

Town of Halfmoon Planning Board

Meeting Minutes – August 13, 2012

Those present at the August 13, 2012 Planning Board meeting were:

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

Director of Planning: Jeff Williams

Town Attorney: Lyn Murphy

Town Board Liaisons: Paul Hotaling
Walt Polak

CHA Representative: Mike Bianchino

Mr. Roberts opened the August 13, 2012 Planning Board Meeting at 7:04 pm. Mr. Roberts asked the Planning Board Members if they had reviewed the July 23, 2012 Planning Board Minutes. Mr. Ouimet made a motion to approve the July 23, 2012 Planning Board Minutes. Mr. Ruchlicki seconded. Motion carried.

New Business:

12.056 NB Saratoga Academy of the Arts & Sciences, 23 Executive Park Drive – Change of Tenant

Mr. Michael Christensen, of Saratoga Academy, stated the following: I'm here tonight for a change of tenant application located at 23 Executive Park Drive for administrative offices. The school has grown and I have to give up my office to instructional facilities so we are moving the administrative office across the street. Mr. Higgins asked is this strictly for administrative offices? Mr. Christensen stated yes. Mr. Higgins asked would there be any students at this site and would there be any reason for students being brought to that office? Mr. Christensen stated the following: No, each building has it's own office. This is basically the home of the management company that is going to be operating the school. So, it would be a central office. Mr. Higgins stated we were concerned about where the children would be going at the school and that's why we are asking that question. Mr. Christensen stated right. Mr. Ouimet asked Mr. Williams if there was adequate parking at the site. Mr. Williams stated the following: The parking is fine there and they share the parking with the Girl Scout's of America. Saratoga Academy has 10 employees and the Girl Scout's of America has 10 employees and the site has 25 parking spaces. Mr. Roberts asked Mr. Christensen to please advertise that they are located in Halfmoon.

Mr. Berkowitz made a motion to approve the change of tenant application for Saratoga Academy of the Arts & Sciences. Mr. Higgins seconded. Motion carried.

12.057 NB Westbrook Subdivision (Driveway Modifications Lot #'s 3, 7 & 11), Harris Road & Wesley Court – Revised Site Plan

Mr. Robert Marini, Jr., of Marini Builders, stated the following: This subdivision was approved about 7 or 8 years ago. The entire subdivision has been built-out except for 4 lots that are shown in green on the plans. When the subdivision was approved, it was approved with a common driveway for Lot #'s 3, 7 & 11, which happen to be the best lots in the subdivision. Paulsen Development built the subdivision and they took it as far as it could go and then Paulsen came to me and asked me if I would finish the subdivision out. We tried to market these lots with a common driveway and they're just not sellable. So, about 2 years ago I went to Mr. Jeff Williams and asked him if I could do these 3 lots with 2 separate driveways, which are shown in red on the plans, are all within the confines of the wetland jurisdictional areas. Then there would be one lot with an access off of Harris Road. I went to Mr. Ted Serbalik from the Saratoga County Highway Department and made the proposition to him and he said that it there would be no problem. I sent Mr. Williams the email and showed him that it wouldn't be problem for us as far as the County was concerned to get one driveway for Lot #7 off of Harris Road with two separate driveways off of Wesley Court. The driveway could be built with no further impacts to the wetlands that were previously approved. We are here tonight to ask for a subdivision amendment to have 3 separate driveways for 3 separate lots; one off of Harris Road and two off of Wesley Court. Mr. Berkowitz stated regarding that one driveway coming off of Harris Road, is there going to be a turnaround so they won't have to back out onto Harris Road? Mr. Marini stated the following: Yes, there would be a turnaround on the lot whether it is a circular driveway or a backup pad so no one has to backup onto Harris Road. The same thing for the other two lots where no one would have to back out these 2 driveways and they would also have their own turnarounds to be able to drive out. Mr. Higgins stated the following: In our pre-meet discussion we talked about both of the driveways being tied together with Lot #7 and the proposed lot line adjustment, which is the next item on tonight's agenda. We would have to do a public hearing for the next item on the agenda for a lot line adjustment anyway and being that it impacts Lot #7, we would like to hold both of these over until after the public hearing for the lot line adjustment just in case we get some neighborhood comments about the proposed driveway access out onto Harris Road. Mr. Roberts stated we discussed that we want to have a public informational meeting on the revised site plan application on the same night that we hold the public hearing for the lot line adjustment. Mr. Marini stated okay that's fine. Mr. Ouimet stated my question centers around the length of the 2 driveways and whether or not we need to look at them to see if they would support emergency vehicles. Mr. Marini stated the following: The driveways are no different than if they serviced all 3 lots, they're the same if not shorter and they would still support an emergency vehicle. You would have a 10 FT wide driveway, another 10 FT wide driveway with about a 5 FT strip in the center. So you would have 25 FT of access back to those lots. In terms of emergency access, there is no difference. We're just taking one shared driveway and breaking it off into 2 driveways for the 2 lots and making one separate access off of Harris Road. Mr. Ouimet stated you're making 2 narrower but where they come together they're going to theoretically be wide enough. Mr. Marini stated there would still be plenty of access for an emergency vehicle to get in and out. Mr. Ouimet stated there is one driveway that is 105 FT long and asked Mr. Bianchino if there was an issue of whether or not it can support a fire vehicle? Mr. Bianchino stated the language we always used is 500 FT or more and that has always been kind of the rule of thumb we've used with the emergency services as to when that kicks in.

Mr. Higgins made a motion to set a public informational meeting for the August 27, 2012 Planning Board meeting. Mr. Nadeau seconded. Motion carried.

12.058 NB Westbrook Subdivision, Harris Road & Wesley Court (Lot #'s 7 & 17) – Lot Line Adjustment

Mr. Robert Marini, Jr., of Marini Builders, stated the following: Regarding the lot line adjustment; since I'm going to break one lot off and have it accessible from Harris Road, I would then have one lot in the subdivision that is a liability, which is Lot #14. Lot #14 has a pond and I can't sell it. Every other lot in the subdivision has been sold. So since we're going to break one lot off and make it accessible from Harris Road, I thought it would be better from a marketing perspective to take this large area of wetland/pond on the plans and add it to Lot #7 and take it away from Lot #17. The fact of the matter is that having the pond on a conventional lot in the subdivision is a liability for any one that wants to buy a lot within the subdivision. So from a marketing perspective, having a large lot off of Harris Road, which would be in excess of 4-acres, makes more sense from a marketing perspective than to have a large lot within the subdivision. So, henceforth we're applying for a lot line adjustment to take this large area away from Lot #17 and add it to Lot #7. Mr. Nadeau asked would there be a note on the plan to whoever purchases that lot knowing that that's wetland area? Mr. Marini stated it would be the same way it was for Lot #17, which is the reason why we couldn't sell it. Lot #7 is now going to own this pond and be responsible for it. Mr. Nadeau asked would they would be aware of that as they purchase the lot? Mr. Marini stated yes.

Mr. Berkowitz made a motion to set a public hearing for the August 27, 2012 Planning Board meeting. Mr. Ruchlicki seconded. Motion carried.

12.059 NB American Para Professional Systems, Inc., 1471 Route 9 (Crescent Commons) – Change of Tenant

Mrs. Murphy recused herself from this item. Mr. Mike Klimkewicz, owner of Crescent Commons, stated the following: I'm here on behalf of American Para Professional Systems (APPS). They are an insurance company and they would have 2 full-time employees that would require only a couple of parking spaces. They have no signage requirements. Mr. Berkowitz asked would they have any clients coming in? Mr. Klimkewicz stated the following: APPS would have a few clients coming to the site to draw blood. APPS go out and sell the policy and then individual would come in and APPS would do a battery of tests on them to make sure they are qualified and that's what they would do. They expect maybe a client at a time. It's not as if they get a long list like it's a doctors office or anything like that.

Mr. Nadeau made a motion to approve the change of tenant application for American Para Professional Systems, Inc. Mr. Ouimet seconded. Motion carried.

12.060 NB CGM Construction Planned Development District (Equipment Storage Garage), 87 Button Road - Commercial Site Plan/PDD

Mr. Chris A. Marchand, of CGM Construction, stated the following: We were before the Town Board at the beginning of last month as the first step in the Planned Development District (PDD) process in trying to construct a equipment storage garage at 87 Button Road. The garage is proposed to be 7,500 SF that would be used for the storage of equipment and trucks. No operations would be taking place out of that proposed garage. At last months Town Board meeting, they referred us to the Planning Board and I'm here tonight looking to progress to the next step of the approval process. Mr. Higgins asked what is this garage going to be used for. Mr. Marchand stated it would be used for the storage of just our work vehicles; trucks, equipment, tools and things like that. Mr. Higgins stated you do realize that this is a residential lot. Mr. Marchand stated correct. Mr. Higgins stated and you knew that when you purchase the lot. Mr. Marchand stated the following: Yes. This has been an on-going process but we feel that even though it is a residential lot, it's very

undesirable as a residential piece of property. We are surrounded by commercial uses and the R.J. Valente mine is up the road. In the other direction there are gravel banks for Constantine Construction, Carver Construction and Riberdy Contracting. There is a diesel mechanic garage right at the top of the hill and Meed Enterprises is right next-door. So, we're surrounded by commercial/industrial type uses. This particular lot is zoned Residential (R-1) but we feel that we are completely in the character of adjacent land uses. Mr. Higgins stated but there is also several residences that were built right down the road from this site when all that other stuff you mentioned was pre-existing. Mr. Marchand stated the following: That may be correct but I'm not entirely sure of the dates when the houses were built verses when several of the other businesses were opened. I know those houses have been there for quite some time and we did speak to all of those homeowners and last fall when we had our initial presentation on this project, the homeowners came out in full support of the project. They had no complaints, no issues and no concerns about us putting the garage here. Mr. Higgins stated but the Town requirements for a PDD are 10-acres and this is only 1.5-acres. Mr. Marchand stated right, we are aware of that. Mrs. Murphy stated the following: The PDD legislation says 10-acres unless otherwise approved by the Planning Board. So, it's not only 10-acres. I just don't want anybody to have a misimpression as to how the local law reads. Mr. Marchand stated yes, we understand that and I've read the code many times and have seen that statement in there but we're hoping that there is some flexibility to allow this to proceed. Mr. Nadeau asked what was the Zoning Board of Appeals (ZBA) ruling on this lot? Mrs. Murphy stated the following: I was present at the ZBA meeting regarding this project and at that time the ZBA found that because they purchased the property in its current zoning, that it was something that they could have avoided. So, they couldn't meet all the criteria for a use variance. Mr. Berkowitz asked where is the closest residence? Mr. Marchand stated the following: The closest residence would be the neighbor next door, Robert and Deborah Schramek. Their driveway is probably over a thousand feet long, so they are way tucked back in the woods where you cannot see their house from Button Road and we're going to have no adverse impact on them. Mr. Berkowitz asked how many other residences are in that area. Mr. Marchand stated the following: It would be the Schramek's next door and there is one house directly next door to them. Those are the only two and I believe there is another one two houses up that is currently vacant, which is owned by NXIVM. Mr. Berkowitz asked how about down to the right? Mr. Marchand stated the following: If you are on Button Road and our proposed building is on the right, the two residences would be passed on the right and there is nothing on the left. There is a stream there and the area is not buildable because there are some steep ravines. So there is no potential for any houses to ever be built across the street from us. Mr. Nadeau asked what's further up the road back towards the intersection across the street? Mr. Marchand stated the following: There is nothing on the right hand side. If you were to drive down there it's farmland and cornfields. On the left hand side are the businesses I was talking about. Mr. Nadeau stated I'm aware of those businesses, but what is across the street and to the left, isn't that farmland being farmed. Mr. Marchand stated the following: Yes. Across the street everything is completely vacant as it stands right now and there are no other buildings. All the current buildings are on the same side of the road where we're proposing to be on. Mr. Nadeau stated typically for a PDD there are public benefits discussed; what would the public benefits to this PDD? Mr. Marchand stated we feel the public benefits is that we're taking a piece a property that has been undesirable for a number of years, it has always been an eyesore and we feel that it is not conducive to any sort of residential use. It's not desirable for somebody to come and build a new single-family home on. So, we feel we're taking a piece of property, put a use there that is going to increase tax base on the tax rolls and we feel that is an advantage. Also, it is an advantage for the Town as well as for us to move our operations to Halfmoon. We enjoy doing business in Halfmoon and we would like to put our operations fully in Halfmoon and we feel like it could be a win-win for all of us. Mr. Nadeau stated so there are no public benefits. Mr. Marchand stated well to the general public I guess I feel that

would really be beneficial would be the piece of property used for something other than an eyesore. Mr. Ouimet stated is the area of this particular lot is 1.815-acres? Mr. Marchand stated that is correct. Mr. Ouimet stated the following: The 1.815-acres is significantly less than the 10-acres that is in the PDD legislation. What leeway do we have as a Board to even consider a project this small? Mrs. Murphy stated the following: The PDD legislation in and of itself says that the Town Board following a favorable report from the Planning Board may consider projects of lesser acreage where the applicant can demonstrate that the characteristics of his holdings or the intended land use meet the purpose of the article. What I think the applicant is saying to you is based on what he is surrounded by etc., he is meeting all the other criteria of the PDD despite the size. The local law has built into it a way for the Board to consider something less than 10-acres. It's your choice as to whether or not you think it is appropriate. Mr. Ouimet stated the following: I'm not sure that we have enough information based on the presentation just by the applicant. I think that this is an appropriate request for us to ask for a public informational meeting right now to find out what the public thinks about this kind of project in this area. So, I would make a motion that we schedule a public informational meeting with an expanded notice area to flush out this particular proposal in more detail. Mr. Marchand stated the following: We have on record back from last fall that should be in the meeting minutes that four or five different neighbors in both directions that were in full support of the project. So, I'm not sure how broad we need to get here. Everyone that lives close by came to the meeting and they spoke in support of the project. I'm really not sure who else would have any concern. I don't see R.J. Valente or Roddy Valente having any sort of concern or any of the gravel pits up the road. I don't understand why those people would have any concern with the project. Mr. Roberts stated we as a Board want to make sure that all the neighbors in that area have a chance to voice their concerns or their approval. Mr. Marchand asked don't they do that as the next step at the Town Board? Mrs. Murphy stated typically, just so you know, the Planning Board has the public informational meeting as part of their review of it and it's the norm for there to be a public hearing or public informational meeting scheduled as part of this process. It would be a informational meeting hearing to permit this Board to hear from the surrounding properties as to what their concerns may or may not be. It is not a legal public hearing. Mr. Roberts stated before we can make a recommendation back to the Town Board we want to make sure that we get all of the input we possibly can. Mr. Ouimet stated the following: Also, I think that at some point in the future the mining operations will cease and there's no reason to believe that that property couldn't be reclaimed into residential property. If the whole premise of this PDD request is that this is always going to be a commercial use as the best use for the property even though it's a residential district. I want to hear from more people, I want to hear more about this and I want to hear from people who have been in a reclaimed mining area, for instance, and that's really my reason. Mr. Higgins stated also some time in future, the farmland that's being presently farmed could also be turned into residential and that would be Agricultural-Residential (A-R). Mr. Nadeau stated the following: Going back to the intersection; don't we have some attractive houses back towards the intersection? The Riberdy's have a very nice lot there. I know there are some businesses but there also some residences in that area. Mr. Marchand stated yes, there are some single-family homes closer towards Brookwood Road. Mr. Nadeau stated so your picture of all commercial is not necessarily correct. Mr. Marchand stated the following: As I said, there are houses on this road. I didn't say there were no houses but they're farther up on the hill and they are not even within sight distance of the piece that we're looking to put the garage on.

Mr. Higgins made a motion to set a public informational meeting for the August 27, 2012 Planning Board meeting and asked for the notification to be expanded to cover all parcels on Button Road between Lower Newtown Road and Brookwood Road. Mr. Ruchlicki seconded. Vote: Mr. Higgins, Mr. Ruchlicki, Mr. Berkowitz and Mr. Roberts – Aye; Mr. Nadeau – Nay. Vote: 4 – Aye; 1 – Nay. Motion carried.

12.062 NB Outlook Ridge Residential PDD, Cary Road – Major Subdivision/GEIS

Mr. Scott Lansing, of Lansing Engineering, stated the following: We're here tonight to introduce the Outlook Ridge of Halfmoon Residential Planned Development District (PDD). I'm also here tonight with the applicant for the project, Mr. Lou Lecce. We're here on a referral from the Town Board as part of the PDD process and our goal for tonight is to hopefully either set a public informational meeting or advance towards a referral back to the Town Board. The parcel is located on the northern end of Town as shown on the zoning map. The parcel is zoned Industrial (M-1). Specifically, the parcel is approximately 27.9-acres. We would like to note that the parcel is two separate parcels and there is a line approximately down the middle. This project does propose a consolidation of those two lots that are approximately 14-acres to create the overall 27.9-acre parcel. Cary Road is on the southern side and Cary Road is pretty much the highest point of the project and then it slopes down. It is flat and then it slopes down kind of moderately and by the northern portion of the boundary it is rather steep as it goes down to the railroad tracks on the northern portion of the project. The aerial photo shows the existing vegetation on the parcel. It is pretty much a cleared area that once used for agricultural activities, which has not been used in many years. There are Army Corp of Engineers (ACOE) wetlands on the parcel. The surrounding uses are: The railroad that is on the northern portion of the parcel and there is some vacant land scattered about with residences along portions of the parcel and agricultural as well. As I said, the parcel is zoned M-1 as shown on the map and then it sharply transitions to Agricultural-Residential (A-R). The western portion of the property is Light Industrial/Commercial (LI-C). As I mentioned it is zoned M-1 as far as the uses for the parcel. We have listed the uses in the narrative presented with the application. In our opinion these uses seem to be denser and more intense than what we are proposing for a use on our parcel. We are proposing residential PDD luxury apartments. We looked at the parcel and looked at the zoning around the parcel in kind of transition from railroad tracks to the A-R, which is immediately to the south of the parcel. We also looked at how long the parcel has been on the market and how it has not been utilized as a M-1 use for a great number of years. We also looked around at other parcels in the Town that are approved as LI-C/M-1 type uses that unfortunately have not developed even though they do have approvals. We felt that a residential application for this project would be less dense and less intense and would be less of an impact on the community. We are proposing 12 buildings and they are modeled after The Reserve at Glenville and we have provided pictures of those. They are 12-unit buildings; so that would be 12 buildings with 12-units per building that equals 144-units. Each unit would have an individual garage. We did follow the Halfmoon code for density. Buildable acreage; total parcel minus the areas that the Town prescribes as constrained lands. We come up with an unconstrained land of 20.31-acres. We do recognize that the PDD has a zoning maximum density of 10 dwellings units per gross acres. So, for our parcel that would be approximately 279-units. Density per gross acre is 5.19 units per acre and 7.09 units per net acre. I know that the Town looks at this number as in comparison to the 10-units per acre and we are roughly half of what the maximum permissible density is for the project. We are proposing private roadway throughout the project; approximately 3,351 linear feet of roadway. We are proposing 2 curb cuts out onto Cary Road so we have the two points of access throughout the parcel. We do supply 2 parking spaces per unit for the 144 units. So that would require 288 parking spaces and we are proposing 306 at this time so we have roughly 18 parking spaces shown throughout the project as overflow parking. We are proposing public water that would be extended from the Tabor Road area to the project that is approximately 5,500 FT. Sanitary sewer would be extended from a sanitary sewer trunk main along the railroad tracks that is a 42-inch trunk main with excellent capacity. The amenities within the project: there would be a sidewalk system that goes throughout the entire project and connects all the units to one another. We also have a trail system that we're proposing that connects the sidewalk to an openspace area which is a very nice high point that has a nice outlook, thus the name of the

project "Outlook Ridge" and we are proposing a gazebo or some form a gathering feature in that area and then a trail system down to the potential future Zim Smith Trail. We are proposing active parkland and we have an active parkland area and there is also another active parkland area in the front of the parcel, which also doubles as openspace from Cary Road. As a part of the PDD we understand that typically the Town requires community benefits for all PDD's. While it is our opinion that this less dense and less intense use than the underlying zoning, we still have work to develop community benefits for the project. The first one is the Zim Smith Trail that we have coordinated with Saratoga County. We understand that this is a primary route for the Zim Smith Trail and the exact location of that has been undetermined because they are not quite sure how it's going to work with the adjacent parcels but we are committed to dedicating whatever amount of land would be needed for that trail system. Secondly is the water main extension size increase that we are proposing an extension from Tabor Road. The size of the main that we would need would be an 8-inch main, which we understand would serve just our project but we have had a request from Frank Tironi, Director of the Town's Water Department, to increase that main from an 8-inch to 12-inch. It's my understanding that this is going to be part of a loop system and also to connect to the County wide system that is located on Route 67. So, part of the community benefit would be the increase in the size of that line for the 5,500 FT from an 8-inch to a 12-inch. The next community benefit would be a sanitary sewer main increase basically extending a sewer main from the mainline along the railroad tracks. Again, for our project we would only need an 8-inch line to serve our project but in the Northern Halfmoon Generic Environmental Impact Statement (GEIS) there is a sewer line identified to serve a broader area so we would size that line to serve a much broader area. We have looked at that and basically from the end of that line we're estimating that you could serve about 805-acres to that sanitary sewer line. So, that would be increased from an 8-inch to be it a 10, 12, 15 or whatever size we would determine with CHA. The community benefit would be highway improvements. We have discussed this with the Town Board and one suggestion the Board made was relative to some form of a highway improvement in the area that has not been developed yet although I have contacted Mr. John Pingelski, the Town's Highway Superintendent, who is going to coordinate with Mr. Bianchino to try to decide what may be an appropriate highway improvement that we can participate in as a community benefit. A primary comment from the Town Board was regarding the density. When we initially proposed this to the Town Board we had 180-units and they felt that we should reduce it in density and it's my understanding that they were more comfortable with 144-units. The other comment the Town Board had was relative to access to the site. We originally had one narrower access point and they asked that we separate that out a little more so that it is more definitive of two access points. The last significant comment the Town Board had was relative to the community benefit where they suggested potential highway improvements as a community benefit. Mr. Roberts asked if this proposal were for single-family homes, how many would be constructed? Mr. Lansing stated the following: If it were for single-family homes as a R-1 Residential with 20.3-acres, it roughly would be 44 homes but that would require a PDD as well because that is not a permitted use. As far as the underlying zoning; we did take a look at the parcel as a M-1 use and we laid out approximately 188,000 SF of warehouse space. So, I think that may be more of a comparison from what we're proposing. Mr. Roberts stated but for single-family it would be 100 less units. Mr. Lansing stated that is correct as a R-1 use, which again would require a PDD as well because that is not a permitted use. Mr. Nadeau asked would that 44 single-family homes be the maximum? Mr. Lansing stated those would be 20,000 SF single-family units just within the buildable land and nothing overlapping on the unconstrained land, which we typically do. So, perhaps we would get 48 or 50 units. Mr. Higgins asked is the entire piece of property zoned M-1? Mr. Lansing stated that is correct. Mr. Higgins stated earlier I thought you said that part of it was A-R. Mr. Lansing stated no. Mr. Roberts stated I thought Mr. Lansing stated that the property next to it was zoned A-R. Mr. Lansing stated A-R is immediately to the south of it and I'm sorry if I miscommunicated

that information. Mr. Berkowitz asked what is immediately to the east of the property? Mr. Lansing stated it is zoned M-1 to the east of the property, which we feel is primarily wet, and then there is another parcel to the east that does not look like it is wet but it looks like it may have been farmed in past. Mr. Berkowitz asked presently are there any industrial uses there now? Mr. Lansing stated no. Mr. Berkowitz asked presently are there any multi-family dwellings in that area? Mr. Lansing stated no, not that I'm aware of. Mr. Berkowitz asked so how does this fit into the character of that neighborhood. Mr. Lansing stated the following: We feel it's a transitional zone in that we have the railroad tracks on the northern section and A-R. In our opinion, this seems like a nice transition from railroad tracks and industrial type use to agricultural. Mr. Berkowitz asked are you saying that someone who lives in an apartment is more apt to live near a railroad track than someone who lives in a single-family home? Mr. Lansing stated yes, that is my opinion. Mr. Berkowitz stated the following: If it were me, I wouldn't live in either or by a railroad track especially with those tracks going to the intermodal in Mechanicville. Do you know how many trains go through there in a day? Mr. Lansing stated the following: I do not. We do have approximately 500 FT from the back towards the railroad tracks and there is quite a bit of topographical relief as well. Mr. Berkowitz asked so, is there a big buffer there? Mr. Lansing stated yes, there is. Mr. Berkowitz asked would a single-family residence have the same buffer as the apartment? Mr. Lansing stated the following: Yes, they would. Again, in my opinion, I feel apartments would be more excepting of something like that. Mr. Berkowitz stated I tend to disagree. Mr. Nadeau stated the following: For the Board's information; there are very nice residential homes within that whole area. There are some older farm homes but there are also some very nice residential homes and some new homes as well. Mr. Berkowitz asked has there been any traffic studies done yet? Mr. Lansing stated no, but we could absolutely do that. Mr. Berkowitz asked have there been any studies done? Mr. Lansing stated we have done wetlands and we have done boundary topography. Mr. Berkowitz stated so you just did geographic studies. Mr. Lansing stated that is correct. Mr. Nadeau asked what direction would the majority of the traffic go because obviously you know that we have Coon's Crossing where the railroad tracks are, which is not a great intersection? Mr. Lansing stated I think some of the traffic would go on Route 67 but in my opinion I would say that a majority of it would go down Cary Road towards Tabor Road and then go towards the Exit 10 area. Mr. Nadeau stated because on Tabor Road they're going to end up meeting the railroad track again at Tabor Road and Ushers Road, which is a poor intersection. Mr. Higgins stated this Board had a public informational meeting and quite a few of the residents from the Fairways complaining about the noise from the railroad and they're a lot further away than this development would be. Mr. Lansing asked would that be Fairway Estates or Fairway Meadows? Mr. Roberts stated it was the town houses at Fairway Estates. Mr. Lansing stated the following: The aerial shows Fairway Estates and it is probably within 400 FT or so and that is the main yard/terminal area. So, I would imagine that there is more activity there then in this area. So, we're approximately the same if not more distance from the tracks. I think there would just be through traffic and there wouldn't be activity. Mr. Higgins stated but they're raised a lot higher than this because this goes right down to the tracks in the back. Mr. Lansing stated I think elevation wise it would probably be about the same. Mr. Berkowitz asked is there also an area where the trains are going to idle while they're waiting to go into the intermodal yard? Mr. Lansing stated the following: I believe it would be further down. It is pretty much a single rail in this area, then the tracks start to split and then it widens out a lot, which is quite a ways away right behind Fairway Estates. Mr. Ruchlicki asked Mr. Lansing to point out to the Board the area on the aerial map where the railroad crossings were located. Mr. Ruchlicki stated the following: I was trying to get a feel on how close it is to the railroad crossing being that is probably where a train would blow a whistle. In the area of Coon's Crossing there are a number of residences that have been there for years. So, it is considerably closer than it is to the actual yard itself towards Mechanicville. Mr. Lansing stated yes. Mr. Berkowitz stated but they also own a great deal of

property going west and they own a couple miles of the track where the trains are supposed to be idling before they go into the intermodal yard. Mr. Lansing stated the following: I'm not sure how far back and how wide it goes but again it does look like it splits and widens out. We can check to see how wide that right-of-way is for that railroad. Mr. Nadeau stated the following: The road going to Ushers is a very country style road and it's not a large road or wide road especially in the Reilly area where it is very narrow. I would assume that a fair amount of traffic would go that way. So, those roads are not the best roads to be using. Mr. Lansing stated I understand. Mr. Nadeau asked has any surveying been done on that? Mr. Lansing stated the following: We don't have any sort of a traffic study or survey of that right now. Again, as far as the underlying zoning for the parcel being a M-1 and the potential use for that parcel, we feel that we have less of a traffic impact than a M-1 use with a 188,000 SF of warehouse with trucks going in and out and things of that nature. We could absolutely do a traffic study and take a look at where the trip distributions are and where the constraint points might be. Mr. Nadeau stated you would need to look at the Tabor Road and Ushers Road intersection because right now there is a yield sign there and with a fair amount of traffic there, you might want to consider a stop sign at that point. Mr. Lansing stated okay. Mr. Ouimet stated the following: I'm not all that sure that it makes a lot of sense to use a M-1 property for apartments especially in this area and especially that close to the tracks. It totally mystifies me how you can say that they are going to be luxury apartments and you're going to be that close to the train tracks. I agree with Mr. Berkowitz and I wouldn't want to live there. Mr. Roberts stated I agree and to tell you the truth I wouldn't want to live there either. Mr. Ouimet stated I don't know if this is a smart use for that particular property. Mr. Roberts stated the following: In my opinion we have a limited amount of M-1 land available in Town and I'm concerned about losing M-1 for apartments. Mr. Ouimet stated especially in light of the presentation where there seems to be so little usable M-1 property. Mr. Lansing stated for the Board's reference; M-1 is shown as the blue parcels. Mr. Roberts stated there still is not a lot left. Mr. Nadeau asked what was the Town Board's impression of this verses the M-1? Mr. Polak stated the following: Well we did put the M-1 zones in there for a purpose even though they haven't developed. The original master plan designated them M-1 areas because of the proximity to the traffic. Like Routes 4 and 32 that are slowly developing parcel by parcel. If they get sewer down through there, it will certainly develop but it has been slower to develop down there than what we wished for it. Mr. Ruchlicki stated the following: Mr. Nadeau has been talking about going out toward Ushers Road and the intersection at the railroad crossing. That is a pretty winding two-lane country road and it really isn't probably conducive to a lot of traffic that that might generate. But, if that were used as a commercial parcel, I would think that any truck traffic or anything of that nature would to go out directly to Route 67 and access Route 9 and out that way rather than go up through by Reilly's place and out that way toward Ushers Road and out toward the church. I think they would go out Route 67 and I think that would be more logical for the use. Mr. Higgins stated the following: Regarding the public benefit; you need water for this site and as far as sewer, the only benefit that the Town is seeing are the sewers for this site. You're not extending the sewer anywhere else. Mr. Lansing stated the following: That is correct. We would absolutely need water for the site. We would not need a 12-inch main for the site; we would only need an 8-inch main to meet our domestic and fire flow needs. A 12-inch main is significantly more costly than a 8-inch main and that would fit the Town's master plan for looping and connecting to the County wide system. So, that differential is what we are proposing for a community benefit. As far as the sanitary sewer; it would be proposed to upgrade the size of the sewer main and it would service our project absolutely that would be similar to the water but we would not need an upgraded size of main and there is a cost associated with the increase in the size of main. Again, that differential is what we proposed as the community benefit as well as analyzing the area and the size of the line appropriately and making sure that the grades and depths are such that we can serve that potential 805-acre area as well. Mr. Higgins stated yes but upsizing the sewer for the short

distance that you have to run to hit the County main is minimal and as far as upsizing the water, yes I understand there is a differential but as far as the excavation, as far as running it and everything else, you would have that cost anyway. Mr. Lansing stated the following: You are absolutely right but the cost from an 8-inch to a 12-inch water main is significantly different. A 12-inch main has to be handled with machines, with fittings and things like that. It is nothing that could be handled by hand. So, there is not only the pipe cost that is significantly higher but the labor cost as well. The sanitary sewer is being extended 2,200 FT so it's not a little short run; it's a pretty long run. Again, that cost difference in the pipe does add up. Mr. Higgins stated the following: I agree with what Mr. Ouimet and Mr. Roberts were saying. It makes a lot more sense to me to use this as a commercial site as it was intended. I cannot see high-end apartments in that proximity to the railroad tracks. I probably live over a mile away and you can hear the whistles at Coon's Crossing and at Tabor Road very clearly where I am. So, I don't think the people there are going to want to listen to those train whistles all night long. In my opinion I don't think this is an appropriate use for that property. Mr. Roberts stated you have heard the numerous concerns from the Board and at this point if the applicant wishes to move forward, we could refer this project to CHA for their technical review. Mr. Lansing stated okay, could we please? Mr. Nadeau asked wouldn't we want to get some input back on the traffic, etc. before we go further with this? Mrs. Murphy stated the following: He was asking me if that's something the engineers would be looking at as part of their review and I said yes, it would be. But, I think it is a good idea for you to say that we want to see more and this is what we think. Mr. Roberts asked is that okay Mr. Lansing? Mr. Lansing stated yes.

This item was tabled and referred to CHA for their technical review.

12.063 NB C & S Siding/Stackewicz Offices Inc., 5 Old Route 146 – Change of Tenant

Mr. Craig Stackewicz, the applicant, stated the following: I'm looking to move my office out my house to a building that has not been active for years. I'm proposing a couple of offices for my secretary and me. I do have a couple of trucks that I would have at the site. We did have a concern about some of our equipment. Mr. Roberts asked what would be your hours of operation: Mr. Stackewicz stated I get in the office about 6:00 am and could be home by 4:00 am. I'm in and out and there is no guarantee. I pretty much just do blueprints and my secretary ships the bids out. My office has overgrown in the house and I have 20 employees but none of them really go to the office. They would be on jobsite job to job. Mr. Higgins asked how many trucks would you be parking at the site. Mr. Stackewicz stated the following: One would probably stay at the site but not all the time. One would go home with me, one would go home with another person and one would remain at the site maybe 3 days out of the week and there is a fourth truck that usually on the jobsite. I can't say that it wouldn't be there tonight and go tomorrow morning or be there tomorrow night and leave the following day. Nothing would stay on the site. Mr. Higgins asked are these all registered street legal vehicles? Mr. Stackewicz stated yes. Mr. Higgins asked do you have trailers or anything like that? Mr. Stackewicz stated the following: I do have a couple of trailers and it would be something that may be in the back if I was coming from Saratoga at night pulling the trailer and I didn't feel like going all the way to Delmar to that jobsite and it would be there the next morning to grab it. Mr. Higgins stated the following: We're just looking for the number of vehicles that would be parked there. Obviously, if we approve this application, we don't want to see 20 trucks and trailers parked there all the time. Mr. Stackewicz stated the following: Anything that would be parked there would be in the back of the property that really can't be seen. Right now it is overgrown with trees and we plan to clear that out. It wouldn't be out front where the main parking area is located; it would be in the back. Mr. Berkowitz asked is that back area going to be enclosed? Mr. Stackewicz stated I could if need be. Mr. Berkowitz asked what is going

to be stored back there? Mr. Stackewicz stated it would be just a truck and if the trailer was there overnight. Mr. Ruchlicki asked would that be like an enclosed trailer? Mr. Stackewicz stated yes and nothing would be loose. Mr. Roberts asked do you have a site plan available? Mr. Williams stated we have an existing site plan in our file. Mr. Higgins stated but it doesn't show the area in the back that he is talking about. Mr. Williams stated the following: The site plan shows the parking spaces. There is an area behind the building where they are going to put some ladders and planks. Mr. Roberts asked was the site plan updated for Mr. Stackewicz's use? Mr. Williams stated the following: The parking spots are updated for his use and there is just one spot directly behind the building where he asked if he could store ladders and planks in the back. I told him that was up to the Board and if the Board did not want it, then he should have a plan B for those stored items. Mr. Higgins stated typically we don't allow outside storage like that unless it is in a fenced-in area that is specifically on the site plan for equipment storage. Mr. Stackewicz stated the following: Okay. I was just curious because nobody can see it, it would be a 10 FT space in the back and there are two A/C compressor units there. I was just trying to be open and say that there's a possibility I might put something there. Mr. Higgins stated we appreciate that but obviously we have to be consistent in the Town. Mr. Berkowitz asked are there 3 buildings on this parcel? Mr. Stackewicz stated yes. Mr. Berkowitz asked which building is yours? Mr. Stackewicz showed the Board which building was his on the site plan. Mr. Berkowitz asked is your building separate from the other two buildings? Mr. Stackewicz stated yes, so there are 2 buildings on the lot. Mr. Berkowitz asked what business is presently operating there? Mr. Stackewicz stated it is a church. Mr. Berkowitz asked is the church the middle structure? Mr. Stackewicz stated that is correct. Mr. Berkowitz asked are you going to utilize the structure on the right? Mr. Stackewicz stated the following: Correct and it is 1,400 SF of space. It has been sitting there for 4 to 5 years. I'm trying to help the church, help me move and update some of the code issues that they have and give me the space with 3 offices, a bathroom and a entry way. Mr. Higgins asked does the church own the property? Mr. Stackewicz stated that is correct. Mr. Higgins asked does the church have a problem with you clearing the back for storage for your trucks? Mr. Stackewicz stated no and I did bring a representative, Mr. Frank Colletta, from the church with me tonight. Mr. Higgins asked where is the access to that back area. Mr. Stackewicz stated the following: There is a driveway that is all overgrown in the back. My secretary and I will park in the parking area and a fence could go in that area if you didn't want to see the truck. Also, there is a spot in the back of the building that is just pine trees, which is about 10 FT and that is where I was looking to see if I could store something there. If not, it's not a big deal. Mr. Higgins stated so as far as on-site storage; you are going to see a maximum of 4 trucks and a maximum of 2 trailers. Mr. Stackewicz stated correct, if that. Mr. Ruchlicki stated the only reason why I asked about whether it was an enclosed trailer or not was only for the protection of your equipment and your safety because if somebody was going down the road and sees an open trailer there, it just might invite them to go in there and take something. Mr. Stackewicz stated the following: Correct and there is a bay with a garage door and that was part of what I proposed to the Town for square footage. Any loose tools would be stored in the garage and everything else would be on a truck. Mr. Berkowitz asked what is the business coming up Lawrence Circle right in the back yard there? Mr. Stackewicz stated the following: I think it's a business and behind there I think there is a residence. I can't really see because the brush line is pretty dense. Mr. Ouimet asked how many employees are you going to have on a regular basis inside the building? Mr. Stackewicz stated two; me and my secretary who works 4 days a week. Mr. Ouimet asked would there be occasions when you have a greater number of people there? Mr. Stackewicz stated the following: Maybe if I have a meeting or if I hold a safety meeting, but that might be ever 3 months. Mr. Ouimet asked where would all those people park their vehicles? Mr. Stackewicz stated there are "x" amount of spaces in one area, there are 2 handicap spaces and there is another space for parking. The meeting wouldn't be more than a hour. Mr. Ouimet stated didn't you mentioned that you have 20 people in the field. Mr.

Stackewitz stated the following: Yes, but they don't come to the site. All the tools and trailers and everything is on-site. Mr. Ouimet asked what would be the maximum number of people who would attend the safety meeting? Mr. Stackewitz stated 20 people. Mr. Berkowitz asked would you have those meetings the same time the church would be having services? Mr. Stackewitz stated no. Mr. Ouimet asked Mr. Williams if there was adequate parking at the site. Mr. Williams stated yes, but it needs to be cleared out and fixed up a little bit because it's kind of overgrown and this gentleman also wishes to fix the building up as well.

Mr. Berkowitz made a motion to approve the change of tenant application for C & S Siding/Stackewicz Office Inc. conditioned on a maximum of 4 work vehicles and 2 trailers stored on-site and allow a 10 FT x 20 FT storage area behind the building. Mr. Nadeau seconded. Motion carried.

12.064 NB Carosello Treats & Sweets, 1602 Route 9 – Change of Tenant

Ms. Lia Lowell, the applicant, stated the following: Currently our home base is located in Albany. We are looking to expand at the property located in front of Trick Shot Billiards. Nothing would be made on the premises. Everything would be made at our home base in Albany and it would be shipped to 1602 Route 9 either daily or every 2 days. There will be no commercial vehicles deliveries at the site because everything would be delivered to our Albany based location and then shipped to the proposed new location. I know there was an issue regarding parking spaces and we also are sub-leasing from Computer Answers, who is also located at this site, and they have said that they would share the parking spaces with us as well because it is a retail front. People would be in and out basically just purchasing items and then leaving. Mr. Roberts asked how many employees would you have? Ms. Lowell stated it will be myself and then I would have 2 employees but they would be working at separate times on different shifts. Mr. Roberts asked what would be your hours of operation? Ms. Lowell stated tentatively 9:00 am to 7:00 pm Monday through Saturday and closed on Sunday. Mr. Higgins asked Mr. Williams if there was adequate parking at that site. Mr. Williams stated the following: I looked at the parking at Computer Answers and they're more of a service than retail and we gave them 8 parking spaces. I now feel that 4 parking spaces is more of an accurate number for them. The adjacent business is a locksmith that has been there for years and they are allotted 9 parking spaces and I don't believe that they even have retail or if they even have customers coming in. So, I switched that to more of a service-oriented use and gave them 4 parking spaces. That freed up 9 parking spaces for the Islamic Center, Computer Answers, the locksmith and this proposed bakery. I visited the site twice last week and there were no more than 4 or 5 cars there at one time. Trick Shots is a late night venture and there is a huge parking lot in the back also. So, I don't think this would ever create a parking problem with all of these businesses there. Mr. Higgins stated I agree with what Mr. Williams' is saying. The only trouble is when Trick Shots has one of their specials on a Saturday afternoon or something like that but we obviously can't control that. Mrs. Murphy asked Mr. Williams if he did a breakdown on the parking and asked if it was sufficient based on the Town's current code? Mr. Williams stated yes. Mr. Roberts asked the applicant if they were going to have a sign. Ms. Lowell stated the following: We are looking to get one and we would like to place it on the building. I haven't done the sign application because we were waiting to see if we received an approval before we submitted that application to the Town. Mr. Roberts stated you would have to come back and see Mr. Williams for the sign application. Ms. Lowell stated yes. Mr. Roberts stated good luck and please advertise that you are located in Halfmoon. Ms. Lowell stated okay.

Mr. Ouimet made a motion to approve the change of tenant application for Carosello Treats & Sweets. Mr. Berkowitz seconded. Motion carried.

12.065 NB National Life Insurance Company, 1407 Route 9 (Nine North) – Change of Tenant

Mr. Michael Chrys, of Garner Holdings LLC, stated the following: I'm the owner of the property and this change of tenant application is for the National Life Insurance Company. Their business is primarily homeowner's insurance, life insurance and financial planning. This business is very common to what we have had here in the past. The parking is ample and I have talked to Mr. Williams who visited the site and he did not have any issues with the parking associated with this proposed tenant. This is a professional organization and is what I think is probably a plus to the area. Mr. Higgins asked have all the previously problems with the site been taken care of and there are no outstanding citations or anything? Mr. Chrys stated correct. Mr. Roberts asked Mr. Chrys if the applicant was going to have a sign. Mr. Chrys stated they are going to put a sign on the kiosk that is currently there.

For the record: The Planning Department's write-up for the change of tenant is as follows:

Zoning: C-1, Commercial

Location: Nine North Office Park

Existing Lot Size: 2.75-acres

Size of Building: Bld #1-4,500 SF, Bld#2-4,500 SF, Bld#3-4,000SF, Bld#4-8,000 SF

Existing Parking: 132 parking spaces

Proposed Use: Insurance Company

Proposed Space: 4,500 SF

Hours/Days of Operation: 8am – 5pm M-F

Number of Employees: 12

Mr. Berkowitz made a motion to approve the change of tenant application for National Life Insurance Company. Mr. Higgins seconded. Motion carried.

12.068 NB Iroquois Healthcare Association, Inc., 15 Executive Park Drive – Change of Tenant

Ms. Mary Beth Durocher, of Iroquois Healthcare Association, Inc., stated the following: We are looking to move into the building, which is currently located at 15 Executive Park Drive. Right now we are located at 17 Executive Park Drive and we are in process of purchasing the building. We will be submitting a sign application for a new sign just to replace what is already there. Mr. Higgins asked Mr. Williams if they had adequate parking. Mr. Williams stated yes, there is plenty of parking. Mr. Roberts asked would you have 12 employees? Ms. Durocher stated yes, 12 employees.

For the record: The Planning Department's write-up for the change of tenant is as follows:

Location: Halfmoon Executive Park

Zoning: Commercial (C-1)

Size of Building: 6,330 SF

Existing Parking: 25

Existing Uses: Pal's Day Care

Proposed Use: Office use

Proposed Space: 6,330 SF

Hours/Days of Operation: M-F 8am-5pm

Number of Employees: 12

Mr. Higgins made a motion to approve the change of tenant application for Iroquois Healthcare Association, Inc. Mr. Berkowitz seconded. Motion carried.

Old Business:**05.115 OB Windsor Woods Subdivision, Vosburgh Road – Major Subdivision/GEIS**

Mr. Scott Lansing, of Lansing Engineering, stated the following: I'm also here tonight with the applicant of the project, Mr. Peter Belmonte. The Windsor Woods subdivision has been in front of the Board before and we do have preliminary approval for the project. To recap the project; there would be approximately 134.6-acres. The project proposes 22 single-family homes and there are also 3 duplex lots. Along with the application the applicant is proposing to donate 89.07-acres of land to the Town of Halfmoon and that is part of the Generic Environmental Impact Statement (GEIS) and it does annex some other lands that have been donated to the Town to create approximately 204-acres of contiguous land that would be donated to the Town of Halfmoon. Since the last time we were in front of the Board, we have been working with the New York State Department of Environmental Conservation (NYSDEC) and the New York State Department of Health (NYSDOH) that has been a long review and approval process with them. We do have review and approval from those agencies and we do have stamps and signatures on the plans. The only thing left for us to do is to obtain final approval from this Board in order for the Planning Board to sign the plans then we can file the maps and applicant can advance with the construction and sale of the homes within the project. Mr. Higgins asked Mr. Bianchino if there were any outstanding issues. Mr. Bianchino stated the following: The only outstanding issue that we had from preliminary was just getting the approvals from the agencies. Subsequent to preliminary, the Town Board did receive a request from some neighbors on Vosburgh Road that were having trouble with their septic systems. We then went to the applicant and asked if it would be possible to extend their sewer line up Vosburgh Road to help those neighbors out and between Mrs. Murphy, the applicant and myself we have worked that out. I summarized that in an August 1, 2012 letter to the Board and that's the only thing that needs to be added to the plans but that could be done after the fact. Mr. Higgins asked Mr. Bianchino if that sewer would be gravity or will they need grinder pumps? Mr. Bianchino stated the line that they're extending is the existing low-pressure sewer that serves Stone Crest. Originally that was designed for both of these projects from Route 146 up Vosburgh Road to serve both Stone Crest and this project. So, it would be a low-pressure force main that would require grinder pumps. Mr. Higgins stated the following: That's fine because obviously with some of the other locations we have had recently I just want to make sure that the residents understand if grinder pumps are required, that would be their responsibility. Mr. Bianchino stated right.

Mr. Berkowitz made a motion to grant final approval contingent on CHA's August 1, 2012 comment/review letter is addressed. Mr. Ouimet seconded. Motion carried.

Mr. Ruchlicki made a motion to adjourn the August 13, 2012 Planning Board meeting at 8:18 pm. Mr. Nadeau seconded. Motion carried.

Respectfully submitted,
Milly Pascuzzi
Planning Board Secretary