

Town of Halfmoon Planning Board

Meeting Minutes – September 9, 2013

Those present at the September 9, 2013 Planning Board meeting were:

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

Planning Board Alternates: Margaret Sautter
Robert Partlow

Director of Planning: Richard Harris
Planner: Paul Marlow

Town Attorney: Lyn Murphy

Town Board Liaisons: Walt Polak

CHA Representative: Mike Bianchino

Mr. Ouimet opened the September 9, 2013 Planning Board Meeting at 7:07pm. Mr. Ouimet asked the Planning Board Members if they had reviewed the August 26, 2013 Planning Board Minutes. Mr. Roberts made a motion to approve the August 26, 2013 Planning Board Minutes. Mr. Berkowitz seconded. Mrs. Lois Smith-Law abstained due to her absence from the August 26, 2013 Planning Board meeting. Vote: 6-Aye, 0-Nay, 1-Abstention. Motion carried.

New Business:

13.093 NB Pre-owned Auto Repair, 12 Firehouse Road – Change of Tenant

Mr. Paul Hickok, the applicant, stated the following: I own property at 12 Firehouse Road and I'm here tonight to apply for a business at this address. The garage on this property has been a pre-existing, non-conforming use business for 50 years. It has been a garage and we are going to continue with the same type of business. We will continue with the same type of business, there would not be a great amount of cars and we will try to keep in within 10 to 12 cars. It's a dealer repair business where we bring them in and then take them out. There would be no real long-term projects and no cars would be sitting around. We have made a lot of improvements to the property where we replaced the siding and did some landscaping. We put a new 6 FT vinyl fence up across the entire property line. I know that we had a little bit of a problem with one of the neighbors there. Mr. Ouimet stated your narrative stated that your hours of operation would be 7:00am to 6:00pm. Mr. Hickok stated the following: That was just to cover emergencies because

ordinarily the guys are gone at 3:00pm and nobody works at 7:00pm except for me. So, it would be more like 8:00am to 4:00pm. Mr. Ouimet asked will you be operating on the weekends? Mr. Hickok stated very little and only if there is an emergency that needs to be done. Mr. Ouimet stated it states that there are 15 parking spaces on-site and asked the Planners if they had gone to the site. Mr. Harris stated the following: Mr. Hickok did submit a site plan from 2009 and it looks like there are easily 15 parking spaces. The parking area is gravel and it is not striped, but based on the cars that were there today, easily 18 to 20 cars could fit there within the confines of what is clearly gravel, and I'm not talking about parking on the grass or against the fence. Mr. Hickok stated the following: Mr. Harris has looked at the site and we keep the place neat as a pin and we don't have any scrap or junk around. All we want to do is to maintain the business and we're not going to expand it or anything else. It is a low-keyed type business and we don't even have a sign up. Mr. Ouimet asked are you planning on putting a sign up? Mr. Hickok stated we might put a small sign on the building if it's okay with the Board and I would come back to the Board before we did anything like that. Mr. Ouimet asked did you say that this shop has been in existence since 1950's? Mr. Hickok stated yes, since the 1950's and it has been an on-going operation and anyone that's been in the Town knows that this garage has been there and there are only 2 small garages on the property. Mr. Ouimet stated it is our understanding that there were some questions from the neighbors about your hours of operation. Mr. Harris stated the following: How that originated was that a neighbor who has lived to the east of your property for a while had complained regarding early morning noise. The neighbor's working hours changed recently so, he is home in the early morning around 7:00-8:00am and he didn't think an automotive garage should be in a residential area. The Building Department and the Planning Department looked at it and while this property is located in a R-1 Residential zoning district, it has been a pre-existing, non-conforming use and that is its status today because it has been a garage since around 1955 according the Assessor's records. Mr. Hickok stated right and I pay commercial tax on the property. Mr. Harris stated the following: Right, it is taxed as a commercial property and the only thing that we saw that needed to come into compliance at this time would be a change in tenant because in talking with Mr. Hickok, the tenant did come in about 2 years ago and we would normally require a change in tenant application and an approval by this Board. Mr. Hickok did bring in a recent site plan, which matched what is there today. Mr. Hickok stated the following: The neighbor was complaining the other day because a beer truck was unloading. So, this is a case where the neighbor is unemployed now and he's home. Mr. Roberts stated the following: Nothing against Mr. Hickok at all, but with these types of businesses that we had in Town before, sometimes we've had issues with the number of cars stored on-site. I know you said that there is room for about 15 cars and asked should we put a limit on how many cars that can be stored on-site so it doesn't get out of hand? Mr. Hickok stated we don't really store any cars there because the cars are rotating all the time. Mr. Roberts asked do you have cars that will be there overnight? Mr. Hickok stated yes, there would be some cars there overnight. Mr. Roberts stated I mentioned this because we have had problems at other sites. Mr. Hickok stated the following: I keep the cars where you wouldn't even know that the cars are there and sometimes there may only be 2 cars there. Mr. Harris was at the site today and it's not like cars are spread all over the place. I would hate to say that sometimes there are only 2 cars there, but if somebody came by, that would be the day that you have 18 cars instead of 15 cars. Mr. Roberts stated this is just a suggestion. Mr. Berkowitz asked do you really need to start at 7:00am in the morning? Mr. Hickok stated the following: We don't start at 7:00am. I just put that on the application. Mr. Berkowitz stated if you put down 7:00am on the application; that would allow you to start at 7:00am in a residential area though. Mr. Hickok stated the following: Like I said, I don't have to start at 7:00am because the guys are never there before 8:00am. In a rare case if we had an emergency or something, I don't want

somebody coming by to say that we are not supposed to be operating until 8:00am. If the Board wants to make it 8:00am, that's fine with me and we'll go with that. Mr. Ouimet asked is there a noise ordinance in the Town? Mrs. Murphy stated no. Mr. Hickok stated the following: That guy's house is at least 100 FT away from where we're working. The only noise is the impact wrench and you know that you've all heard those and the neighbor asked me and I had to put the doors down. Mr. Higgins stated I agree with Mr. Roberts and I think we should come to some conclusion as far as the maximum number of vehicles on the site and if you don't mind making it 8:00am. Mr. Hickok stated I don't mind. Mr. Ouimet asked what number of vehicles would you be comfortable with? Mr. Hickok asked is 15 vehicles okay with the Board and that would be the maximum? Mr. Ouimet stated I'm not thinking 15 vehicles overnight because that is quite a lot. Mr. Hickok stated I see what they have at the garage by Salty's. Mr. Ouimet stated yes I know, but they are not in a residential neighborhood. Mr. Hickok stated the following: Like I said, it comes and goes where some days there are 4 vehicles and some days there are not and if you look across the street at Andrea's at any given time, there might be 40 cars there. If 15 cars are too much, we'll make it whatever the Board says. It's kind of hard to enforce because you kind of do it on demand. Mr. Ouimet stated the problem with that is that if you limit yourself to 8 cars and if there are 9 cars there, our enforcement is easy. Mr. Hickok stated we do have 15 or 20 spots there to park. Mr. Ouimet stated I don't want to speak for Mr. Higgins, but I believe he was talking about overnight storage and how many cars would you be holding overnight. Mr. Hickok stated usually what they do is bring them in at night and they sit there overnight and then they go the next day. Mr. Polak stated if you are going to limit it to 8:00am, does that mean that people can't drop off cars at 7:00 to 7:30am on their way to work? Mr. Ouimet stated I think that that is rather unrealistic because a lot of people do drop their cars off on the way to work and some people have to be at work by 8:00am. I think the issue that Mr. Higgins was raising is the issue of noise and dropping cars off doesn't generate a lot of noise, but the impact wrench situation and garage doors going up and down does. Mr. Hickok stated the following: That is a very isolated thing anyway. It's not a case where it is a constant 8 hours of somebody running an impact wrench and that is very infrequent when you do it because it's only when you're changing tires or something like that. Mr. Ouimet asked what does the Board feel about the number of vehicles overnight? Mr. Higgins stated as far as I'm concerned if the applicant can live with 15, that would be okay. Mr. Hickok stated that's fine. Mr. Ouimet stated okay, no more than 15 cars maximum. Mr. Hickok stated that's fine and it's good to have a limit because then I don't look like the bad guy. Mr. Ouimet stated also, the mechanical work on the cars cannot begin until 8:00am. Mr. Hickok stated okay, that's fine. Mr. Nadeau asked did someone say earlier that it has been 7:00am for as long as the garage has been there? Mr. Harris stated I don't know the exact times, but it has been a garage since the 1950's. Mr. Hickok stated the only reason why I said 7:00am is because I just wanted to try and cover all the bases and if you want it to be 8:00am; it will be 8:00am. Mr. Nadeau stated I know that site has been there forever and I don't ever recall any complaints there. Mr. Ouimet stated I don't either until now and now we have had complaints about noise. Mr. Nadeau stated the fire department is just 2 buildings away and we're not going to move the fire department. Mrs. Murphy asked are you saying 15 cars overnight or 15 cars period? Mr. Roberts stated 15 cars period.

Mr. Roberts made a motion to approve the change of tenant application for Pre-owned Auto Repair with the following conditions: (1) work shall not start prior to 8:00am and (2) no more than 15 customer vehicles shall be on-site at any given time. Mr. Berkowitz seconded. All-Aye. Motion carried.

13.096 NB Amma's Closet Exchange, 1602 Route 9 (Shamrock Plaza) – Change of Tenant & Sign

Ms. Sharon Feldman, the applicant, stated the following: I am the co-owner of Amma's Closet Exchange and we also own a thrift store in Mechanicville called Amma's Attic Treasures. My sister, Eileen, is my partner. The business is basically going to be upscale clothing. We authenticate and we make sure that everything that we do sell will be original authenticated pieces of clothing and we will also be selling accessories, shoes, children's clothing and men's clothing. Also, there will be some antiques and some accessories to go along with those items that we will be using for display pieces as well. Mr. Ouimet asked what will your hours of operation be? Ms. Feldman stated our hours of operation are going to be Monday through Friday 10:00am to 7:00pm and Saturday 10:00am to 5:00pm. Mr. Ouimet stated this is not a consignment type of situation where people would be bringing in clothes. Ms. Feldman stated the following: No, but we would have suppliers if people would like to come in and sell them to us, we would be more than willing to look at the items and authenticate them on the spot and let them know if we're going to purchase the items or not. We do not do consignment at all and it is strictly owned by ourselves. Mr. Ouimet asked how do you move your inventory assuming that some things stay longer than 2 months? Ms. Feldman stated the following: That would depend on what it is. Some things we like to keep for a while because we enjoy them; like some of the bigger pieces and some of the larger items that we do have. Like I said, we do have 2 stores. We do clearance and we do sales and we will advertise sales as well. We try to cater to the public to whatever they are requesting. We have a needs list for whatever people want and need. If people are looking for a particular item, we look for those items for them. Mr. Ouimet asked how many employees will you have? Ms. Feldman stated just my sister and I and possibly my niece. Mr. Ouimet stated so, you would have 1 employee in each store because you can't be in two places at one time. Ms. Feldman stated yes, I have a niece that works for us in the other store and my sister and I would be working in this store. Mr. Ouimet asked the Planners if they had gone out to look at the parking situation at this site? Mr. Marlow stated the following: Yes, I have been to the site and there is more than sufficient parking for this business. Generally, the site is not very busy and Trick Shots has quite a large parking lot and usually it is vacant. When I was at the site there were about 4 cars in the parking lot and today we counted about 6 or 7 cars total. Mrs. Murphy asked how many parking spaces are required for this application? Mr. Marlow stated the applicant is required to have 7 parking spaces and she has 9 available. Ms. Feldman stated the following: The original sign at the site was 8 FT x 2.5 FT, but our sign would be 8 FT x 2 FT that will be wall mounted on the façade of the building, internally lit and 1-sided.

Mr. Nadeau made a motion to approve the change of tenant application for Amma's Closet Exchange. Mr. Higgins seconded. All-Aye. Motion carried.

Mr. Roberts made a motion to approve the sign application for Amma's Closet Exchange. Mr. Ruchlicki seconded. All-Aye. Motion carried.

13.097 NB Saratoga Strategic Partners LLC, 1406C Route 9 (Capital Storage) – Change of Tenant & Sign

No one was present for this application; therefore, no action was taken by the Planning Board.

Old Business:**13.074 OB Advance Auto Parts, 1695 Route 9 – Sign**

Mr. Patrick Huyge from Site Enhancement Services stated the following: The last time that I was before the Board we proposed an 88 SF sign and now we are proposing an 80 SF sign. The sign

would be internally lit with LED, which is an improvement from the current neon sign that is there and would be code compliant after discussions I had with Mr. Harris. Mr. Ouimet stated so this new proposal for the sign is actually smaller than the last time you were before the Board. Mr. Huyge stated the following: Yes, it's smaller than the existing sign that is currently there. When we submitted for permits in the 1990's, we were approved for over 100 SF sign and we only constructed an 83 SF and now we're proposing an 80 SF sign. So, we are reducing the sign even more. Mr. Roberts stated the question I have is with the LED signs and we are always concerned about the brightness. Mr. Huyge stated the following: This LED sign will have an automatic dimmer inside of it so, any time that it is too dark out it might brighten up a little bit. There is an automatic dispenser inside the sign that makes sure that the illumination output is not going to be too blinding or too bright to anyone. Mr. Higgins asked doesn't the Town have a NITS level that the signs can have. Mr. Huyge stated we will adhere to the illumination output within the ordinance. Mrs. Murphy stated the following: There isn't an ordinance, however, the Planning Board has required other applicants to remain below a certain number based on the applicant's cooperation and I'm hearing from the applicant that he is in agreement with that, but I just don't know the number off the top of my head. So, we will supply you with that number.

Mr. Roberts made a motion to approve the sign application for Advance Auto Parts with the following condition: (1) the LED lights do not exceed maximum NITS allowed under previously approved LED lighting in the Town. Mr. Higgins seconded. All-Aye. Motion carried.

13.054 OB Self-Storage Facility, 423 Hudson River Road – Commercial Site Plan

Mr. Joe Bianchine from ABD Engineering & Surveyors stated the following: I'm representing Mr. Dave Mulinio for a self-storage facility located on Route 4 (Hudson River Road). Route 4 is on the left side of the drawing and it is between that and the Mohawk River. There's State land on the north side, Costanzo's Restaurant on the south side, part of a residential property also on the south side, and there are some warehouses across the street. The proposal is for 8 buildings for self-storage totally a little under 42,000 SF. There will be pavement around the buildings. All the pavement and the roof tops will drain to a bio-retention areas on the site, which will have an under drain in them and will discharge to the Mohawk River. I know there was a concern from the neighbor on the south side where there is 15 FT grass strip along the south side and that will slope down from the site because we are filling the site about 3 FT to get it above the floodplain. Then there will be a small swale along the south side, which will also drain towards the Hudson River. Mr. Ouimet asked are you planning on any arborvitaes or plantings on the site? Mr. Bianchine stated we haven't shown any plantings, but we could put some plantings near the neighbor's property and the other buildings if that is desired and that would not be an issue at all with us. The entire facility will be fenced where there aren't buildings. In other words, the fence will come up to the building and then in between the buildings there will be a 6 FT fence. There will be a security system there that will continually monitor the site. There will be lighting on the site, but the lighting is all in between the buildings. It's on the buildings so, none of the buildings is exterior to the site with the exception of the front of the buildings that face Route 4. Mr. Ouimet asked are the fronts of buildings going to be illuminated? Mr. Bianchine stated the following: The front would just have down type light on the building and it just goes about 30 FT from the building. It's not a big spotlight or anything like that; it's just a building light mounted on the side of the building. We have added landscaping along the Route 4 side and we can add some more along the residential property line. They would have a septic system because there is no sewer available and there is water there so, we are crossing Route 4 to get to the water. We would also have to get a New York State Department of Transportation (NYSDOT) curb cut permit for the 1 driveway. Mr.

Ouimet stated it is my understanding that this site plan has been reviewed by emergency services and they had one concern. Mr. Bianchine stated yes I believe that is the case as they usually want a knox box or something. Mr. Harris stated the following: I think they will follow up with the owner or the operator of the facility. In the past the fire departments have had issues in other towns with being able to get into units where there might be an issue with a fire, noxious gases, odors or things like that and they're requesting to make accommodations for the proper type of equipment to get into the facilities; meaning the correct type of blade or saw that can cut into the locks or the units themselves. That was the only comment they provided where they needed some type of ability to get into the units. One ability to get into the units is the proper type of saw to get into the units. Mr. Ouimet asked do we have any indication from fire services on what they want? Mr. Harris stated the following: Yes, they mentioned types of blades for the equipment and they mentioned carbide. Fire services verbally indicated that they would follow up with the facility owner or if this Board would entertain a condition of the approval that the operator would work with them to insure that they have the correct type of saw or equipment to get into any and all types locks that they use at the facility. Mr. Ouimet asked Mr. Bianchine if they would be willing to do that. Mr. Bianchine stated yes, that's reasonable. Mr. Higgins asked how did you calculate the greenspace? Mr. Bianchine stated the following: We did it two ways. We did the entire site, less the pavement and buildings and then we also did it without the backwater area. Without the backwater area, that amounts to 2.8% of the site. So, we still have 26.3% greenspace on the site. Mr. Higgins stated regarding the under drain area or the bio-retention area; are you going to elevate that area 3 FT also? Mr. Bianchine stated the following: No, that area won't be elevated 3 FT. The pavement and the buildings are elevated 3 FT and they all drain to that. Mr. Higgins stated the following: Regarding the backend of that piece of property; we had an applicant that previously came in and we did site visits and in the spring that area along the river typically has high water conditions and that's typically flooded over there. So, if it floods, how is it going to be a retention area? Mr. Bianchine stated the following: I think you're talking about the area in the back, which is land that is owned by the State and that's not really part of our project, although it is leased to the owner of this property. We're only going back so far and it will be sloped down and we have a berm there. Mr. Higgins asked do you have an idea where the trailer used to be that was there? Mr. Bianchine stated yes, it's way in the back along the river where there are hookup facilities and everything else for trailers and we're not doing anything back there. Mr. Higgins stated okay, I was trying to envision because I know where the trailers were used to flood regularly. Mr. Bianchine stated yes. Mr. Ouimet asked Mr. Bianchino if all his concerns been addressed? Mr. Bianchino stated the following: Yes, Mr. Tom Andress and I have corresponded and he sent me some additional information that the Planning staff had, but we didn't have it. So, that was part comments from our letter that was dated last week. There were still a couple things that were outstanding and one is the building elevations. Mr. Bianchine stated I do have some and they are standard metal buildings that look like a self-storage facility. Mr. Higgins asked how tall are they? Mr. Bianchine stated I believe they are 12 FT high. Mr. Ouimet asked Mr. Bianchine to show the Board what the buildings are going to look like. Mr. Higgins stated also, there can be no outside storage. Mr. Bianchine stated right, no outside storage. Mr. Higgins asked are there going to be any dumpsters located on the site for people to throw stuff away? Mr. Bianchine stated the following: We don't encourage that because if you do, you get a lot of stuff. So, we don't put them there and that eliminates the problem. Mr. Higgins stated so; the people will understand that they have to remove anything they bring in. Mr. Bianchine stated yes, they will have to remove it. Mr. Bianchino stated the following: I think Mr. Harris had mentioned that this is in a generally sensitive area for archeology and they were going to get a sign-off from the State Historic Preservation Office (SHPO). So, that's kind of in the works. We did get the wetland delineation

and the report that addressed that issue and we talked about the emergency services. I think that the one thing that was outstanding was that we had recommended a couple of times about additional landscaping along Routes 4 & 32 just to provide a better looking site recognizing that there are some existing manufacturing or warehouse type facilities in the area and our feeling is; you have to start somewhere. Mr. Ouimet asked did you have any conversation with Mr. Address about the additional landscaping? Mr. Bianchino stated I think the owner had indicated to the Planning Department that one of his businesses was landscaping so, he would be more than happy to do some additional landscaping. Mr. Ouimet stated okay, so would that be in two areas? Mr. Bianchine stated we do have some red maples all along Routes 4 & 32, but we can put some additional landscaping in plus there's one bio-retention area along Routes 4 & 32 that will be landscaped as well. I think Mr. Address indicated in his memo that the owner is willing to do more. Mr. Ouimet stated so; if the Board were to act on this tonight, we would have to make it contingent on approvals from the NYSDOT and SHPO. Mrs. Murphy stated there is perfectly valid Supreme Court case that says that you cannot condition your approval on the action of another Board, but the applicant knows that they can't get building permits, etc. until they have those approvals. Mr. Bianchine stated right. Mr. Ouimet asked Mr. Harris if he received a County referral. Mr. Harris stated yes, we received the County's referral a couple of months ago. Mr. Ouimet asked what did they say? Mr. Harris stated they said that there was no Inter-Municipal or County-Wide impact. Mrs. Smith-Law asked what is this part of the building in the back? Mr. Bianchine stated that is some typical buildings and we wouldn't have that. Mrs. Smith-Law asked would there be an office on this site? Mr. Bianchine stated yes, there is one office area. Mr. Robert Chote stated the following: My wife, Patty Kennedy, recently bought the house at 405B Hudson River Road, which is behind Costanzo's and when it rains, we have a run-off problem with the parking lot that is there. I'm just curious on which way he is going to pitch his water to get rid of it from his parking lot and what's going to be between me and him? It is my understanding that you guys require 12 FT high fence or some kind of border according to the zoning and the Planning Board on the computer. A 6 FT fence for security is a joke because a 4-year old kid can jump over that. Mr. Bianchine showed Mr. Chote where the drainage was located and stated the drainage from the rooftops and all the pavement areas will be internal to the site and then it will flow towards the river. This goes out towards Route 4 and then over to a drainage area. The strip will all be grass and again and then there will be swale and the water will go back to the river that way. So, the drainage would stay on our side. There will be a fence and what we agree to tonight was that we would put in some addition landscaping with some arborvitaes. Mr. Chote asked what color will the buildings be? Mr. Bianchine stated I don't know what color that is going to be yet. Mr. Nadeau stated this is adjacent to a commercial operation, is that correct? Mr. Bianchine stated this is in a C-1 Commercial zone that adjoins a strip of property that is in a R-1 Residential zone. Mr. Higgins asked is the entire lot that you are building on all C-1 Commercial? Mr. Bianchine stated it is in the M-1 Industrial zone. Mr. Higgins stated I thought you said that part of it was residential. Mr. Bianchine stated no, that is the adjoining property that is R-1 Residential. Mr. Tom Hansen, 405A Hudson River Road, stated the following: My house is essentially pretty much where the scale is here. So now, if they're building this here, I'm looking at the back of your buildings because I'm directly across the parking lot. What are you going to do to landscape that area? Also, I have concern with the water because I get all the restaurant's water and what I don't get, he gets. A tremendous amount of water comes through that parking lot. Mr. Berkowitz stated that's from the restaurant. Mr. Hansen stated yes, that's from the restaurant, but he's saying that he's going to slope the roofs. Mr. Berkowitz stated he is sloping them internally. Mr. Hansen asked internally over the roof of the door? Mr. Berkowitz stated yes. Mr. Hansen stated that doesn't make any sense. Mr. Berkowitz stated it will stay off of your property. Mr. Nadeau stated for clarification; Costanzo's is between

your home and his property. Mr. Hansen stated yes, Costanzo's parking lot is my easement to my property. Mr. Bianchine stated if we need to, we can extend some arborvitae along there. Mr. Ouimet stated I think if you're going to do arborvitae to the house behind him, you could just bring it a little closer to his property. Mr. Bianchine stated exactly. Mr. Ouimet stated it won't be a perfect fix, but it will be the best that they can do. Mr. Nadeau stated I believe the property to the south is before the gentleman's home so, I don't feel that this property is affecting that lot. Mr. Bianchine stated his property is across the parking lot of Costanzo's. Mr. Nadeau stated the following: Yes, of Costanzo's, not directly to your lot. So, Costanzo's really is the one that should be buffering and not this project. Mr. Hansen stated Costanzo's is closed. Mr. Nadeau stated but Costanzo's property is between your property and his property. Mr. Hansen stated yes, there is a wooden fence and some greenery there now and if you take that greenery and fence down for the storage units, it's really taken away from my property. Mr. Ouimet stated I think the applicant has already agreed to extend the arborvitae cover over.

Mr. Berkowitz made a motion to approve the commercial site plan application for the Self-Storage Facility with the following conditions: (1) A revised site plan demonstrating additional landscaping on the site along Hudson River Road/Routes 4 & 32 and between neighboring residential properties for the purposes of creating a buffer; (2) No outside storage on site; and (3) The applicant provides equipment to the Halfmoon-Waterford Fire District sufficient to allow access to locked storage units in the event of an emergency. Mrs. Smith-Law seconded. All-Aye. Motion carried.

13.067 OB Trustco Bank, 217 Guideboard Road (Salty's Plaza) – Commercial Site Plan/Special Use Permit

Mr. Joe Bianchine from ABD Engineering & Surveyors stated the following: Trustco is located in Salty's Plaza, Hayner Heights Drive is located in the back of the site and along County Route 94/Guideboard Road and Route 236. Trustco currently has a bank on the westerly end of Salty's Plaza. They would like to put a drive-thru teller with an ATM machine on that side. To do this, the traffic pattern would have to change somewhat on this side of the building because right now it's just kind of a free-for-all on that side and it's not striped and you can just drive wherever. We are directionally altering the front so there's something like a painted island that would extend the front crosswalk and there would be 12 - 4 FT high bollards so they would be visible for anyone driving along the front, which would cause them to make a slight turn and it would keep traffic on this side. There's a one-way loop and that would come back up against the building where there would be the drive-thru teller and there would be an island and the ATM machine on the other side with a small canopy. There would also be a road out to Hayner Heights Drive, which would be 2-way where you could go out that way or come in and go to the bank and also it would connect to the back of the plaza. We would add some landscaping on the inside of this and also in two other areas, which I think would improve that area because right now it's just a big blacktop area. As I said, it's not defined in any way so; traffic can cut through there in any direction. We addressed CHA's comments from a previous letter and I don't think there is anything new. Mr. Ouimet stated the following: I think one of the problems that was pointed out when you were first here with this proposal was that what you're going to do is restrict people coming off Hayner Heights Drive into the plaza unless they're going to the bank. Mr. Bianchine stated they can still come through here. Mr. Ouimet stated that means that they would have to drive through the drive-thru. Mr. Bianchine stated no, there is a bypass lane here. There would be 3 lanes; an inside lane for the drive-thru, another lane for the ATM and then the third lane that would go right straight through. Mr. Ouimet asked how are the people going to come off of Guideboard Road into there? Mr. Bianchine showed the Board where people would come in off of Guideboard Road, go down through and come up and

back around. Mr. Ouimet stated so, that would create a fourth lane in one direction, right? Mr. Bianchine stated showed the Board where the fourth lane would go in one direction. Mr. Ouimet stated so, you couldn't go from the plaza through that roadway to Hayner Heights Drive to get out anymore. Mr. Bianchine showed the Board where you could go one-way and then go out. Mr. Bianchine stated there will be signs there; there will be landscaping and everything that will direct that traffic. Mr. Ouimet stated the following: I think there are a couple of things here. We're waiting on a referral from the County and we're waiting on hearing from emergency services from the Halfmoon-Waterford Fire District to see if they have any safety concerns by blocking that road off or changing the flow of traffic. Mr. Ouimet asked Mr. Bianchino if ABD had addressed all of CHA's comments. Mr. Bianchino stated the following: Our main comment really was that everybody knows this site is very congested and by doing this proposal it just makes the situation more congested and more confusing with more going on. I think our response was and I agree that if this is going to be approved, this is probably the best proposal that there is. Mr. Nadeau stated the following: I have a problem with the traffic coming off of Route 236 into this area. Salty's is a very busy restaurant and there is constantly people crossing in and out obviously to go to the restaurant. To encourage more traffic to come through there, I don't think that's a wise move. Mr. Salty's is located at the other end of the plaza. Mr. Nadeau stated right, but you're showing the traffic can flow in from that area to go to the drive-thru according to your arrows. Mr. Bianchine stated traffic can come in from Route 236 to go to the drive-thru. Mr. Nadeau stated the following: Exactly, and that's what my statement is. I don't feel that that's a safe route to encourage traffic to go across in front of Salty's. Mr. Bianchine stated the drive-thru doesn't generate a lot of traffic and I think I indicated that. Mr. Nadeau stated any more than we have there now doesn't make it much better. Mr. Bianchine stated anything that you have in there and any type of store that you have in there will generate traffic. Mr. Roberts stated I guess I would have to say if the drive-thru doesn't generate a lot of traffic, then why do they need it? I know all banks want a drive-thru, but I'm concerned that this site may not be conducive for a drive-thru. Mrs. Smith-Law stated the following: That parking lot is already confusing because the main entrance off of Guideboard Road sits in front of Gil's Garage. Getting into that plaza is crazy and then once you're in there it makes no sense. Mr. Bianchine stated the parking lot was restriped just recently and it's a little better than it used to be. Mrs. Smith-Law stated also, in either case, if you're trying to get out of that parking lot, you have to either sit in the traffic on Guideboard Road or Salty's and it eliminates easy egress that a lot of people are comfortable with on the backside onto Hayner Heights Drive. Mr. Bianchine asked to eliminate this? Mrs. Smith-Law stated well, it doesn't completely eliminate it, but it makes it much more difficult if there is heavy traffic. Mr. Bianchine stated well, this defines it whereas now it just a wide open area here where you can drive in and out in any direction. Mrs. Smith-Law stated as long as there is not a lot of traffic in there. Mr. Bianchine stated the following: Yes, if there is not a lot of traffic. What we're doing here is really defining a traffic pattern rather than what's there now, which is not defined at all. Mr. Ouimet stated the following: I think that's a problem in and of itself because when the bank is closed, I think people are going to leave Salty's and cut through the bank drive-thru lanes to get out to Hayner Heights Drive. Mrs. Smith-Law stated right, if you are used to this area. Mr. Bianchine asked cut through the bank drive-thru? Mr. Ouimet stated the following: Why not because people are used to going out that way. Why are they going to change? Mr. Bianchine asked why wouldn't they just go up this way and out? Mr. Ouimet stated the following: Why would they follow the signage when the bank is closed and the lanes are shut down because you can drive right through them. Mr. Bianchine stated the following: You can go right through or we have bollards right through here. The only place you can cut through is right back here to the drive-thru. Mr. Ouimet stated the following: That's why we really need to get the opinion of

emergency services. The bollards bother me and that island that you're proposing at the end closer to Hayner Heights Drive bothers me. Shutting that road down or constricting it almost to the point it's shut down bothers me. You have also heard concerns from the other Board members. Mr. Higgins stated the following: I was just wondering because I've seen other banks that have the drive-up and the ATM right integral to the bank. So, if you eliminated all the other contortions that you have there and just had the ATM as part of the bank, and if you're not using the ATM then you would just go up to the drive-thru. Mr. Bianchine stated the following: That would be a 2 stop type thing. One is the ATM and one is the drive-thru. Mr. Higgins stated right, and then you don't have to make all the other modifications because you would only be using one lane. Mr. Bianchine stated I would have to talk to Trustco about that to see if they would be willing to do that because I have seen other banks like that. Mr. Higgins stated that way you wouldn't have to make all the other changes and you're just basically using one lane. Mr. Ruchlicki stated I know that Mr. Bianchino has looked at this, but I kind of agree with Mr. Higgins with the elimination of one lane. The other thing that I'm thinking is that you already thought about it and you looked at it and it seems like you have put a lot of work in to how you got that traffic flow going there. However, you have an extended island that comes out from the corner of the building and what it does is it forces everybody to go to their right away from the building. The only reason why I'm questioning it is because it always seems to me that when you go to a drive-up teller or an ATM like that at a bank; everybody gets past the actual teller and they want to count their money or take the money out of an envelope or do something with it. So, now you got people who are going to stack up on that little curb. Why wouldn't you just let them go right out into the parking without having to manipulate around an obstacle? Mr. Bianchine stated the following: You could, but I'd prefer to make the little turn here because you do have people walking through there to get across. Also, when you come through the drive-thru, you're right; people are counting their money or looking at something and they're not looking at the people who are walking. Mr. Ruchlicki stated the following: The only other thing that I would consider is when you go through drive-thru tellers and there is always 2 lanes and they have the vacuum tube going from the second lane and you have to have it on the driver's side of the car. I would also consider putting one of those units on that inboard little island that you have there and force the people to drive the other way. Have them come in off of Route 236 and go across the front of the building, remove that little island that we were just talking about and let them go in and go out to Hayner Heights Drive. Was that ever considered? Mr. Bianchine stated that was considered and again, the bank likes to have it so the teller and everything is on the driver's side. Mr. Ruchlicki stated the following: Understood, but people deal with a 2-lane situation where they are dealing with a video situation and that vacuum tube. I have a problem with that corner of the building like that. That's me and it's a matter of opinion and that was my 2 ways of solving the problem. Mr. Bianchine stated the following: We did look at that and I can go back to Trustco and see if they can do it the other way. Mr. Ruchlicki stated I understand that point, but at the same time I think all of that natural flow that Mr. Nadeau had referred to relative to Salty's and all of that; there's already a natural flow in that parking lot to go that way where people can come in and go that way and then go back out. It seems that Mr. Bianchine has covered all the bases. Mr. Berkowitz stated the following: It seems like we have an older plaza in town with an older bank that you're trying to bring into the present and you're trying to retro fit it and sometimes that just doesn't work. It's just a bad spot. The plaza is too small, the parking lot is too small and you're trying to fit not a lot of traffic, but enough traffic just to make it more of a problem. Mr. Bianchine stated we are trying to lay it out so that it works. Mr. Berkowitz stated and sometimes it just doesn't work. Mr. Bianchine stated I recognize that there are problems there and that's why it has taken both Trustco and the owner of the plaza a long time to even agree on something to bring it the Planning Board. Mr. Berkowitz stated I understand that,

but sometimes it just doesn't fit. Mr. Ouimet stated the following: Well, you've heard the concerns of the Board and you know what our 2 constraints are. We have to wait for the County to do a review and we need to hear from emergency services. What we can do; assuming the Board is okay with this, we can set this for a public hearing because it's required for the Special Use Permit. We can set the public hearing for 2 meetings from now, which would be 5 weeks from today. Hopefully, by then we'll get the necessary reports and you can go back to the applicants and you can talk to them about the concerns that the Board has raised. I don't think they are going to go away, but I'm just saying that we'll give you some time to get the ducks in order, so to speak. Mr. Bianchine stated okay.

Mr. Roberts made a motion to set a public hearing for the Special Use Permit application for the October 15, 2013 Planning Board meeting. Mr. Ruchlicki seconded. All-Aye. Motion carried.

This item was tabled; Pending (1) A Saratoga County referral response; and (2) comments from the Halfmoon-Waterford Fire District.

11.143 OB Linden Village PDD, Dunsbach Road – Mixed Residential PDD

Mr. Roberts and Mrs. Smith-Law recused themselves from this item. Mr. Partlow and Mrs. Sautter will sit in for Mr. Roberts and Mrs. Smith-Law. Mr. Donald Zee, Attorney for the applicant, stated the following: Mr. Ivan Zdrahal, the engineer for the project, Mr. Robert Marini, from Marini Homes, and Ken Worsted, our traffic consultant from Creighton-Manning are also present for tonight's meeting. I just want to go back a little bit just to show the progression of where we are today and where we started. Over a year ago on May 29, 2012 I appeared before this Board and at that point in time we had our project proposed on 104-acres and we had proposed a variety of housing types, which were a total of 468 housing units; 394 apartments, 56 condominiums and 18 twin homes. That is Plan #1 and under this plan all the means of ingress and egress for the housing units were going to be on Dunsbach Road. We did have an emergency access proposed going out to Progress Lane as well as showing it out to Suffolk Lane. The Board had a lot of concerns with regard to the traffic going onto Dunsbach Road as well as looking at the number of units in and of itself. On April 22, 2013 Mr. Marini came forward and presented a new plan, Plan #2, and that plan changed the complexion of the housing development to all apartments and kept the number at 468 housing units. Of the 468 housing units, 80 of the units would have means of ingress and egress onto Dunsbach Road with the balance of the units onto Crescent-Vischer Ferry Road. In the interim period, my client had obtained an option to have a means of ingress and egress directly from the site to Crescent-Vischer Ferry Road. As I said, the number of housing units did not change under this project proposal and 80% of the traffic is proposed to exit onto Crescent-Vischer Ferry Road. At that meeting there were a lot of comments again with regard to the number of units and I believe Mr. Ouimet had stated that he thought that a substantial reduction of housing was necessary. Although there was a vote to set up a public informational meeting, Mr. Marini had second thoughts and decided he wanted to look at the project one more time and that's why we are here tonight. So, now we have Plan #3 and this plan changes the number of housing units from 468 to 302. So, we are proposing a 35% reduction in the number of housing units that we had initially started with through the last 2 plans. Also, the type of housing has been modified as well. In one area we are showing 42 single-family homes. The minimum lot size of the homes are approximately 15,000 SF and the area is currently zoned R-1 Residential. So, we are proposing to build single-family homes on lands that are zoned R-1 and the 42 single-family homes that we proposed would enter and exit onto Dunsbach Road. We do proposed an emergency access point here, which would be gated or some other type of barrier if this Board were to approve this or

recommend this approval and as we go forward ultimately for site plan approval. With regard to the remaining housing units, as I said initially we had 468 apartments and now we have 42 single-family homes and 260 apartments. We are, however, eliminating from the proposed Planned Development District (PDD) the driving range area. With this proposal with regard to apartments, we have the main entrance onto Crescent-Vischer Ferry Road. As I said earlier, we are proposing the possibility of an emergency access and with regard to the Princeton Heights Subdivision, we propose some sort of access to that subdivision. In the subdivision plan that is presented there is a notation on it says "a 60 FT right-of-way", but we believe that the intent of the parties would be to have this as an emergency access. Still included in this project is having a pedestrian access way and a bicycle pathway so that we would segregate the traffic of motor vehicles with regard to the bicycles and pedestrians for a portion of that area. With this proposal, not only are we reducing the number of units substantially with the housing types that we are proposing and the reduction in the units, we anticipate a reduction substantially in the number of traffic trips during peak hours both AM and PM. As a comparison I think that the overall numbers with regard to the AM peak trips would reduce approximately 29% and the PM peak trips would reduce 26% based on Creighton-Manning's analysis based on the type of housing. I believe over the course of our last meetings we've listen to this Board and their comments with regard to traffic impacts onto Dunsbach Road instead of initially having all the vehicles for the 468-units entering onto Dunsbach Road. So, we are only talking about 42 single-family homes on an area that is zoned R-1, which permits single-family homes. We went out and got an option to get access to Crescent-Vischer Ferry Road and we have reduced the number of units 35% from 468-units to 302-units. So, I think we've made substantial modifications to the plans and hopefully it meets somewhat the concerns that this Board has raised over the course of several months. Mr. Berkowitz asked are we to look at this as 2 separate projects or 1 whole project? Mr. Zee stated it is 1 project. Mr. Berkowitz stated the following: So, why is there just an emergency access from the residential to the new road? How come that's not just a regular road instead of just an emergency access? Mr. Zee stated the following: We have no problems making it a full road. We just thought that the Board and some of the public were concerned about the number of vehicles entering onto Dunsbach Road so, we had anticipated just for purposes of discussion here tonight showing it as an emergency access. However, if this Board desires to make it a full access, we have no objections to that. Mr. Berkowitz asked if this was considered a conventional subdivision, how many homes would be in that subdivision? Mr. Zee stated I believe somewhere in the neighborhood of around 32 to 35. Mr. Berkowitz stated and now you have 42. Mr. Zee stated yes, and we are proposing to put in certain public benefits that have been discussed; improvements onto Crescent-Vischer Ferry Road in this area including, I believe, a turning lane. Mr. Berkowitz asked are those actually public benefits or just benefits that you need to gain access to that road? Mr. Ivan Zdrahal from Ivan Zdrahal Associates, PLLC, stated no, that is not meant as a public benefit. Mr. Higgins stated there are a couple of residences along Craver and Wright and asked what is the access to those homes? Mr. Zee stated the following: We show an area that potentially could be deeded to the adjoining property owners so that they have access to the road that we are building as well as in another vicinity. So, we are showing 2 access points. That has been raised by the owners of that property and we met with them preliminarily and they were looking for 2 points of ingress and egress and that's what we have shown on the plans. Mr. Higgins stated on the apartment section, that's presently zoned LI-C Light Industrial/Commercial and there is a little area down that and asked if that was part of the R-1 area where it is a preservation area. Mr. Zdrahal stated the green area is all zoned R-1. Mr. Higgins asked are you combining the R-1 section with the LI-C section? Mr. Zdrahal stated not necessarily because it's part of the PDD. Mr. Higgins stated as far as your density calculation, is that included with the apartments or is it included with the houses? Mr.

Zdrahal stated it is included with the single-family residences. Mr. Higgins stated so, the entire 8.5-units per acre is strictly on the LI-C area? Mr. Zdrahal stated correct. Mr. Higgins stated obviously that's more than what this Board typically likes to see as far as density in the number of units per acre. Mr. Ouimet stated the last time proposal #2 was here, were the roads proposed to be privately owned? Mr. Zee stated the internal roads in the apartment complex, yes. Mr. Ouimet asked what about in the single-family section? Mr. Zee stated we are proposing them to be Town owned. Mr. Ouimet asked have you had conversation with the Highway Superintendent regarding your layout? Mr. Zee stated no, not at this point in time. Mr. Berkowitz asked is all of Linden Park Drive private all the way to Vischer Ferry? Mr. Zee stated yes, we proposed it to be privately owned. Mr. Ouimet stated now it makes somewhat more sense about the emergency access connecting to that circle on a Town road. Mr. Harris stated the following: I would like to follow up on Mr. Higgins comment. The Wright's, who have a landlocked parcel, have reached out to the Planning Office a couple of times over the few months. They actually submitted an application to subdivide the existing parcel owned by the Wright's so that their son can build a house. I have discussed with them several times that they need to have a minimum 20 FT legal access to their lots and they then withdrew their application pending discussions with Mr. Marini and the owners on this project. They have expressed to me in writing and emails their support for resolving their situation as part of any development approved here. Mr. Berkowitz stated you're just talking about one landowner versus over 300-units. Mr. Harris stated I just wanted to mention that the Wright's have verified to me what Mr. Zee said regarding resolving their landlocked issue here. Mr. Higgins asked where is their present access? Mr. Harris stated the following: They have an easement out directly to Dunsbach Road through the Lands of Craver. They just have an easement for the large rectangular lot that they are proposing to subdivide when it's allowed. Mr. Higgins stated the following: I know this was asked earlier, but as far as on the R-1 section; taking into consideration restraints on the land; what is the number of buildable lots for that? I believe this was answered already, but I just want to make sure that I understand it. As far as the R-1 where there are 42 single-family home sites proposed, what is the buildable area if you take into consideration a standard development? Mr. Zdrahal stated that is in the Project Data Table Item #2 buildable acreage and it is 26.94-acres and in the Multi-Family buildable area it is 30.43. Mr. Ouimet asked do you have any steep slopes in that area or not in that area? Mr. Zdrahal stated the following: We have accurate topography for the entire PDD and we have documentation of wetlands and delineation in the PDD application report. The supporting documentation is in there showing wetlands, showing steep areas and consequently determining the buildable acreage. So, all of the density as presented tonight is based on buildable acreage as defined by land use code basically subtracting steep slopes and wetlands. Mr. Berkowitz asked what about 24 and 25 and also that road, how steep is that or what kind of slope is that because the lines are awful close on the map. Mr. Zdrahal stated that is a very minor percent and it's nothing really. Mr. Berkowitz asked is that going up or going down? Mr. Zdrahal stated it's like a hill. Mr. Nadeau asked Mr. Higgins; was your question pertaining to the 42-lots and the R-1 or just the 42-lots, your conventional subdivision? Mr. Higgins stated regarding the conventional subdivision on the area to the left, did you count the land preservation area into that calculation of total acres? Mr. Zdrahal stated that acreage was included and there is hardly any useable acreage on that piece of property, but I would have to double check that and that wouldn't affect density though. Mrs. Murphy stated the following: I think he said that he only used buildable areas in doing the calculations. So, he's saying to you that he has to use it, but it only reduced the number a tiny bit because there is not much buildable there. He didn't include it all. Mr. Zdrahal stated the following: As you can see, there are a lot of wetlands and a lot of steep slopes. So, there is very little buildable acreage on that piece of property. That is one of the reasons why we are preserving it as a land preservation

area. Mr. Higgins asked who's going to own that property? Mr. Zdrahal stated the property will be owned by the apartment complex. Mr. Higgins stated the following: So, it's going to be part of the Light Industrial complex area, but as far as buildable areas, it's nil. Mr. Zdrahal stated right. Mr. Higgins stated but I just asked that question before and you gave me a different answer. That's part of the R-1 and we were just told previously that that is part of the 42 single-families. Is it part of that or is it part of the apartment complex? Mr. Zdrahal stated the following: What we did was we determined the buildable acreage on this portion of the PDD and that's where the 26.9-acres is. Then we determined the acreage on this part of the PDD. I know I said that, but I believe this was part of this calculation, but there is nothing really useable on this piece of land anyway. So, it will not make any difference as far as the density for the multi-family. Mr. Higgins stated the following: So your density is only based on buildable acres and the 8.5 in the apartment area density does not take into account any or very little of that R-1 area. Am I understanding this correctly? Mr. Zdrahal stated correct, it's just the buildable acreage. Mr. Higgins stated I would like to know what the buildable calculation is for that area. Mr. Zee stated the following: We will provide that. Is it the desire of the Board to have the R-1 section to be part of the proposed single-family residential area? Mr. Higgins stated that would have to be the determination of the Town Board and the Town Attorney, Mrs. Murphy as far as legal, but we want to know who is going to own it because who is going to pay the taxes on it? Mr. Zee stated understood. Mr. Higgins stated that's basically why I asked the question. Mr. Zee stated from a practical matter; if it's the Town's to have this owned by the single-family homeowners, we can have that done, but if it's not the intent, we can incorporate it with the apartment project. Mrs. Murphy stated without an Homeowner's Association (HOA) and a lot of caveats; just legally speaking, it's better to have owned and maintained by a corporation. Mr. Higgins stated I agree 100%, that's why I asked the question because previously we were told that it was part of the other, but I would still like to know the 8.5-units per acre and how that was determined and that's basically why I wanted to clarify who was going to end up owning that and where that number came from. Mr. Zee stated the following: I have written that down and that is something that we will provide for you. I would think that there would probably have to be some sort of HOA because you have the wetland areas. Mrs. Murphy stated the following: I'm sure there will probably be an HOA depending on what happens in the future. However, the HOA is not going to want to be responsible and I don't know how the Department of State would look at an unattached piece of property with no access. Mr. Zee stated they wouldn't have a concern about it and we would probably just grant an easement for the owners over the other property if that is what this Board would like. I've done quite a few HOA's and the Department of Law doesn't even look at that issue and this would be a cooperative policy statement #7 offering and that basically just talks about ownership of land. Mr. Ouimet stated the following: Okay. I'm sure you guys can work that out if you ever get that far. This question is either for Mr. Zee or Mr. Zdrahal: going back to the proposed access to Dunsbach Road for the single-family homes; is that a boulevard? Mr. Zdrahal stated no. Mr. Ouimet asked is there any reason why it isn't a boulevard since you only have one way in and one way out for 42 homes? Mr. Zdrahal stated to address the single point of access; we are proposing the emergency access at the end, but we could do a boulevard entrance. Mr. Ouimet stated if that didn't happen, I noticed that you have a boulevard proposed for Crescent-Vischer Ferry Road, right? Mr. Zee stated no. Mr. Ouimet asked that's not a boulevard either? Mr. Zee stated no. Mr. Ouimet stated the following: So, there is a right hand turn lane there. I don't know, that's an awful lot of homes on a one-way in and a one-way out without boulevards. Mr. Zdrahal stated also, we are extending these right-of-ways on the property there for the future. Mr. Ouimet stated I would encourage you to get together with the Highway Superintendent to make sure that you have it designed right and it's something that they can work with because I know that 2 cul-de-sacs like that sometimes causes

problems for snow removal and other such things. Mr. Zee stated we'll look into that. Mr. Ouimet asked the Board if they had any additional questions or concerns. Mr. Ruchlicki stated I think Mr. Higgins covered most of my concerns and I would only duplicate those questions. Mr. Nadeau stated so, we're talking possibly 302 vehicles using both entrances; is that what we are potentially saying? Mr. Zee stated we are proposing 42-units here just using access to Dunsbach Road and the remaining 260 vehicles entering onto Crescent-Vischer Ferry Road. Mr. Nadeau stated okay, so 260 vehicles would be accessing the single entrance. Mr. Zee stated that is correct. Mr. Nadeau stated that is a lot of vehicles for that type of entrance. Mr. Zee stated the following: I guess it's something if the Board desires to have another entranceway, as I said with regards to the Princeton Heights, there is a notation on the concept plan that I have received and it says that it is going to be set aside as a future 60 FT right-of-way. So, if the Board desires that to be another means of ingress and egress, that's something that we would be willing to consider. Mr. Ouimet stated but right now is it an emergency access only, right? Mr. Zee stated yes, unless the Board specifically indicates or emergency services or the Town would like it to be something else but an emergency access we would consider that as well. Mr. Ouimet stated I'm not so sure that you would get a lot of support from Board on connecting it to Princeton Heights because we are kind of struggling with that right now too. Mr. Zee stated the following: I'm just looking at the plans that Mr. Scott Lansing had submitted and they specifically pointed it out as a future right-of-way. Mrs. Sautter stated the following: I have some traffic questions and once again I think that the Board has clearly said that this still looks very congested and there are very narrow roadways. I have a traffic study that was dated November 30, 2012 and I believe that is an updated version of the traffic study. Mr. Worsted stated that's updated as of Plan #2. Mrs. Sautter stated on page 7, and I know that this has been brought up before, we were looking at the growth rate and the site specific traffic volumes. You have listed here it says for 10 other known development projects including the Halfmoon Village & Yacht Club. Mr. Worsted stated yes. Mrs. Sautter asked can you list or do you know off hand the 10 other development projects or if they are in the traffic study because I just couldn't find them, it said Figures 1-7, which didn't exist. Mr. Worsted stated the following: It kind of refers to the previous study that we had done on Plan #1. So, we did Plan #1, the site plan changed and we updated it based on all of those new changes. So, those other developments included Ellsworth Landing, Princeton Heights, Hudson Ridge (now known as The Kensington of Halfmoon), Sandy Rock, Casale Rent-all, Walgreens, Stenner Pump, Halfmoon Family Dental, The General Mechanical Building, Halfmoon Village & Yacht Club and Gateway Village, which at that time these were 2 different projects. Mrs. Sautter stated yes and I had those originally and I believe that was done in 2009. Mr. Worsted stated yes, we had done that in 2009 and then it was later revised in November of 2011. Mr. Sautter stated okay, so has that been updated to take in the ones that have come across the Board since 2009? Mr. Worsted stated the following: Correct. Some of these that we included in here have already been built and I'm not aware of any new ones that have come in since then. Mrs. Sautter stated at one point the New York State Department of Transportation (NYSDOT) said they did not want this road through McDonald's and Hess because you were so close to the interchange there. Why has it all of sudden changed? I remember I heard the Board saying "why can't it go this way" and your response is always that the NYSDOT will not allow it and we are too close. Mr. Worsted stated the following: Going way back, we had looked at developing the site as part of what it was zoned as; Light Industrial or Industrial and when we were looking at our traffic volumes coming out through here, this is the only point that we could gain access out to Vischer Ferry Road and with the amount of development that it would have generated, it would have had a lot of impact on the interchange given the proximity of this driveway next to McDonald's to the interchange, but as the site plans have changed over the years, that volume has decreased. We heard what the NYSDOT was saying

and they said that the preferred location for an access point out to Vischer Ferry Road was further to the east. However, we don't have any ability to get out further to the east. So, in Plan #1 we had proposed to have all the traffic come out to Dunsbach Road and that had the traffic coming down to the intersection of Vischer Ferry Road and Dunsbach Road and the NYSDOT was in favor of that. Part of the reason for that was, it put traffic into an intersection, whereas any improvements would also become public benefit because you have other road users using that intersection. However, as the plans had evolved and we heard the concern of the Planning Board that too much traffic was going to Dunsbach Road, we scaled that back and that left us with the only option of coming back out to Vischer Ferry Road next to McDonald's. Mrs. Sautter stated the following: Yes and I understand that and I agree with them whole heartedly that Dunsbach Road was not the way to go because that is a very small country road. My other concern is; I've read the traffic study and I know that you're showing them going this way and that way. Now you're looking at Woodin Road and that's getting an awful lot of traffic now from the other projects in the area. I believe The Kensington of Halfmoon is located on Stone Quarry Road, which has not started yet, but there's still an enormous of traffic cutting through there. I cut through there the other day to go down to Latham because I couldn't get out through Crescent onto Crescent-Vischer-Ferry Road to get down across the bridge. The traffic was lined up that badly so, I cut through and then I waited on Route 9 and that's not a good thing to do there. So, you really need to take into consideration those areas. I know that you show the traffic always going this way or that way and that's not always the way it goes. Woodin Road is extremely congested as is Stone Quarry Road and Route 9 and even trying to get out on Woodin Road over to Vischer Ferry. I can never see Princeton Heights being an egress. As you may know or may not know, Princeton Heights goes through a smaller development or is intended to go through smaller development now and Dunsbach Road looks like a speedway compared to those roads. So, I would never say that that would be the way to go. So, I would think that that is not an option and that should stay an emergency access. Mr. Zee stated the following: I understand what you're saying and as I said, I do have a sketch plan prepared by Lansing Engineering and the language they specifically have here is a "future 60 FT right-of-way". So, I'm just reiterating what I see on a map that was submitted to the Town and that's why we didn't propose it to be a full service access point and we are just proposing it as an emergency access. Mrs. Sautter stated much like your proposals, theirs have gone through maybe 7 or 8 with the same kind of issues with the density, traffic, smaller roads and all of that. Mr. Higgins asked is the NYSDOT in agreement with this location now or have they changed their opinion? Mr. Worsted stated the following: They still feel that that access further to the east is the best because it provides more public benefit for the improvements that would occur. However, we're accommodating the traffic at this intersection in two ways; we're widening the road and putting in turn lanes, etc., but we've also backed off on the amount of traffic that will go through there. So, we're reducing the source of the traffic and we're improving the roads to meet that. Mr. Higgins stated so, if the NYSDOT doesn't give you a curb cut there, what are you going to do then? Mr. Worsted stated we wouldn't have an access there, but I believe they have indicated that they will give us a curb cut. Mr. Higgins stated okay, I thought that I asked that questions so, the NYSDOT is changing their opinion and is approving that interchange, is that what you're saying? Mr. Worsted stated the following: They are not necessarily changing their opinion. They have to provide access to a piece of property. They can regulate what access that might be. You could give a parcel a right-in/right-out only access and it's providing access to the property, but it's not giving them full access. What they have said is; their opinion is that it's preferred further to the east, but recognizing that we can't go further to the east, they'll grant us access at McDonald's. Mr. Higgins asked would that be both a right and left access? Mr. Worsted stated the following: Correct, a full access. If they found that this driving range were to be

developed and they wanted to put in a retail shopping center, then that access may not be able to go through here. This intersection may not be able to accommodate that level of development. If Mabey's were to redevelop their parcel and they wanted to come through this access point, this access point close to the interchange may not be able to support that. So, that's their opinion that the interchange or the intersection should be further away for obviously some type of level of development, but because we've brought that down it's now to an acceptable point where they would grant access where we've shown it proposed. Mr. Higgins asked do you have that in writing from the NYSDOT? Mr. Worsted stated I believe it is probably part of the record. Mr. Nadeau stated for clarification; did you say that the NYSDOT does have this or are they reviewing it? Mr. Worsted stated we haven't submitted Plan #3. Mr. Nadeau stated okay that answers my question; this has not been submitted to the NYSDOT. Mr. Bianchino stated the following: For clarification; we had a meeting with the NYSDOT to review version #2 of the plan and at that point in time we talked about the access points, we talked about the proposed driveway between McDonald's and Hess and at that point again the NYSDOT reiterated, just as Mr. Worsted described, that they would prefer to create a signalized intersection farther to the east. However, they did say that based on the reduction in trips that was proposed at that time, that they would consider the access point as proposed here between McDonald's and Hess and they clearly said, again as Mr. Worsted has said, that depending on what happens in the future with the driving range and any other parcels that may develop in the area along the Northway, that would require them to relook at that intersection at that time and make a determination on possible restriction of access at that point. Mrs. Murphy asked regarding Plan #2, was the golf area going to be forever green? Mr. Bianchino stated correct, but there was still a vacant parcel between the driving range and the post office. Mr. Ouimet asked is there a need to refer Plan #3 to Mr. Bianchino for further review? Mr. Bianchino stated yes, because I thought it was important that the Board take a look at what we had and we could hear their comments before we started to complete our review and certainly I think that's why these guys haven't submitted a revision to the NYSDOT because they wanted to see what the Board's reaction to the plan was. Mr. Ouimet stated the following: I would like to keep moving this project along so; we need to set a public informational meeting. I would like to set the public informational meeting for 5 weeks from now or 2 meetings from tonight, which will be Tuesday, October 15, 2013. That way you can get whatever conversation between the engineers completed by then. Would this fit with our schedule Mr. Zee? Mr. Zee stated yes. Mr. Berkowitz asked is it possible to predict, based on your best determination, what level of service that intersection will begin as? Mr. Worsted asked are you referring to the new one next to McDonald's? Mr. Berkowitz stated yes. Mr. Worsted stated in the morning it will be a level of service "C" and in the afternoon it will be a level of service "C" to "E" because it depends on which direction you are going and that's when it is built out or when this plan has been fulfilled that's what it would be like. Mr. Berkowitz asked how about with all the other background traffic? Mr. Worsted stated the following: That includes the other background traffic. The most notable thing is the Halfmoon Village & Yacht Club. Mr. Berkowitz stated the following: There is another project going in off Vischer Ferry Road and Dunsbach Road that I think is pretty large. I don't think we've seen it yet, but I read about it in the newspaper. Mr. Ouimet stated I think there is a proposal that we haven't seen yet that is further down Vischer Ferry Road below the intersection of Dunsbach Road and Vischer Ferry. Mr. Harris stated there is The Kensington of Halfmoon Phase II project. Mr. Ouimet stated I believe that is on Stone Quarry Road. Mr. Ouimet stated the following: So, does 5 weeks from now fit with the desire of the Board to hold the public informational meeting and then we will be able to hear the comments from the public. We will be able to get the notices out to the public in plenty of time and they will have an opportunity to read and digest our minutes from tonight's meeting because the meeting minutes will be presented and approved at our next

meeting. Mr. Partlow asked can we ask for another traffic study? Mr. Ouimet stated we can ask for a traffic study, but I don't know what they'll give us because we have an existing traffic study with a larger number of units. Mr. Partlow stated right, but we have other construction that's been going on in the past year and has that been taken into consideration? Mr. Ouimet stated they said they have. Mr. Worsted asked what was the concern? Mr. Partlow stated I know we have a reduction in buildings and traffic and we got 2 different roads that we have here, but my concern is that we have other construction that is going on in the area that's impacting the traffic as well and that is very recent. So, I'd like to propose to see if we can get an updated traffic study. Mr. Worsted asked what is the other construction? Mrs. Murphy stated The Kensington of Halfmoon. Mr. Harris stated The Kensington of Halfmoon has 2 phases; one that is under construction now and another one that is just a proposed PDD at this point and that is located on Stone Quarry Road. Mr. Ouimet asked Mrs. Sautter; when you asked your question about the traffic studies, it is my recollection that The Kensington was included, correct? Mrs. Sautter stated no, it was not. Mr. Worsted stated it was included under the name of Hudson Ridge, which is what it was originally called and that was presented to the Board and was approved as well. Mr. Ouimet stated that was Phase I and that's across the street from the new proposal. Mr. Worsted stated across the street wasn't included in the study because it hasn't been approved. Mrs. Sautter stated the following: This traffic study took into account and these were future projects in 2009. For clarification; the only project that has been added since is The Halfmoon Village & Yacht Club. Mr. Worsted stated The Halfmoon Village & Yacht Club was the last one that we had included in the study. Mrs. Sautter stated the following: Correct. So, they have Ellsworth Landing, Princeton Heights, Hudson Ridge PDD, Sandy Rock, Casale Rent-All, Walgreens, Stenner Pump, Halfmoon Family Dental and General Mechanical. Those are what were looked at and that was in 2009 and since then they added The Halfmoon Village & Yacht Club. Mr. Harris stated for clarification; Hudson Ridge was renamed The Moorings of Halfmoon and now for marketing purposes they now call The Kensington of Halfmoon. Phase I is being constructed now. So, the one that is a proposed PDD at this point is The Kensington of Halfmoon Phase II that is located across the street from Phase I. Mr. Ouimet asked how many units are they asking for in Phase II, is it 90-units? Mr. Harris stated we recently received a revised proposal for The Kensington of Halfmoon Phase II from 90-units and now they are proposing a reduction to the units. Mr. Ouimet stated so that would be the only other thing to add to the traffic study. Mr. Worsted asked would we add projects that aren't approved? Mr. Ouimet stated Phase II of The Kensington has been submitted, but it hasn't been approved and there hasn't been anything else submitted in the general area in which you are proposing to build. Mr. Partlow asked has The Kensington been asked with its submittal to incorporate this proposal in their traffic study? Mr. Harris stated I doubt they did a traffic study yet because Phase II is not even an established PDD. Mr. Ouimet stated the following: It is my understanding that Creighton-Manning is doing all of the traffic studies for Princeton Heights, Linden Village, Hudson Ridge and The Kensington. So, if that study is in your office, can you be prepared to talk about it as well at the public informational meeting? Mr. Worsted stated yes. Mrs. Sautter asked so; did they incorporate those numbers for The Kensington? Mr. Worsted stated yes, I did and it looked at Plan #2 and obviously not Plan #3 because it was subsequent to it. Mr. Ouimet stated the following: For Princeton Heights we used an expanded notice area and this is pretty much contiguous to Princeton Heights and it seems to me the same notice area would work. Mr. Higgins stated the only thing that I was going to suggest is being that this is so much closer to Crescent-Vischer Road; did the notices also go out south on Dunsbach Road? Mr. Harris stated I will have to check that. Mr. Higgins stated I was going to suggest that maybe we would want to make sure that south on Dunsbach, at least for a certain distance, is also notified. Mr. Ouimet stated okay,

then we will do an expanded notice and set the public informational meeting for Tuesday, October 15, 2013.

This item was tabled and referred to CHA for further review and response on the revised plans submittal for Linden Village.

Mr. Higgins made a motion to set a public informational meeting for the Tuesday, October 15, 2013 Planning Board meeting with a request for an expanded notification. Mr. Nadeau seconded. All-Aye. Motion carried.

Mr. Ruchlicki made a motion to adjourn the September 9, 2013 Planning Board Meeting at 7:44pm. Mr. Nadeau seconded. Motion carried.

Respectfully submitted,
Milly Pascuzzi
Planning Board Secretary