars, more cars and more cars all over the place", but we have to try to move away from that and again, main parking would be here and it's available and if need be, we can just make our display here. Mr. Higgins stated the following: Don't feel that we're picking on you because that's a major problem and as with any car dealership, you want to have your cars out in front where people can see them, but then it presents a problem and safety concerns when people have to park a long way away and have to walk through the parking lot to get to the showroom. We just went through this with another dealership in the last couple of months where we had them designate certain spots for customer parking. They're not display spots, they're customer parking spots and that's why we are asking the question because we have to have a good feeling that there is a place for people to park when they want to come and look at a car. So, that's the reason why we are asking these questions. Mr. Ouimet stated along those same lines, are you going to still have the late night drop offs and the early morning early bird drop offs where people just park their car in your lot and throw the keys underneath and stuff? Mr. Byrne stated into a drop box. Mr. Ouimet asked are you going to have designated parking places for those people to park in because I recall that to be an issue once or twice in my lifetime where I couldn't find a place to park and I had to park in the back, along the side or anywhere I could find a slot and probably even in one of your display areas. Mr. Lamansky stated there are spaces down along here and the drop box would be located right here on the side. Mr. Ouimet stated the following: Yes, but would they be designated specifically for that purpose because that's one of the real issues? As Mr. Higgins said, people pull in there at all hours/crazy hours and then you have to keep your aisles open because that's a flow issue and we're going to get to that in a minute. I just hope you thought through all of this as you were laying this all out and it all plays into what you want to do. Mr. Lippmann stated we do have the appropriate parking spots, but yes, I understand what you're saying to designate each particular

spot as a certain area. Mr. Ouimet stated you have the appropriate number of spots is what you're saying. Mr. Lippmann stated correct and now you're saying to designate that this is parts parking, this is showroom parking, etc. Mr. Ouimet stated all I'm saying is sometimes failure to designate causes confusion on the part of the people and they park where they should park or they park in the roadway, they park in front of the doors and all the places you don't want them to park. Mr. Lippmann stated yes, that's something that could be done. Mr. Ouimet stated I know there were a number of comments that are open from CHA's review of your proposal. Mr. Bianchino stated the following: Yes, I will go through them. We do back and forth with a couple of letters with these guys and a lot of the comments have been addressed on this plan as we go through it. There were a couple of things that were outstanding that I think the Board is certainly familiar with; the parking spaces that encroach out onto South Main Street and that are accessed from South Main Street. Again, I think we raised concerns knowing that this is an existing site, but we still wanted raise issues that exist out there for the Board to consider in their decision. These guys already talked about the parking spaces that were in the right-of-way on Routes 4 & 32. Mr. Ouimet stated those are being removed, right? Mr. Lippmann stated correct. Mr. Bianchino stated yes, they were already removed and we also talked about the egress across the site from South Main Street and the issue of potential conflicts cutting across and through the site. Mr. Ouimet asked what was their response to that? Mr. Bianchino stated I think it was one of those "comment noted", but no changes were proposed. Mr. Lippmann stated we weren't proposing any changes within the NYSDOT right-of-way. Mr. Ouimet stated so; you are taking issue with the comment of CHA's saying that there are conflicts posed by the layout that you're proposing? Mr. Bianchino stated for clarification; they weren't proposing the layout as the layout exists. Mr. Ouimet stated but you pointed out conflicts. Mr. Bianchino stated I think our concern was because of the proximity and the width of the existing curb cut on Routes 4 & 32, the proximity to South Main Street and the opportunity for people to kind of cut across the front of that parking lot going from one end of the parking lot to the other and we were a little concerned about that. Mr. Ouimet stated the following: Well, isn't that the same concern that the County voiced when they said "that this may result in the increase of the development of the site beyond what it can sustained for safe and practical site access"? Isn't that the same thing? They're two competing entities that the County Planning Board and the Town's engineer have pointed out conflicts. Wasn't that issued raised by the ZBA? Mr. Lippmann stated no. Mr. Ouimet stated so; there are no conflicts as far as you're concerned from having the parking in the right-of-way or accessible from South Main Street, correct. Mr. Lippmann stated correct, it's accessible and there is no buffer in between. Mr. Ouimet stated so; people can just pull off of South Main Street into the parking lot or from the parking lot right onto South Main Street and you don't have to go to a designated travel lane or anything and you can just pull out or pull right in, correct? Mr. Lippmann stated correct, that's how it is. Mr. Ouimet stated and that's fine with you because it seems to me that that's a public safety problem. Mr. Lippmann stated it was existing. Mr. Ouimet stated okay, it exists, but the whole site is up for review. Mr. Lippmann stated I guess the question raised was has there been a lot of accident reports? Mr. Ouimet stated I don't know, maybe we'll ask you to get one. Mr. Lippman stated okay and maybe they'll have some history for that. Mr. Ouimet stated so, if there are no accidents, then you could still pull right in off of South Main Street into a parking spot and from a parking spot right out onto South Main Street without going to designated turn lanes. Mr. Lippmann stated if that is something that the Board is going to require, we can certainly look into it. Mr. Nadeau stated the following: Again, I'm quite familiar with the site because my business is across the street from it and I know what we're looking at doesn't typically go as per our plans, but being there that long I can honestly say there's not any big issues in that intersection. Not that it is right. Mr. Ouimet stated actually I'm not talking about the intersection; I'm talking about those parking

spots that are right along South Main Street. Mr. Nadeau stated I understand and there are many times when there are not a lot of cars there and they do pull in there, but to say it's a bottleneck or it creates all kind of hassles, I haven't seen it. Mr. Ruchlicki stated the following: It is truly a unique situation that you have there with the way the road is and the way the lot is and I know Mr. Nadeau is familiar with it and I'm familiar with it. I honestly don't know how you could make it any different. Mr. Ouimet stated well, isn't there a buffer that could be proposed to block off the ability to pull straight out of the parking spot onto South Main Street? Mr. Bianchino stated the following: There are many things that you could do to close that off that would require the construction of some kind of a grassed island or something and a reconfiguration of the parking. So, there are a lot of other improvements that could be done to resolve that. You'd probably lose that first row of parking spaces that encroach out on to South Main Street in order to do that. Mr. Ouimet asked is that 23 spaces? Mr. Bianchino stated it's half of the 23 spaces. Mr. Higgins asked are those 23 spaces that are there doubled. Mr. Lippmann stated it's the total. Mr. Higgins asked how can they show spots that are not on the property? Mr. Bianchino stated well, they exist and that's why the site plan shows those. Mr. Higgins stated well, whether they exist or not, if they're not on the property how can we as a Board count them? Mr. Berkowitz asked why aren't they on the property? Mr. Higgins stated they are on the road. Mr. Ouimet stated they are substantially are on the property, but they go over. Mr. Higgins stated well, it looks like about half of it. Mr. Nadeau asked should we have a committee go to the site? Mr. Ouimet stated I think we're going to have to because we have to look at that and we have to look at the aisle configuration, which was another one of Mr. Bianchino's comments. Mr. Higgins asked Mrs. Murphy for a legal interpretation of whether this Board can count spots that aren't even on the site? Mrs. Murphy stated the following: I'll look into that issue, but I think what everybody is saying is that they exist already so; they just put them there because they're already there. It's a pre-existing, non-conforming and they were allowed to be put there previously. They're now pulling the site back into conformance, but I would have to do a little bit of additional research before I could tell you specifically if we could mandate that they remove them. The idea of going down and reworking the site so that that's a barrier is just going to change the entire flow of what they are proposing. I'm saying that you can't do that, I'm just saying I think when you go down there you'd make a decision. Mr. Higgins stated well, I'm just questioning whether or not we can even count those spots being that they're not on the property. Mrs. Murphy stated the following: It's not that they're not because they are in the right-of-way. It's like having your mailbox in the right-of-way as it is on your property and it's just in the right-a-way. Mr. Berkowitz stated well, the cars are parked in the street. Mrs. Murphy stated right, because they are not parked in the street and they are in the right-of-way. Mr. Ruchlicki stated the following: From what I was talking about as far as that being a unique situation, your inventory consumes that area that we're talking about and people coming down that road don't just pull in anywhere they want because they can't and your inventory consumes that whole stretch and it always did. It's been that way since I was a kid. The long and the short of it, that's why I said it was a unique situation and I know Mr. Nadeau is down that way and he's aware of it. So, the way that lays out outside of that access road that goes up to the oil change, that whole section is pretty much tied up with your inventory and it always is. I can't think of any time that I've ever driven down through there and not seeing the whole section full of vehicles whether they're trucks or cars, it doesn't matter. Although, I think it's worth a look by the Board. Mr. Lamansky stated the following: Also, part of the scope that we're doing is that we are going to be re-striping this lot. So, when you drive by and see it, you'll see that the spots are fairly faded, but we will be re-striping that to make sure that it's clearly defined. Mr. Higgins stated the following: Would you be adverse to designating those 23 spaces as new car display spaces and designating the 16 spaces out front as customer parking spaces? I know now that you have new cars all

around there and that was the point that I was trying to make earlier and I for one, would like to see spots designated as parts parking, service parking and customer parking. I know that you don't do it now, but the trouble is, as Mr. Ouimet is saying, you're asking us to look an existing site and modify the existing site and we've done the same request with several other dealers that have come in and we had them designate customer parking because it is such a tight spot and if you don't designate some spots for customer parking, where are the customers going to park? They're going to park in the designated areas that you have as your circulation and you're limiting the one-way around the building and you're going to end up having bottlenecks in there and that's what we're trying to prevent. Mr. Ouimet stated Mr. Ruchlicki, Mr. Higgins and Mrs. Sautter will be the committee that will do the site visit and asked the Board members to coordinate the site visit with Mr. Harris and I would like you to specifically look at that particular area. Are there any other issues that Mr. Bianchino wanted to talk about? What about the width of the aisles? Mr. Bianchino stated I think we resolved that with making it a one-way.

This item was tabled for further review.

14.050 OB Effie's Boutique, 1 Birchwood Drive – Commercial Site Plan

Mr. David Hopper stated the following: I'm an architect representing Mr. Jimmy Vasilakos and Ms. Effie Varelas who are proposing a boutique at 1 Birchwood Drive. We were before the Board on May 12, 2014 and as a result of the denial letter there were seven items that were identified as non-compliant and we were directed to go to the Zoning Board of Appeals (ZBA). I was able to make some adjustments to the site plan to bring us into compliance with four of the seven items as the new plan reflects. The first two items we could not comply is the lot size for a commercial lot requiring 25,000 SF and our existing lot only has 16,965 SF. We also do not comply with the frontage requirement, which would require a minimum frontage along Birchwood Drive of 150 FT and the current property frontage is only 100 FT there. I did make some adjustments to the location of the building pushing it further away from the property line to bring it into compliance with the 25 FT setback on the rear of the lot. Item "D" was the transition yard requiring 100 FT or 50 FT with an opaque fence or evergreen plantings and we're proposing some evergreen planting and we are currently negotiating with the neighbor regarding that. The last three items we were able to bring into compliance with the discretion of the Board's approval of the 9 FT x 20 FT parking spaces and we were able to add another parking space around the rear of the building to bring it into compliance with the requirement of 12 total spaces. I was also able to widen the isle from the original 16 FT to 22 FT. So, we presented this plan to the ZBA and because it was not the same plan that was reviewed by the Planning Board, they told us we had to come and present it you again for a denial. Mr. Ouimet asked so; this is something that we are seeing for the first time tonight, correct? Mr. Hopper stated yes, the revised plan. Mr. Ouimet stated while you have been able to address some of the code issues that we viewed as zoning violations before and you weren't able to address them all so, some still exist, correct? Mr. Hopper stated that is correct. Mr. Ouimet asked Mr. Harris which zoning issues were still open. Mr. Harris stated the following: There are three definitive variances that they would need that there is nothing that they can do about through design purposes on the existing lot, which as you mentioned were; lot width, lot size and transition yard to the neighbor to the south. Design wise there is nothing they can do with the lot to get rid of those. The only one that is within the discretion of this Board is the dimensions of the parking spaces as code requires 10 FT x 20 FT and the last time they were in I think they showed 9 FT x 18 and our code allows the Planning Board discretion with an emphasis towards the discretion being used for employee parking spaces to allow 9 FT x 20 FT. I think due to the tightness of the site because of the other factors raised, they are proposing all of the parking

spaces to be 9 FT x 20 FT and they are requesting the discretion of this Board on that point. If you do not give an indication that you're going to support that, they would need a variance, which is already listed as a variance for the ZBA to consider. So, I think they're asking for clarification, and I don't know if approval is the right word, but that this Board will entertain 9 FT x 20 FT for all of the parking spaces in order to meet the 12 parking spaces required on the tight site. Mr. Ouimet stated do you mean less than 9 FT x 20 FT? Mr. Harris stated no, they are proposing 9 FT x 20 FT parking spaces. Mr. Higgins stated historically this Board has looked at 9 FT x 20 FT as employee parking so, they can make the building smaller and have one less spot and do 10 FT x 20 FT as far as I'm concerned and that's my personal opinion. Mr. Nadeau stated I think we could have Mrs. Murphy give us a scenario of the deed restrictions on this site just to make sure the applicants are aware of it. Mr. Higgins stated okay, I was just addressing the parking. Mrs. Murphy stated the following: Mr. Harris has assured us that he has had several conversations with the applicant with regards to the existing deed restrictions, the restrictive covenants that are with the property that say that it won't be used for a commercial use. This Board understands that they don't have the authority to enforce that covenant, but that the Planning Department has been approached by several residents who have in fact expressed their willingness to go forward and in fact enforce that covenant. So, just so everybody is aware of that. Mr. Ouimet stated so; the applicant acknowledges that he is aware of that, right? Mr. Hopper stated yes. Mr. Jimmy Vasilakos, the applicant, stated the following: My dad owns the property and he bought it as a commercial property and it got signed by the majority of the neighbors in there and it is filed with Saratoga County and if anybody needs a record, we do have the book in his possession. Mr. Ouimet stated that's alright, we just needed to know that you were aware of it. Mr. Higgins stated I would like the applicant to take a look at meeting the Town's requirements of 10 FT x 20 FT for the customer parking spots and as far as the employee parking spots, I can understand the 9 FT x 20 FT parking spots. Mr. Ouimet stated the following: I think some of the other ones are more serious with the lot size of 16,965 SF and the minimum square footage for a commercial development is 25,000. The minimum frontage is 150 SF, the transitional lot lines there is only a 25 FT setback and we require 50 FT. Even though I know that you approached the neighbor to the south and they want evergreens or something as a buffer as opposed to a fence, is that correct? Mr. Hopper stated they want some type of planting and they actually prefer not to have evergreens and would prefer rows of shrubs of some sort. Mr. Ouimet stated as we're at I don't think we can do anything other than issue a denial letter on this plan and send it back to the ZBA for their review on all four of the items and the fourth item being the parking spaces.

Mr. Nadeau made a motion to deny the Commercial Site Plan application for Effie's Boutique due to the following: (1) inadequate lot frontage; (2) inadequate lot size; (3) inadequate transition yard; and (4) inadequate parking space dimensions. Mr. Higgins seconded. All-Aye. Motion carried.

14.057 OB Upstate New York Subway LLC, 1508 Route 9 – Addition to Site Plan

Mr. David Flanders from David A. Flanders Surveying stated the following: I'm here tonight with Mr. Bob Hurley for the Subway site plan. We've made numerous changes to the plan and the most important probably would be the elimination of the drive-up window and kiosk on the north side of the building. The other thing that we have done is that we've revised all the parking to conform to the code of 10 FT x 20 FT. Also, in the front we've changed the layout of the handicapped spaces and we've totally eliminated all the diagonal parking on the south side and we've move that to the back of the building. We have six parking places there and we've moved the dumpster location from the north side of the property to the south side of the property. We've change the orientation

of the four parking places in the front of the building. We now have two parking places along the south property line basically parallel with the line thereby increasing the driving lane widths. It is still a one-way only counter-clockwise around the building and the reason why we kept it as one-way was the need for the diagonal parking in the front of the building for the handicapped and also to facilitate the parking of the spaces facing Route 9 in an attempt to eliminate a tendency if they were brought straight in perpendicular to Route 9 of a two-way traffic. So, we're trying to utilize the spaces that we have to the best of our ability because of the somewhat narrow driving lane in the front of the property. We have 20 FT along the north side at the closest point to the building for a driving width and there is still only about 15 FT in the front, but we did obtain the 10 FT x 20 FT parking places because we're going to be adding a strip of asphalt along the right-of-way line along Route 9 and cut back the planted area a little bit and we pick up a few feet there. We're also going to add a wedge of pavement along the north side of parking area to help us with the parking and the lane width here. Mr. Ouimet stated the following: I think the changes that you made are significant by eliminating the drive-thru and I think you have eliminated a lot of the concern that the Board voiced at our last meeting. Also, by increasing the parking spaces to size and the relocation of the handicapped spaces so, I think you have addressed the issue of parking. The only issue that I have for this is does the change in use intensify what that building has been in the past. The question that I have for Mrs. Murphy is whether or not this is an expansion of a pre-existing, non-conforming use. We all know that the building is non-conforming to zoning. Mrs. Murphy stated the following: Right and I think at the pre-meeting the discussion was had that the traffic with regards to a Subway is going to be more than the traffic at what it was with a liquor store. So, although the Planning Board was very happy to see the removal of the drive-thru, it's still going to be a more intense use than what is currently there. Mr. Ouimet stated so, based on that, I don't know as if we have any authority to approve your plan without asking you to go to the Zoning Board of Appeals (ZBA) to get a ruling from them as to whether or not it's a permitted expansion of non-conforming use. Mr. Ouimet stated sorry that we had to deny your application, but I like what you did with the proposal. Mrs. Murphy stated a lot of that had to do with the minutes when the subdivision was granted that specifically say "if it becomes a more intense use, they are going to have to go back and get variances. Mr. Flanders asked so, are the issues the lot width and the driving lane width? Mrs. Murphy stated the inadequate lot width and the inadequate aisle width. Mr. Higgins stated getting from the parking in the back, is there going to be a concrete walkway or are you just expecting people to walk alongside the building on the asphalt? Mr. Flanders stated the following: We didn't make any provisions for that. Also, three of the spaces will be employee parking and all the front places will have to be filled because as Mr. Hurley had indicated at the last meeting, customers are not going to be willing to park in the back. So, they'll get used less than the ones out front. Unfortunately, there is no room to put in a sidewalk because that would make the lanes even narrower. Mr. Higgins stated I just asked that question because I couldn't tell by the drawing.

Mr. Berkowitz made a motion to deny the Commercial Site Plan application for Upstate New York Subway LLC due to the following: (1) inadequate lot width; and (2) inadequate aisle width. Mr. Roberts seconded. All-Aye. Motion carried.

Mr. Higgins made a motion to adjourn the June 9, 2014 Planning Board Meeting at 9:47pm. Mr. Nadeau seconded. All-Aye. Motion carried.

Respectfully submitted,
Milly Pascuzzi
Planning Board Secretary