

## Planning Board Minutes - April 28, 2003

Those present at the April 28, 2003 Planning Board meeting were:

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

Secretary: Tara Anuszewski

Town Attorney: Bob Chauvin

Deputy Town Attorney: Lyn Murphy

CHA Representative: Mike Bianchino

Liaison: Walter Polak

Planner: Jeffrey Williams

Mr. Watts called the meeting to order at 7:01 pm

Mr. Roberts made a motion to approve the April 14, 2003 minutes with corrections. Mr. Higgins seconded. Motion carried.

### Public Hearings:

03.134 Hinkell Subdivision, Stone Road, Minor Subdivision. Mr. Watts opened the public hearing at 7:02 pm and asked if anyone wanted the notice read. No one responded. Ms. Tammy Hinkell was present and stated they are proposing a two lot minor subdivision on the corner of Stone Road and Tow Path Road (aka Canal Road) to possibly build a house. There is an easement that was left open for a possible water line. Mr. Watts asked if anyone from the public wished to speak. No one responded. Mr. Watts closed the public hearing at 7:03 pm and asked if anyone from the Board had any questions. Mr. Nadeau stated he looked at the subdivision and would like to request that CHA do a review because of the clay in the area for possible problems with the septic system. Mr. Higgins asked if there was still a question on the road. Mr. Chauvin stated that issue was taken care of by the applicants and Mr. Murphy of the Building Department last week. The documents have been delivered and sent to the title company for recording and run down on the title to make sure they are getting the deed for the correct parcel. Mr. Nadeau asked if the parcel across the street was owned by the same ownership. Ms. Hinkell responded yes. Mr. Watts read a letter that was submitted to the Planning Board (attachment #1). The letter had mentioned some concern about cleaning up the area and Mr. Watts asked Ms. Hinkell if she had any comments. Ms. Hinkell stated this parcel is a different parcel all together but they are aware of the situation. Ms. Hinkell stated this lot was a junkyard. Ms. Hinkell stated they are making efforts to move the stuff out. There are a lot of tires that have been dropped off.

Ms. Hinkell stated this road is very dark and they have had a lot of rubbish dropped off. They have never called the Town to remove it they have taken the responsibility for it. Ms. Hinkell stated they do have a scrap metal bucket that they are removing some items with and have been doing this for over a year and half. Mr. Nadeau asked if they were new owners of the property. Ms. Hinkell responded no, her parents own it and she has taken on the responsibility of cleaning it up. Mr. Watts asked when the clean up would be completed. Ms. Hinkell responded the rate they are going now at least another year to a year and a half. Mr. Nadeau stated it is quite a project. Ms. Hinkell also stated she has been working with the Building Inspector, Tim Murphy to get cleaned up. Mr. Watts asked if they have been cited. Ms. Hinkell stated as long as she is showing progress Mr. Murphy stated she would not be cited. Ms. Hinkell stated some items have been there for over 30 years and wanted to let the Board know it is not new debris it is all old. Mr. Watts asked if anyone else had any comments. Mr. Nadeau requested CHA do a site review. Mr. Higgins asked if the entire property was in the water district. Mr. Chauvin will

check to see if it is in Water District #7. Mr. Watts stated this item would be referred to CHA.

03.137 Christopher Subdivision, 1 & 3 Verrazano Way, Minor Subdivision. Mr. Watts opened the public hearing at 7:08 pm and asked if anyone wanted the notice read. No one responded. Mr. Gil VanGuilder was present and stated Mr. John Christopher has owned this property on the southerly side of Anthony Road since 1977 and it has seen development all around it. Mr. VanGuilder stated the Halve Mean Manor South development surrounds this lot on three sides. Mr. Christopher would like to subdivide this lot into three parcels, one would be his home and the other two would be developed with single-family homes that would access out onto Verrazano Way. The lots both exceed the R-1 requirements and will be served by Town water and Central Halfmoon Sewer Corporation. Mr. VanGuilder stated they do have the applications for service to the Sewer. Mr. VanGuilder stated the lot is open and there are vegetative buffers on the rear and side yards. Mr. Watts asked if anyone from the public wished to speak. No one responded. Mr. Watts closed the public hearing at 7:10 pm. Mr. Nadeau stated he looked at this subdivision and does not see any issues. Mr. Watts read a letter that was submitted to the Planning Board (attachment #2) and has concerns about buffering and noise. Mr. VanGuilder stated there is a vegetated buffer now and the land has been maintained so there will not be a lot of clearing and grading. Mr. Nadeau stated he agrees with Mr. VanGuilder and stated this subdivision would fit into the character of the existing subdivision. Mr. Higgins asked since these lots are not part of the original subdivision do they special permission to hook into the water and sewer? Mr. VanGuilder stated this area was encompassed into the water district when the water lines were extended up Cemetery Road and Anthony Road. The adjoining properties were approved for the water district so they should not need any special permission. Mr. Watts asked if anyone else wished to speak.

Mr. Nadeau made a motion to approve the subdivision as presented. Mr. Higgins seconded. Motion carried.

#### Old Business:

01.186 Plant Road Plaza, 1525 Route 9, Commercial Site Plan. Mr. Zareh Altounian was present and stated they were before the Board about a month ago and received a comment letter from CHA and has since addressed them. Mr. Altounian stated CHA had an idea about the turn around area and the dumpster that the applicant has accepted and they have redrawn the details. Mr. Altounian stated there were also comments on the landscaping that they have incorporated in the comments. Mr. Altounian stated that is all that has changed since the last meeting.

Mr. Watts asked if Mr. Bianchino had any comments. Mr. Bianchino stated they reviewed the plan on April 8 and this plan does address all of the outstanding comments. Mr. Berkowitz stated back on the original meeting about a year ago there was a concern by the neighbor across the street at the Miracle Shop about putting in a curb so that people do not turn around in his lot. Mr. Altounian stated they addressed that last time. Mr. Berkowitz asked if it was on the final plan. Mr. Altounian responded yes and the owner came to look at the plans and did accept it. Mr. Watts asked if anyone else had any comments. No one responded. Mr. Watts stated that would be a great improvement to that location.

Mr. Roberts made a motion to approve the site plan as presented. Mr. Berkowitz seconded. Motion carried.

02.182 Halfmoon Medical Offices/Apartments PDD, Vosburgh Road, PDD/GEIS. Mr. Scott Lansing was present and stated the parcel is approximately 62.5 acre of which 2.5 acres is bisected by Vosburgh Road. The current existing features of the site is a single-family residence on the north side of Vosburgh Road with storage buildings scattered throughout the site with a communication tower. The applicant is proposing a mixed multi family residential and commercial office park. The commercial office park is on the west side of Vosburgh and fronts Route 146 with one building on the east side of Vosburgh. The proposal is 5 buildings of 3,000 square each. They are proposing 304 apartment units. They have reduced the number from 465 to 424 and are now at 304. The reason they reduced the number of apartments is to increase the open space and reduce density. The intent is to try and meet the findings of the GEIS and to offer open space in the rear of the parcel to be annexed to lands that have been identified as a passive park. The new revisions offers 10% more open space for a total of 30%. The extra 10% open space is near the Vosburgh Road area to buffer the apartments and provide open space to maintain a rural character. They have received some comments from the County, which stated the project did not meet with the findings of the GEIS with the density. Mr. Lansing stated the GEIS does not necessarily relate to apartments and that the project may possibly may need to do a supplemental SEQRE to the GEIS. Mr. Lansing stated they attempted to meet the findings by increasing the open space to 30% and offered a trail to be linked to the passive park. Mr. Lansing stated DOT is presently reviewing the findings of the traffic study. Mr. Lansing stated that the Draft Comprehensive Plan has also identified the Route 146 corridor for mixed

business/commercial use. Mr. Lansing feels the project is consistent with those findings and the apartments would be a transition to the residential use in the rear of the parcel. The applicant is proceeding at his own risk for water and sewer. Mr. Lansing stated he was hoping to get comments from the Board and hoping to get a recommendation to the Town Board this evening. Mr. Watts asked if anyone would like to speak. Mr. Ruchlicki asked from the beginning of the project why did they propose such a large number of apartments. Mr. Lansing stated by looking at the PDD ordinance which allowed 10 units per acre and knowing the parcel size of 60 acres it would allow for 600 units. After further looking into the GEIS they had a number of 8 units per acre. They tried initially to maximize the number of units and came up with 464 units. Mr. Lansing stated there was some encouragement to Mr. Tanski to reduce that number which brought it down to 424 apartments with the caveat that they may lose more due to storm water management areas. Mr. Tanski further reduced the number to 304 to further reduce the density. Mr. Berkowitz asked if the applicant thought about single-family homes or Town homes vs. apartments. Mr. Lansing stated no Mr. Tanski has not looked into other options. Mr. Berkowitz asked what kinds of professional uses would be used in the commercial area. Mr. Lansing stated Mr. Tanski had discussions with various sources and would like to put a medical flair to the commercial uses with the hopes of an urgent or critical care unit. Mr. Berkowitz asked if they couldn't get an urgent care what would be the second choice.

Mr. Lansing stated a regular hour type medical or whatever the market demand would be. Mr. Ruchlicki asked if they could start both the commercial and the apartment phases at the same time. Mr. Lansing stated phase one is the open space dedication, phase two is the apartments and phase three is the medical commercial and phase four would be the balance of the project. The reason behind that is that the traffic study identified the commercial uses as a high traffic generator and the apartment phase would be used to finance the construction of the commercial phase. Mr. Lansing continued that the needed improvements to Route 146 would not be economically feasible to do the commercial development simultaneously with the apartments. Mr. Nadeau stated he has a number of concerns with this project. Mr. Nadeau stated in the Comprehensive Plan that 88% of the residents wanted single family homes in the future GEIS. Mr. Nadeau feels this proposal is in total contradiction of the GEIS and also the County's comments as well. Mr. Nadeau feels there is no community benefit. Mr. Nadeau praised the findings of the GEIS and feels this project is against the findings. Mr. Tanski stated based on the GEIS there is no place in the Northern part of Town that you could build apartments. Mr. Nadeau stated that this is what the GEIS findings are and what the residents stated in their surveys and that there are areas that allow for apartments but must be reviewed closely. Mr. Tanski asked where in the GEIS area could you build apartments. Mrs. Patenaude responded you can build apartments but there are tradeoffs such as by increasing the density you must increase the green space to be preserved. Mr. Tanski stated the GEIS states it allows 8 units per acre but does not say where apartments are allowed. Mrs. Patenaude stated that the increased density must be followed by increase of green space and reviewed closely. Mr. Tanski stated it specifically doesn't state where you can have apartments. Mr. Higgins stated that the GEIS identified near the Mechanicville area that was suitable for multi families. Mr. Watts asked Mr. Bianchino for some guidance. Mr. Bianchino responded the GEIS doesn't imply there are restrictions on multi family projects but it does say it should be in areas of good access with utilities and should be consistent with the surrounding development of the area. Mr. Bianchino stated the 8 units per acre is mentioned as a recommendation but in the context of density bonuses where more green space would need to be provided for the increase of density. Mr. Bianchino also stated the density calculations look at the underlying zoning to determine the maximum build out of the area and to acknowledge if added open space is required. Mr. Nadeau stated the County denied this application and does not feel that the project is beneficial to the Town. Mr. Roberts stated he agrees with Mr. Nadeau and doesn't feel this is a good project for this site. Mrs. Patenaude also said she does not see a clear benefit for the Town and added to what the County has given the Board. Mr. Berkowitz stated if there was a 24-hour medical service he could see it being a good benefit and the density is a little too much and he would like to see single-family homes. Mr. Ruchlicki is concerned that there is no assurance that a medical facility would be created and also that the traffic would cause congestion to the interior roads to the north. Mr. Higgins stated he mentioned on the previous project about the GEIS that the majority of the residents want to see single-family homes. Mr. Higgins would also like to see that on this site. Mr. Watts stated the Board has spoken and would like to see some reduction in the density and some tradeoffs. Mr. Watts stated he feels there is a need for apartments and does not have an objection to them. Mr. Watts stated the Planning Board needs to make a recommendation to the Town Board. Mr. Polak stated a little bit of the tradeoff was to get the current conditions of the site cleaned up and that the commercial part of it is reflected in the draft master plan.

Mr. Roberts made a motion for a negative recommendation to the Town Board based on the disapproval of Saratoga County and the comments from the Board. Mr. Nadeau seconded. Motion carried.

02.201 Mike Abele Subdivision, Boyack Road, Major Subdivision. Mr. Abele's Attorney Mr. Steve Rehfuss was present. Mr. Rehfuss stated due to conversations with the own Attorney and after listening to the comments

made at the pre-meeting that there seems to be four issues that the Planning Board is grappling with. Mr. Rehfuß stated the first issue is that the prior subdivision approval was stated to be four lots, which one Mr. Abele would obtain. Mr. Rehfuß stated the Planning board approved the four-lot subdivision in which Mr. Abele was able to sell off two leaving the remaining 17 acres vacant. Meanwhile, Mr. Abele has been approached by two developers who offered to purchase the 17 acres subject to subdivision approval. The developers requested a minimum of 14 lots which is in front of the Planning Board at this time. Mr. Rehfuß stated that by reviewing the minute of the previous subdivision approval it clearly states that Mr. Abele was entitled to more lots but chose not to do so. The issue with the note on the approved four-lot subdivision stating that no further subdivisions would occur on these four lots seems to be a concern with the Planning Board. Mr. Rehfuß stated there are case laws that deal with this and states that as long as the applicant has written consent from the adjoining landowners that they have no objections to the proposed subdivision then the applicant would be allowed to proceed with more subdivisions as long as they are conforming with Local Zoning Laws. Therefore the note stating no further subdivisions would occur doesn't mean necessarily that the applicant cannot come in at a latter date to further subdivide. Mr. Rehfuß noted the applicant has submitted these letters and that he has a legal conforming subdivision proposal in front of the Board, which should satisfy this first issue. The second issue is with respect to the drainage concerns. The third issue was with the neighbors concerns and that a petition opposing the subdivision had been submitted to the Planning Board. Mr. Rehfuß stated that the opposing petition was signed by people that were misinformed of the proposal. Mr. Rehfuß also stated that after Mr. Abele informed the residents about the project he collected signatures that were not in opposition and some of the opposing residents signed the petition not opposing the project. The fourth issue was with regards to the comment letter from the Saratoga County Planning Department. Mr. Rehfuß stated according to his client, Mr. Abele, Saratoga County Planning did a review on the initial conceptual plans and based their decision on those plans. He further stated that a super majority vote from the Planning Board would be needed to override the County's decision. Mr. Rehfuß stated the County has concerns with the site and its drainage characteristics. Mr. Rehfuß proposed two options to the Planning Board. The first would be to table this and allow the Town Planner to refer additional information to the County for their review. The second option would be to present information that would answer issues one, two and three and live with issue number four about the County's response in which Mr. Rehfuß feels the County did not do a thorough review. Mrs. Patenaude asked if any additional information was available that was not referred to the County. Mr. Andress responded certainly there is. The County did a review at the concept phase and had not seen all of the information. Mr. Andress stated that the applicant has a storm water plan, plans showing sewer and water connections and that the County reviewed this site when there was snow cover. Now the additional information is available and the snow is melted. Mr. Watts stated the applicant wanted to get a sense from the Board on how to proceed before proceeding with the next Engineering review. Mr. Andress responded that they did want to gain direction from the Planning Board and that they have revised the plans responding to CHA's latest comment letter which has not been reviewed. Mr. Roberts stated he has heard the neighbors concerns and also feels the County would not act so hastily on their review and is ready to vote against this project. Mr. Nadeau also agrees with Mr. Roberts about the County's review and is also aware of the drainage issues in the area and also is against this project. Mr. Berkowitz does not believe the County would do a drive by site visit. Mrs. Patenaude has concerns with the drainage, the screening and the noise of the nearby Northway traffic.

Mrs. Patenaude feels there are more than four issues outstanding. Mrs. Patenaude also stated as far as the petition you could get anyone to sign anything. Mrs. Patenaude agrees with Mr. Roberts and Mr. Nadeau about the County's review.

Mr. Roberts made a motion to disapprove the application as presented. Mr. Nadeau seconded.

Mr. Watts asked if there was any further discussion. Mr. Higgins stated he has had concerns with the location and set up of the stormwater retention area. Mr. Higgins has also driven by during the winter and seen the water on the site. Mr. Berkowitz stated on three separate occasions in the minutes there were notations about no further subdividing of the lots. Mr. Rehfuß stated yes but there was a notation on each one of the notes that entitled the applicant to further density or to increase the number of lots. Mrs. Patenaude stated the applicant was entitled to "propose" further density. Mr. Rehfuß stated he is not looking for a variance from the Zoning Laws what is being proposed meets and exceeds what is required in the Town Zoning Laws. What Mr. Rehfuß means by exceeds is there is a 20,000 square foot minimum lot requirement and that three of the proposed lots are at 20,000 and the balance of the rest of the lots are greater than that and are actually 2/3 of an acre or greater. Mr. Rehfuß stated he understands there is a motion but is stating based on the information he has been given he is not taking the position saying Saratoga County is not doing a proper job but would like more time. Mr. Rehfuß would like to approach Saratoga County with more information for a more complete review, which may result in a different determination or maybe it won't. Mr. Berkowitz and Mr. Watts reiterated to the client they have the option to resubmit plans for Planning Board review.



Mr. Watts stated there was a motion and a second and asked for all in favor of the motion. Motion carried unanimously.

02.218 Sheldon Hills PDD, Route 146, Major Subdivision – PDD/GEIS. Mr. Gordon Nicholson was present with Mr. Chris Abele and Mr. Dave Michaels and stated he is before the Board to discuss three issues. The first being the unit mix they have been talking about since the original submission. The second would be the relationship of the project to the GEIS. The third would be the density. Mr. Nicholson stated the follow up to those three issues would be a suggestion or a request of the Board on how they would like to deal with traffic and traffic impact mitigation. Mr. Nicholson stated the first item is the unit mix. They originally proposed the application with single family, twin homes and approximately 152 condos in the southwest corner of the site. It is Mr. Nicholson's understanding that the committee has had some discussions regarding the preference of not having the condos on site. Mr. Nicholson stated the condos allowed a slightly different increase in the density and they think that is a benefit. Mr. Nicholson stated the original application was for 438 units and they eliminated 40 condos and they are down to 398 units and 112 condos the rest of the site density and mix remains the same. Mr. Nicholson stated if they eliminated all of the condos out of the southwest corner of the site they have a total on site density of approximately 323 units. Mr. Nicholson asked if they could talk about the items as they go along to get a sense from the Board on how they feel about the unit mix. Mr. Watts responded yes. Mr. Watts stated they had a committee, which were Mr. Roberts and Mrs. Patenaude and asked if either wished to speak. Mrs. Patenaude stated they had suggested to the applicant that the density was a real issue for a number of the Board members and that might be a good place to start as far as cutting down on the density. Mrs. Patenaude stated as one Board member she finds the plan without the condos a much better design density wise. They also talked about other concerns including traffic.

Mr. Nadeau asked to see the areas of the GEIS. Mr. Nicholson stated the GEIS area is approximately 70 acres. When they originally submitted the application they had asked the Town Board and the Planning Board to extend the GEIS to cover the remaining 245 acres. Mr. Nadeau stated if they were to use that scenario, initially what they are saying is the GEIS is saying they want single-family residences in this area and yet they would like to put combinations in. Mr. Nadeau stated that would be against the GEIS and asked how it fits in. Mr. Nicholson stated the condos they were proposing are outside the GEIS area. Mr. Nadeau stated they asked to consider the entire project as a GEIS territory. Mr. Nadeau stated if they are asking the Board to treat it as a GEIS, the GEIS is recommending single units. Mr. Nicholson stated he wasn't aware the GEIS was restricting it to single family detached units. Mrs. Patenaude stated it allows for a trade off. Mr. Nicholson stated they are not arguing with the density and why they had the density targeted to what they did was because it provided a full range of different types of units, different maintenance levels and different price ranges. Mr. Nicholson stated the benefit of an increase in density above what the base is, is to allow them to proceed with only 70 acres and approximately 75 units in the GEIS area. Mr. Nicholson stated they originally committed to \$5,000.00 per unit to give to the Town for impact mitigation fees. The GEIS allocates approximately \$750.00 per unit for traffic impact mitigation. Mr. Nicholson stated if the Board allows them to continue or to amend the application to take that out of the GEIS the balance of the units would contribute approximately \$3,000.00 per unit for traffic impact mitigation. Mr. Nicholson stated it would be outside of the GEIS area but they do understand there is a current problem at the intersection of Route 236 and Guideboard Road. Mr. Nicholson stated the other \$515.00 per unit for the area outside of the GEIS would be allocated to park fees and water improvements. Mr. Nicholson stated whatever the density it is a significant benefit to the Town. Mr. Nicholson stated if they look at 70 – 75 units in the GEIS the balance of the 245 units at \$3,000.00 a unit it would generate approximately \$750,000.00 that the Town could allocate to road improvements. Mr. Nicholson stated if they look at the 398 units and the 112 condominiums the traffic impact mitigation figure approaches \$950,000.00 and they think that would go a significant way towards the full mitigation of the Route 236 and Guideboard Road problem. They are also improving Route 146 with right and left turn lanes. Mr. Nadeau stated he finds it difficult to understand that they are trying to elevate the problem with Guideboard Road and yet increase it with all of the units. Mr. Higgins stated besides that the GEIS allocates that the traffic money had to be spent in the GEIS area, which Guideboard Road is not in. Mr. Higgins also stated they are not looking at doing any mitigation on any of the other adjoining roads that they are equally concerned about which is Farm to Market Road, Pruyn Hill Road, Anthony and Cemetery Road all of the roads these residents would tend to use as much if not more then the Guideboard Road. Mr. Higgins stated he has a problem with density and with the traffic concerns because they have asked the Town Board and they have no plans to upgrade any of those roads in that area right now. Mrs. Murphy asked Mr. Nicholson if he had stated they were going to do this outside the GEIS so they could apply the money to the other roads. Mr. Nicholson stated they are asking to take everything outside of the original GEIS boundaries. Mrs. Murphy stated therefore the Town has the digression to utilize the funds wherever they felt the work was warranted. Mr. Nicholson stated \$3,000.00 a unit whatever the density and they would have the digression for road improvements at a different location. Mr. Nicholson stated that is why they are asking to stay outside of the GEIS. Mr. Nicholson stated by

staying outside of the GEIS with approximately 250 acres of the project and agreeing to provide \$5,000.00 per unit of which \$500.00 would go to the park fund, \$1,500.00 goes to the water and the remaining \$3,000.00 can be allocated to whatever location through the SEQRA process and working with CHA, DOT and the Planning Board that the Town thinks improvements are needed. It does not have to be spent within the GEIS.

Mr. Nicholson stated if they are outside of the GEIS the money could be spent wherever it is most important. Mr. Nicholson stated with that scenario it does not get spent in this area then what does it do to the existing problem. Mr. Chauvin stated it would be the Town's responsibility to identify areas that are impacted by this development, if it were to be approved, and to use the funds in areas that were identified as impacted. If the funds were used outside of that area it would be inappropriate and not be in accord with the proper methods of Capital Contributions. Mr. Chauvin stated he is not saying where the contributions would be used but they are looking at Route 236 and Guideboard Road. Mr. Nadeau stated that is his concern. Mr. Bianchino asked Mr. Nicholson if the curb cut on Route 146 and Vosburgh Road that this project would have, they would still have to do the improvements necessary in that location to get a curb cut. Mr. Nicholson responded that's correct. Mr. Bianchino stated the local improvements needed by DOT would still have to be done as part of the project. Mr. Nicholson stated they have submitted the traffic study to DOT and to CHA approximately a month ago, two weeks ago DOT asked for and received a conceptual road improvement plan for the intersection of Vosburgh Road and this site on 146 with the turning lanes. Mr. Nicholson stated they are waiting to hear back from them. Mr. Nicholson stated that is already in the traffic improvement plan. Mr. Bianchino stated one thing the study did not do, because it was scoped prior to the Board raising the concern, was it did not look at Guideboard and Route 236. Mr. Bianchino stated when the Planning Board raised that intersection as an issue they went back to the traffic Engineer. Mr. Bianchino stated based on the Board's concern they do want to look at what the impact of this project would have and as the Board raised this project would have an impact on that intersection. Mr. Bianchino stated they would earmark a portion of the mitigation for that intersection. Mr. Watts stated a one family house would have an impact on Guideboard Road, building 200 housing units would impact Guideboard Road and that is what traffic studies do, they give a percentage of the actual impact. Mrs. Patenaude stated she did a quick read of the traffic study and stated one thing that didn't seem fully addressed was if the Tech Park went in then probably the traffic would go in that direction instead of Route 236 or Route 146. Mr. Nicholson stated he is waiting for CHA to update them on other intersections that they would like them to target that were not necessarily in consideration. Mr. Roberts asked if the County planning Board has had any comments on this yet. Mr. Nicholson stated he has not had any formal comments. Mr. Williams stated they are requesting additional information. Mr. Watts asked from whom. Mr. Williams responded the applicant. Mr. Watts asked if anything had been submitted to the County. Mr. Williams responded the initial concept plan. Mr. Nicholson stated he has had conversations with Larry Benton and Mike Valentine of the County Planning and stated they have completed a joint traffic study with Mr. Tanski's project and they are in discussions with this Board on the density and unit mix and it would require a change to the traffic study and Mr. Nicholson suggested the final letter be held off until they give them the final schematic plan which would include traffic, density and the mixed unit. Mr. Nicholson stated his sense is the Board is not supporting the condos and they are going forward with the 37 single family detached lots in the corner of the site which would put the density to 323 units which falls within or below the original density mix that CHA projected. Mr. Nicholson stated they meet the greenspace requirements. Mr. Roberts asked if the plan had 323 units. Mr. Nicholson stated yes with no condos. Mr. Roberts asked if they went completely single family how many would it be. Mr. Nicholson responded the density would be higher than what they are looking at now. Mrs. Patenaude stated another issue from the County was the impact on the Schools in the area. Mrs. Patenaude asked if they had an estimate of the students. Mr. Nicholson stated they have not provided any more than the initial because that is related to the density. Mr. Dave Michaels stated the project is 90% targeted to the empty nesters so it would be very advantaged to the Schools System and the tax base. Mr. Michaels stated another point relating to traffic, these types of buyers are not in the work base and would not be on the road at 8 and 5 they are mostly retired. Mr. Michaels stated they are proposing to put forward a fee, which would contribute approximately \$750,000.00, and it could improve quite a bit of problem areas. Mr. Watts stated he likes the idea and the concept of the condos and the mix. Mr. Watts stated regarding the schools, Mechanicville has a significant amount of empty space and Shenendehowa has to face the growth. Mr. Watts stated the schools are notified of the projects that are going on. Mrs. Patenaude stated she does agree with Mr. Watts but would like to keep an eye on the schools. Mr. Watts stated to reiterate his point he personally he does not want to be perceived as negative toward development because development is good. Mr. Higgins stated during the GEIS committee meetings there were numerous input sessions from the public and they have heard repeatedly from residences of Halfmoon that they would like to see some areas with single family larger lots to give them more space. Mr. Higgins stated they have documentation that there is a need for smaller lots for empty nesters but they have to listen to the present residents of the Town have to say and a lot of them have repeatedly said they would like to see larger lots single family homes not multiple family smaller lots. Mr. Higgins stated personally he is not sure he sees as much of a demand as they do. Mr. Abele stated that is a reasonable interpretation but one thing he wants to point out is the areas that are not in the GEIS, which is 2/3rds of this project, they tried to comply with the directive of the

GEIS. Mr. Abele stated he respectfully disagrees with the point. Mr. Abele stated that large lot zones create sprawl. Mr. Abele stated the market is moving towards smaller lots maintenance free and with that done you can still provide the big areas of uninterrupted green space in which you can put walking trails and so forth. Mr. Abele stated they need a certain level of density in this project to do it the way that they want to and they have a great amenity project that has to be paid for some how some way. Mr. Abele stated they could go with a strait subdivision but didn't want to because they believe this is a better way to do it. Mr. Abele stated they are aware of the traffic issue and have tried to come up with some scenario that they can allocate some money to take care of some of the trouble points. Mr. Abele reminded the Board that Route 236 is a State Road. Mr. Abele stated if the Tech Park is built what is to stop 1,000 acres to be developed in Stillwater where people would go up Route 236. Mr. Abele stated there are Regional things they do not have control over. Mr. Nadeau stated that is a good point and that is one of his concerns. Mr. Nadeau stated that is why it has to be looked at carefully. Mr. Nadeau stated like Mr. Watts said we have to grow, we can't stop the growth but we have to be careful and protect the people in the Town. Mr. Nicholson asked where they should go from here. Mr. Watts stated he would like to revert back to the committee. Mr. Roberts asked Mr. Nicholson what he thinks the Board wants to see so there is no confusion. Mr. Nicholson responded his sense is the Board does not want the condominiums, that the density was unacceptable, the Board is looking for some form of this plan with approximately 323 units, the Board likes the idea of the \$5,000.00, of which \$3,000.00 will be used to mitigate traffic that has nothing to do with the GEIS area which means things could be dealt with outside this area, they have to provide additional information for the need of the type and size of the lots they are looking at and the commitment on that with the full maintenance, the School District issue and conclude with how they want to move ahead with the legal and SEQRA mechanism inside and outside of the GEIS. Mr. Berkowitz asked if the traffic mitigation fees would include the cost of the turning lanes at Vosburgh Road. Mr. Nicholson responded it is a separate item. Mr. Nicholson stated it is important to note that if the entire project is in the GEIS the only traffic impact mitigation fee that is available is \$750.00 per unit, not the \$3,000.00 that is available if they take the 2/3rds out. Mr. Nicholson stated that is why they keep talking about taking part of the project out. Mr. Higgins asked if on the options they are working on are all single-family homes. Mr. Nicholson responded some are twin homes mixed in. Mr. Michaels added they are sold individually. Mr. Nicholson added there are no rental units.

Mr. Higgins asked if there was anything to prevent the owners from turning them into rental units. Mr. Watts stated there is nothing to keep anyone from renting a single-family house. Mr. Nadeau stated to Mr. Nicholson his opinion is he would like to see all single-family houses. Mrs. Patenaude stated the condos have some benefit and it allows for more greenspace but is concerned with the density and that removing the condos is the best way to address that issue. Mr. Berkowitz stated he does not have a problem with the condos as long as the density stays the same as it would with a single-family development. Mr. Ruchlicki stated he also has a problem with the condos and also feel that there is going to be a traffic problem. Mr. Ruchlicki would like to see the density down. Mr. Higgins stated he is also concerned with density and would like to see it in the 300 - 320 range. Mr. Higgins stated he feels in his opinion the majority of the residents in the town would like to see single-family development. Mr. Polak stated he feels the Planning Board has given the applicant direction and feels density is going to be an issue no matter where you are in Town. Then Mr. Polak stated the traffic issues cannot be infringed on one single development and feels that we need to develop cautiously but feels traffic will develop outside of town such as Mechanicville and Stillwater. Mr. Polak thinks the separation of the GEIS territory from the rest of the site with collecting mitigation fees from the non-GEIS territory will not solve all of the traffic concerns but is a step in the right direction. Mr. Polak feels between the Town Board, Planning Board and the developer working together could help mitigate some of the existing traffic concerns in the Town. Mr. Polak praised Mr. Abele's and The Michaels Group's building standards and would not like to see them go to Clifton Park. Mr. Watts thanked the applicants and stated this item would be tabled for further review.

02.233 Farmview, Harris Road, Major Subdivision. Mr. Ivan Zdrahal was present and stated he has presented this project a number of times and wishes to present some changes brought about from the committee review team meeting with Mr. Nadeau and Mrs. Patenaude. Mr. Zdrahal stated the project parcel is 96-acres of undeveloped land with an existing farmhouse. The total number of lots is 68 lots including the farm, the project is zoned for this type of development and 26% of common open space is provided. The access is one point of access off of Harris Road, which will be a boulevard entrance, and because of concerns of safety the plan proposes an emergency access utilizing an existing farm road through the farm complex. The roads will be maintained by a HOA and aesthetics will be provided with fencing and landscaping. Sidewalks, trail systems, street trees and lighting is also proposed and will be owned and maintained by the HOA. Mr. Watts asked the committee for comment. Mrs. Patenaude stated the applicant made some concessions on removing some lots from the rear of the parcel near wetlands, protecting the stream and feels comfortable with the shown changes. Mr. Watts asked council if a Public Hearing is warranted due to the original proposal years ago and the changes brought about now. Mr. Higgins asked if a HOA had to show some sort of benefit to allow its existence. Mr. Watts responded the HOA would need to be some sort of significance to justify the existence. Mr. Zdrahal stated the HOA will own the

open space, sidewalks, trees in the ROW, street lighting and maintain the median in the boulevard and maintain the landscaping and the emergency access. Mr. Berkowitz asked who would own the long driveway coming off of the street in the North of the project. The applicant stated the common driveway is to be shared by four lots is to alleviate concerns with the crossing of the wetland and will be maintained of the four property owners and stated within their deeds. Mr. Higgins asked if snow removal would be the responsibility of the HOA. The applicant responded yes. Mr. Watts asked who would be responsible for lawn maintenance. The applicant responded typically the homeowners are responsible for lawn up to the pavement. Mr. Watts stated the concern with HOA is when people buy into the HOA that there is a mechanism to not allow the people to walk out of that responsibility and that is the usual concern with HOA's.

Mrs. Murphy asked Mr. Zdrahal if preliminary subdivision plans are ready to set a Public Hearing. Mr. Zdrahal stated that the preliminary plans have been submitted a while ago and that there are changes with the continuation of the project within the planning process. Mr. Chauvin if the applicant felt comfortable with the preliminary plans in front of the being presented for a Public Hearing. Mr. Zdrahal responded no and would like to revise the layout before they proceed. Mr. Roberts stated that he was pleased with a project of this size and meeting the requirements of the current zoning and not asking for a PDD and hopes to see more of these types of projects in the future. This item will be tabled for further review.

#### New Business:

03.140 Kinetic Towing, 21 Solar Drive, New Tenant. Mr. Joe Tedesco was present and stated he is present to get approval to utilize 5 parking spaces at the Rent a Wreck facility which is owned by the applicants father. There will be no changes to the site because the site has a large gravel parking area. The business operations, in relationship to Kinetic Towing, will be a FAX machine and storing police impounded vehicles. Most impounded vehicles stay there for an average of 7 days and after 25 days the car will be discarded. Other towed cars will be brought to garages in the area or at their client's home. Mr. Berkowitz asked is there any trouble from people who pick up their impounded vehicle. The applicant stated not usually but if there is an argument the police take care of it over the phone. Mr. Berkowitz asked if anyone has stolen back their vehicle. The applicant stated no. Mr. Watts asked if the site is fenced. The applicant stated yes with a 5-6 ft chain link fence. The applicant stated he does not want a sign because he would rather not have people know where the impoundment area is located. Applicant stated the current condition of the site has adequate room to place 5 additional parking places because the parking lot is gravel and that the additional parking will not impede with any site requirements such a green space. Mr. Berkowitz asked where the applicant kept his tow trucks. Mr. Nadeau asked where the business is currently. Applicant stated they have a post office box and they drive their trucks to their home on Werner Road. Mr. Berkowitz asked if the applicant could keep the tow trucks at the site on Solar Drive. The applicant responded that for one week, because their home was wet and muddy, they had to park their tow trucks at another location and because of the response time was longer they received complaints from the police agencies. The applicant stated out of the ten towing companies the police use, Kinetic Towing gets about 20% of the overall police business. This is due to quick response times and that they would need to bring their trucks home in order to meet that requirement. Mr. Berkowitz asked if Solar Drive was only two minutes away, how much difference in response time could that make. Mr. Berkowitz stated the Board is aware of complaints from the neighbors on starting up their trucks in all hours of the night. The applicant stated that the reason they are on top of the police list is that they are a couple of minutes quicker, which is important to the police because of possible traffic jams and/or vehicles on the side of the road. Mr. Nadeau asked how close their house to their neighbors. There is one neighbor on the east side of their house and one across the road. Mr. Watts received a letter and read the letter (Attachment 3). The applicant stated the motor of the diesel truck is the same as a passenger truck such as a Ford 150. Applicant stated they have to be a 24-hour service and that they looked into a Commercial area but they would not be allowed to live there. The applicant used to run the business out of an apartment complex in Clifton Park but did not have any problems with them. Mr. Roberts asked if there were flashing lights on the trucks. The applicant stated yes but they do not turn them on until they are near the scene and when a truck is in tow. The applicant stated that he turns off the back up signal when leaving his residents. The applicant also stated they hope to put up a fence near their closest neighbor. Mr. Watts asked what type of fence. The applicant stated a 5ft picket fence. Mr. Higgins stated that the applicant couldn't operate a business out of a residential area.

Mrs. Patenaude stated there is nothing in the ordinance that disallows driving your work vehicle home but stated there should be efforts to mitigate any negative impact to their neighbors. The applicant stated they have tried to do their best and understands the concern. Mrs. Murphy stated initially she thought the applicant was operating their business from their home. Actually, the applicant is asking permission to running the business from the Rent a Wreck site but with the knowledge he will be bringing the truck at home at night. Mrs. Murphy stated the Board could put conditions on the approval that the Board can ask the applicant to keep the back up beepers and rolling lights off when the applicant leaves the residence. Mr. Higgins asked that the Rent a Wreck



approval was approved with a number of parking spaces and hours of operation and with the approval for Kinetic towing was that changing the original approval to a 24-hour operation. Mr. Higgins has concerns that 5 spaces would not suffice in storing vehicles because of the length of time it takes to turn over vehicles. The applicant stated the impounded vehicles are usually DWI's, uninsured vehicles and DUI's. Mr. Berkowitz stated the he was on the committee for the Rent a Wreck site and the site has adequate room for storing 5 more cars, the site is in a Light Industrial Park and is surrounded by a fence with evergreens. Mr. Higgins has concerns with changing a conforming site into a site full of wrecked cars. The applicant stated distressed vehicles are brought to a service garage or to the client's home the 5 spaces would be utilized for police impounded vehicles. Mrs. Murphy stated the applicant has submitted a site plan showing the area of where the impounded cars will be and that the applicant is bounded to the agreement.

Mr. Roberts made a motion to approve Kinetic Towing utilizing 5 added parking spaces at the Rent a Wreck site for impounded police vehicles. Seconded by Mr. Berkowitz. Motion carried.

03.141 Atlantic Testing Laboratories, 22 Corporate Drive, Sign. Mr. Gary VanAlstyne was present to request a sign for their business at 22 Corporate Drive. The sign will be 4ft tall, 8 ft wide and will be 4ft off the ground. The sign is two-sided and a spot light on each side. The sign will be located at the front center of the property. The applicant stated that the sign proposal is the standard sign their company has a various location across the state. Mr. Roberts asked if the sign was to be placed at the existing area for the prior use. The applicant stated yes.

Mr. Roberts made a motion to approve the sign as submitted. Mr. Nadeau seconded. Motion carried.

03.142 Halfmoon Evergreen, Route 146, Sign. Mrs. Alison Pingelski was present and stated they currently have a family business on Rt. 146. There is two existing sign whereas the proposal is to make modifications to them to make them more appealing. The applicant also asked to place a sign on the corner lot (Rt 146 & Rt 236) across from the family business. Mr. Roberts stated he sees no problem with the two sign proposals located on the family business parcel but questioned the sign proposal for the sign across the street, on another parcel the family owns, would be considered an off premises sign. Mrs. Murphy stated she feels that would be considered as an off premises sign and signs of that nature are only allowed within a specific zone set by the Towns zoning laws. The applicant asked if they owned the property they would not be allowed to place a sign on it. Mrs. Murphy stated if the sign is being proposed on a separate Tax ID parcel then that would be the case. The applicant stated that it was on a separate Tax ID parcel. The applicant asked they want to place an aesthetic curve to the top of the existing pylon sign at the family farm stand.

Mr. Roberts made a motion to approve the signage only on the parcel where the business is being conducted as submitted. Seconded by Mr. Nadeau. Motion carried.

03.144 Wells Fargo Mortgage, 21 Corporate Drive, Change of Tenant. Mr. Tom Andress was present and stated the applicant wishes to utilize 1,700 SF of office space in the former NFC Building. The company is a mortgage company with 10 employees. Mr. Watts asked the Town Planner if parking was reviewed. Mr. Williams stated that with this application and the next one on this agenda the former NFC building is almost half way filled up with +12,000 SF of office space available and ~124 parking spaces available.

Mr. Berkowitz made a motion to approve the application as presented. Mrs. Patenaude seconded. Motion carried.

03.145 Quest Communications, 21 Corporate Drive, Change of Tenant. Mr. Tom Andress was present and stated the applicant will utilize 1,700 SF of office in the former NFC Building. The business is a communications company with 10 employees.

Mr. Berkowitz made a motion to approve this application as presented. Mr. Nadeau seconded. Motion carried.

03.147 Parkford Square, 449 Route 146, Commercial Site Plan. Mr. Gordon Nicholson was present and stated the 1.9-acre site is zoned C-1 with NYSDOT access road on the east side of the site, it is located on the north side of Rt 146, NYS Auto Auction owns the property behind the site, there are single-family homes on the west side of the property, the proposal is for a 16,000 SF office/retail building with 81 parking space where 80 is required, proposing 23% green space, sidewalks, and underground stormwater management area. Access to Rt 146 is proposed. Mr. Watts asked if there was some sort of movement for DOT to dedicate the Crew Road to the Town. Mr. Chauvin stated that is "in the works" and that this application may speed up that process. Mr. Chauvin stated the applicant might wish to think about a curb cut on Crew Road and eliminate the access on Route 146.

Mr. Watts stated they would refer this to CHA and asked if anyone from the Board had any questions. Mr. Berkowitz asked if they knew what tenants were going in. Mr. Nicholson responded no but it would be small tenants possibly divided into 2,000 – 4,000 square foot spaces. The applicant was also present and stated the intention is to get a little retail and a little office. Mr. Nadeau asked where the entrance was in relation to Plant Road. Mr. Nicholson stated it is east of this property. Mr. Nadeau is concerned with the curb cut on Route 146. Mr. Nicholson asked if right in and right out be acceptable. Mr. Roberts stated they would have to go to the traffic section. Mr. Berkowitz asked why they didn't want to eliminate the curb cut on Route 146. The applicant responded in a retail atmosphere they would not have the accessibility to direct the traffic off of Route 146 on to the DOT road. Mr. Nicholson stated there is an existing residential curb cut that would need to be upgraded and it is an application process they would have to go through with DOT.

03.148 Old Dublin Inn, 130 Meyer Road, Addition to Site Plan. Mr. Dave Flanders was present and stated he is representing the applicants Bill and Angie Byrne. Mr. Flanders stated the existing site is being utilized as a restaurant and they are proposing to add additional parking to the site to eliminate a parking problem and create a safer parking facility. Mr. Flanders stated the applicants have noticed people driving through their existing driveway to eliminate the light at Route 9. Mr. Flanders stated they would like to eliminate the pavement and create additional conforming parking on both sides and having a driveway to a width of about 22 feet. Mr. Flanders stated the overall plan should stop the thoroughfare of traffic. Mr. Roberts asked how many new spaces were added. Mr. Flanders stated they are not so much adding new ones but they making the parking lot larger. Mr. Flanders stated they couldn't go any farther to the west because of the 30 feet buffer created by the GEIS to the stream. Mr. Higgins stated the stream is a classified stream and the buffer is 100 feet. Mr. Higgins continued that non-classified streams requires a 30-foot buffer but with this specific classified stream requires a 100-foot buffer. Mr. Flanders stated the site has been there for a number of years. Mr. Higgins agreed but stated it is a pre-existing non-conforming use but the parking area has only been there a few weeks. Mr. Flanders stated that there would be no useable area on the site if a 100-foot buffer were required. Mr. Higgins stated that the parking area that was placed was placed illegally in the Town, County and State regulations. Mr. Flanders stated from the information he was given by the Planning Department it showed a 30-foot buffer was required. Mr. Nadeau asked if the applicants owned the building. Mr. Flanders stated they are leasing. Mr. Flanders stated there are additional issues that he would like to bring before the board. One issue is that the site consists of two separate parcels. One parcel is the restaurant site and the second parcel is the section of Meyers Road that was to be abandoned by both Towns. Mr. Flanders continued through research it does not appear the road was abandoned. Mr. Chauvin stated the applicant could petition the Town to officially abandon the parcel of Meyers Road to fix the situation. Mr. Nadeau stated when the applicants came before the Board they reassured them that the parking would be orderly. Mr. Nadeau was unsure if the applicant stated if they were going to have entertainment with their previous approval. Mr. Nadeau's concern is that the use that is going on at this site is creating traffic problems. Mr. Watts stated the previous minutes showed they would have solo artists. Mr. Nadeau asked how much seating and what is the maximum occupancy. Mr. Flanders stated the Town's Fire Marshal visited the site. Mr. Watts stated a fire inspection was performed and there are 122 seats and 10 – 12 employees at maximum shift which would require 53 parking spaces of which 50 are regular and 3 are handicap. Mr. Nadeau asked what the maximum occupancy was. Mr. Williams stated parking requirements are calculated using the number of seating and number of employees and that the maximum occupancy is calculated by the spaces available and the structure. The maximum occupancy is higher then the number of seating (maximum occupancy is 152). Mr. Higgins stated there are two Guinness signs that would need to be removed or approved by the Planning Board. Mr. Watts stated there is a couple of issues at this point one being the classification of the stream. Mr. Ruchlicki stated he is concerned with the vegetation that was removed near the stream to put the parking lot in and also with the intersection at the ingress/egress of the parking lot and safety of the people on Farm to Market Road and Meyers Road. Mr. Nadeau stated it creates stacking for people on Farm to Market Road for people who are trying to turn into the new parking lot of the restaurant. The applicant's father stated they put in the parking lot to try to alleviate the parking on Meyers Road and stated it is only temporary until they can put in a permanent parking lot. Mr. Flanders suggested of possibly placing a fence on Meyers Road to dissuade people of parking there. Mr. Watts suggested CHA review the site plan and determine what the best traffic scenario would be. Mr. Watts cautioned the applicant on expanding the site that would create more traffic. Mr. Ruchlicki asked if they could have parking attendants. The applicant stated that it would take 4 people and would not be feasible. Mr. Higgins suggested the expanded parking should be able to accommodate up to 70 vehicles. Mr. Watts stated a committee would be created to review the site plan and referred the application to CHA for engineering review. Item tabled.

Mr. Watts asked if anyone had anything else for the Board. Mrs. Patenaude made a motion to adjourn at 9:55 pm. Mr. Higgins seconded. Motion carried.

The next Planning Board meeting will be May 12, 2003.

Respectfully Submitted

Tara Anuszewski, Secretary  
Town of Halfmoon Planning Board