

**MEETING MINUTES
Town of Halfmoon Planning Board
September 14, 2015**

Those present at the September 14, 2015 Planning Board meeting were:

Planning Board Members:	John Ouimet – Chairman Don Roberts – Vice Chairman Rich Berkowitz Marcel Nadeau -absent Tom Ruchlicki John Higgins
Planning Board Alternates:	Robert Partlow Margaret Sautter - absent
Director of Planning: Planner:	Richard Harris Paul Marlow
Town Attorney: Deputy Town Attorney:	Lyn Murphy Cathy Drobny
Town Board Liaison:	John Wasielewski Jeremy Connors

Chairman Ouimet opened the Planning Board Meeting at 7:03 PM.

Vice Chairman Roberts made a motion to approve the August 10, 2015 minutes, seconded by Mr. Berkowitz. Motion was carried unanimously.

Minutes: - August 24, 2015 No action was taken due to lack of quorum of eligible voting members. The minutes from August 24, 2015 are tabled to the next meeting of the Board.

Public Hearing(s):

15.014 Starbucks Drive-thru, 1589 Route 9 Commercial Site Plan/Special Use

Chairman Ouimet commented: Would anyone like the notice read? No one chose to speak.

Mr. Jason Dell, Engineer with Lansing Engineering Firm commented: I am here on behalf of the applicant for the Halfmoon Coffee Shop and Restaurant Development. The project site is located at the intersection of Route 9 and Sitterly Road.

The site encompasses approximately 1.77 acres and is zoned C-1 Commercial. The site was the former location of Phelan's Banquet House. The project proposes a 1925 SF coffee shop with drive-thru which requires a Special Use Permit and is the reason for the public hearing tonight. The project also proposes a 5500 SF restaurant on the eastern side of the property. The project site has an entrance as well as a one-way out onto Route 9 so a full access with a traffic light as well as a right out onto Route 9 heading in a northerly direction is shown. Water and sanitary sewer will be provided to the project through the connection to the municipal system as well as Saratoga County Sewer District. Storm water will be managed on site in accordance with DEC standards. We have submitted detailed plans to CHA for technical review and have addressed all of their comments. At the last meeting it was requested that we move the handi-cap parking stalls up and adjacent to the building and that was done. We are here tonight to answer any questions that the public may have as well as to request approval for the project.

Chairman Ouimet commented: Would anyone from the public wish to speak? No one chose to speak. The public hearing closed at 7:05 PM. Are there any questions from the Board?

Mr. Higgins commented: I apologize I was not at the last meeting so you might have covered some of these questions at the previous meeting. The Route 9 right turn out is that an exit only?

Mr. Dell commented: Correct.

Mr. Higgins commented: The only entrance is going to be adjacent to the Hess Station. Those are my only two questions. Thank you.

Mr. Dell commented: Correct.

Chairman Ouimet commented: Is there anything else?

Vice-Chairman Roberts made a motion to declare a negative declaration pursuant to SEQRA, seconded by Mr. Partlow. Motion was carried unanimously.

Vice-Chairman Roberts made a motion to approve the Commercial Site Plan for the project and the Special Use Permit for the Starbucks drive-thru as presented, seconded by Mr. Partlow. Motion was carried unanimously.

Chairman Ouimet commented: Approved commercial site plan, special use permit. Thank you.

New Business:

15.111 Halfmoon Parkway Telecommunications Facility, 3 Corporate Park Drive – Amendment to Site Plan

Mr. David Brennan, with the Law Firm of Young/Sommer LLC from Albany commented: I am here representing Verizon Wireless and to co-locate a single microcell antenna on top of this building at

3 Corporate Park Drive. I had a moment to discuss with Mr. Harris before hand that there were some questions regarding the process regarding how to handle an application for the single-antenna so maybe I should start there. Or I could get into what the project entails however you would prefer.

Chairman Ouimet commented: Normally when somebody comes in they say they want to co-locate and want to add some additional equipment on top of an existing tower. Technically I didn't think that this particular project that you're proposing is a co-location. It maybe on an existing building but it's the only tower there or will it be a newer tower so-to-speak.

Mr. Brennan commented: I guess having done this a lot in a lot of different locations typically we use the word co-location when we are adding antennas to an existing structure whether it's tower or building. I understand that by looking at your code that it's not technically a tower either. We are somewhere in this grey area it is a single antenna. However the Board wants to handle it is what we're willing to do.

Chairman Ouimet commented: I think the Board would prefer to look at this at this as a new antenna.

Mr. Brennan commented: Okay. I had just a few minutes to peruse the code there are some provisions for the Board to waive certain provisions of handling these applications when it's a stealth facility so I guess what I would suggest is a provision and I brought some pictures. We could put a shroud over the antenna and make it look like a vent stack. I wanted to show that to the Board because I don't live that far away and I wanted to offer a pretty inexpensive attractive looking antenna that looks like a vent stack. It is about one foot in diameter and it puts us under the stealth provisions and allows us to waive some of the requirements. In talking with Mr. Harris he was suggesting for us to come back in a couple of weeks for a public hearing if that is what you want us to do that is certainly acceptable. If that is what the Board prefers we are certainly willing to do that. I would like to talk to the Board about dispensing the requirement of notifying all the adjoining communities. We can't put more antennas on this little mount and whether or not you want to notify every neighbor within 1500' of the single antenna I guess I would like to work through how to handle that.

Chairman Ouimet commented: Can you spend a couple minutes just to inform the Board as to exactly what you want to do and how this array that you are proposing to install is to service the particular community in that local area.

Mr. Brennan commented: Sure. With Verizon Wireless has been doing and what some of the other carriers have been doing more recently is applying for a micro cell small cell antenna which is significantly paired down cell phone site. What it is, is a single cylinder type antenna about 12" in diameter 2' in height and it radiates in direction in all 360 degrees rather than doing what you are more used to seeing is the traditional 12 or 9 panel antennas on a 3-sided array. These antennas are being deployed in certain locations near existing macro cell towers or a roof top set of antennas. What it does is it picks up areas of dense concentrations and we're deploying them in areas like office parks and heavily used intersections. What it does is it acts as a sponge and

picks up the usage derived from the immediate area within about a 1000 foot radius by picking up that usage. It takes it off the macro cell network and freezes up capacity in the cell towers to expand over a little bit of a broader area and serve the public off of them in a better way. So what it is generally is a capacity relief issue we see it going down the road in certain sectors of a tower becoming close to capacity because they can run out of capacity rather than proposing to build a new tower. If there is a way to do it we're proposing these micro cells as a way to take some of the traffic off the larger sites. Because it's an existing Office Park we can deploy this and take up some of the RF transmissions that are coming from the office park and free up band width on the larger cell sites that surround it. That is our proposal we are trying to do things that are substantially invisible and not like a new tower, something that is a little bit easier to come to a community and zone, and something a little easier to build. I am not going to say that we will never ever be back for a full size site at some point but I have been doing a lot more of these lately particularly in the built up areas in the City of Albany, and Halfmoon, Clifton Park we are starting to deploy these. That is the quick overview of what we are trying to do and we will process it in however the Board decides. I come here to ask permission and seek approvals, not to argue about process, so whatever the Board wants to do and if it takes a meeting or two that is fine we will come back and handle it which ever way you want.

Chairman Ouimet commented: Ok thank you very much. Are there any questions from the Board?

Mr. Higgins commented: Is this a repeater or is this actually hard wire from this antenna into the system?

Mr. Brennan commented: It is not a repeater it is actually hard wired in so there are radio stations associated with it that have been hard wired into a fiber optic system back to the switching station at the RTP Tech Park in North Greenbush. It doesn't simply just pick up the signal off an existing site and amplify it or repeat it is its own base station.

Mr. Higgins commented: So in essence this is taking the place of a tower.

Mr. Brennan commented: I wouldn't go as far as taking its place because it certainly doesn't transmit they transmit for miles and this goes about 1000 feet but it is not borrowing signal and repeating it. It is not a donor it is hard wired. It has its own radios and its own frequencies.

Mr. Higgins commented: I just wanted that clarification, thank you.

Chairman Ouimet commented: What is the Board's pleasure?

Vice-Chairman Roberts commented: It has always been our practice to have public hearings for the cell towers and I think we should stay with that practice.

Chairman Ouimet commented: Are you willing to come to a public hearing?

Mr. Brennan commented: Absolutely however the Board wants to handle it I am good with. It is the first time you are seeing it we have only been doing them for about a year now. We are feeling our way as to how these fit in because the codes often times don't contemplate this kind of new animal these codes are really set up for towers and big sets of antennas this is different and we are struggling with this. I will come back when the Board wants on your schedule.

Chairman Ouimet commented: Can I have a motion for a public hearing at our next meeting?

Vice Chairman Roberts made a motion to set a public hearing for Monday, September 28, 2015, seconded by Mr. Ruchlicki. Motion was carried unanimously.

Chairman Ouimet commented: We will have the public hearing in two weeks at our next meeting and hopefully everything will go along from there, thank you.

Mr. Harris commented: Regarding the notification as Mr. Brennan said the code defines it differently then other sections of the Zoning Ordinance for notice where it calls for 1500 FT did you want to stick with that or consider any mitigating issues?

Chairman Ouimet commented: I think that we can stick with it because the affected parcels are in a business park anyway.

Mr. Brennan commented: I have no problem with that it's however the Board wants to handle it, do we send these notices out? I think it says that the Town is going to send them out? We do it all the time if the Town does it that is fine.

Chairman Ouimet commented: I think the local notices are enough and your willingness to do a stealth antenna is certainly appreciated.

Mr. Brennan commented: I don't want you to see one in another Town and say hey Dave what is going on here? How come you didn't put it here.

Chairman Ouimet commented: We will do a standard notice.

15.109 Connor Homes, 73 Staniak Rd – Minor Subdivision

Mr. Stuart Mesinger, Chazen Companies, commented: I am here to talk to you tonight about a minor 4-lot subdivision at 73 Staniak Road on lands owned by Ed Rucinski. The applicant is Connor Homes from Middlebury Vermont, a homebuilder they build a high end historic theme product if you hadn't had a chance I encourage you to Google them, they build a really beautiful home. The property that we are talking about is in you're A-R District where the minimum lot size is 40,000 SF. The proposal is for 3 new lots the 4th lot would be the remaining lands it's about 140 acres. Lot 1 is 2.6 acres, lot 2 is 2.75 acres, lot 3 is 4.28 acres, and the balance of 132 acres. There are no plans do to anything with the remainder of the property at this time. We have sited houses, driveways, septic fields and wells in supporting facilities comply with dimensional

requirements for the Zoning Ordinance. There are several pockets of wetlands that you can see on the plan, those have been delineated and surveyed, they are ACOE jurisdictional wetlands they are not DEC jurisdictional wetlands we don't touch them anyway. All of the septic systems are 100' or more from them. The septic fields have deep test pits excavated at each location and perc tests are all suitable for raised bed septic systems with fairly reasonable perc rates. We need Saratoga County Health Dept. approval for the septic systems. We will be doing a Jr SWPPP for this project it doesn't need a full blown SWPPP it basically needs the erosion and sediment control portion. Finally, if you know the neighborhood we are immediately to the north of a series of very similar lots on the same side of the road. Staniak Road continues an existing pattern of development. The only real difference is that these lots are a bit bigger than the ones adjoining to the south. That is the proposal and I will answer any questions if I can.

Chairman Ouimet commented: Questions from the Board?

Mr. Higgins commented: What is the setback from the wetlands? I see on Lot #2 the house area seems to be fairly close to the wetlands there.

Mr. Mesinger commented: That particular house is about 20-25' because there is no jurisdictional setback on an ACOE wetlands so we try to keep all the septic fields at least 100' away. Again, not a requirement but we thought that was good practice. We could certainly slide that house a little bit if you thought it was important.

Mr. Higgins commented: Our engineers are here tonight, for ACOE isn't it 50' or is it nothing?

Mr. Romano, CHA commented: Nothing.

Mr. Higgins commented: Just giving the wetlands a little bit of area allowing the homeowner to have some room to do a lawn.

Mr. Mesinger commented: We will take a look at that and see I think we have some room to work with on that lot.

Mr. Higgins commented: We were discussing it at the pre-meeting and believe that some of the neighbors in the area have problems with their wells in the past. We see that you are proposing wells and obviously we have problems in other parts of Town where we have serious water concerns with existing residents. I suggested at the pre-meeting that possibly Frank Tironi our Water Director should be consulted on this and see if there's a possibility of whether or not it makes sense to extend the Town water line which is at the end of the road up to feed the existing residences along the way and these three residences. It might make sense rather than drilling wells and having the existing wells go dry.

Mr. Mesinger commented: We will have that conversation.

Chairman Ouimet commented: If there are no further questions I think CHA should take a look at this.

Vice Chairman Roberts made a motion to refer this to CHA for their review and comment, seconded by Mr. Higgins. Motion was carried unanimously.

Vice Chairman Roberts made a motion to set a public hearing for Monday, October 26, 2015, seconded by Mr. Higgins. Motion was carried unanimously.

Chairman Ouimet commented: I think in the interim we will have a committee from this Board go out and take a look at the site can we coordinate that through the Planning Department? Don are you willing to be on that? Marcel and John can you join him? Thank you. During the 6-week hiatus we will get all of this accomplished.

Mr. Harris commented: At the pre-meeting you talked about expanded notice to more people on Staniak Road did you want to speak about that? We talked about it due to the size of the lots on Staniak Road did you want to do that or are we sticking with adjacent only?

Mr. Higgins commented: I think we talked about notifying everyone on Staniak Road.

Vice Chairman Roberts commented: I think that is a good idea.

Chairman Ouimet commented: We will expand the notice to everyone on Staniak Road. Let's do that please amend your motion.

Vice Chairman Roberts made a motion to set a public hearing for Monday, October 26, 2015 with an expanded notice of everyone on Staniak Road, seconded by Mr. Higgins. Motion was carried unanimously.

15.113 Copy Cat, 215 Guideboard Rd. – Sign Application

Mr. Jason Taft was present with the Copy Cat sign application and commented: I am seeking permission to have a sign installed over my new location at 215 Guideboard Road.

Chairman Ouimet commented: Don, have you had an opportunity to look at the sign?

Vice Chairman Roberts commented: Yes I have a rendering of it. You are not going to miss it. It meets the Town's standards.

Vice Chairman Robert made a motion to approve the sign as presented, seconded by Mr. Berkowitz. Motion was carried unanimously.

Chairman Ouimet commented: Thank you very much.

15.114 Albany Default, 6 Executive Pk. Dr. –Change of Tenant/Use

Ms. Lisa Gadomski commented: We are seeking a change of tenant for 6 Executive Park Drive.

Chairman Ouimet commented: Can you tell us a little bit about Albany Default and how you function?

Ms. Gadomski commented: We currently have 6 employees that would work starting October 1, 2015 and have the potential of having 15 employees at the most. We are a back office law firm, we would not have any clients or any traffic. It would just be just employees.

Chairman Ouimet commented: Rich or Paul have you had a chance to look at the parking situation out there?

Mr. Harris commented: We talked with the Building Department and there are no parking issues or violation/citations relating to parking. The applicant requires under the Code 12 parking spaces and they have requested up to 18 that they would need at peak employment by the end of the year. The 6 additional spaces will not cause an issue based on existing tenancy there. The fact that they will have no customers helps because customers are accounted for in the formula for parking. There is no concern by staff for their parking request.

Chairman Ouimet commented: Thank you. Are there any questions from the Board?

Mr. Berkowitz commented: What type of law practice is it?

Ms. Gadomski commented: It is default servicing. There should be no need for signs at the building.

Chairman Ouimet commented: If you plan to have a sign you will need to have it approved by the Town.

Mr. Berkowitz made a motion to approve the change of tenant and use at 6 Executive Park Drive, seconded by Mr. Partlow. Motion was carried unanimously.

15.117 Crescent Gardens MHP, 7 Plank Rd. – Sign Application

Mrs. Murphy commented: I am recused for this one.

Chairman Ouimet commented: Okay thank you Lyn.

Mr. Michael Klimkewicz, Owner of Crescent Garden Mobile Home Park was present and commented: We propose putting a new sign at the north entrance of the Mobile Home Park.

Chairman Ouimet commented: Rich have you looked at the proposal?

Mr. Harris commented: Yes, in talking with the applicant and about the permanent residential subdivision sign standards of the code and the design of the sign meets that, including the area, height, and setbacks they provided from the right-of-way. It meets all the conditions of a permanent residential subdivision sign.

Chairman Ouimet commented: Don have you taken a look at it?

Vice Chairman Roberts commented: Yes. It will be 6' in height.

Mr. Higgins commented: Where exactly is the sign going to be located? You say the northern entrance, is it next to Fred the Butcher?

Mr. Klimkewicz commented: No, it will be on Plank Road. The mobile home park has two entrances on Plank Road.

Mr. Higgins commented: I didn't realize that it had two entrances. I thought it was strictly off of Route 9.

Vice Chairman Roberts made a motion to approve the signage, seconded by Mr. Higgins. Motion was carried unanimously.

15.118 Prestige Water Company, 1613 Route 9 – Change of Use/Tenant

Mr. Scott Earl with Prestige Water Service commented: This is part of Prestige Vending and we are currently located on Enterprise Avenue. We are in the process of making an acquisition of a bottle water company in Troy and relocating all the jobs to Halfmoon. Behind us is the second half of the newest warehouse located behind the Halfmoon Sandwich Shop. There are five full time employees they show up in the morning about 6:45AM, their trucks are pre-loaded from the night before, they go out and make their deliveries, and they come back. We have the opportunity for the public to pick up bottled water, to visit the showroom, and to look at the various coolers. We also have a filtration business where we supply filters to purify the water in a business or location.

Chairman Ouimet commented: Are you bottling water?

Mr. Earl commented: Absolutely not. The water is being brought in by tractor trailer once a day. It is all containerized. Occasionally a container will break but it's not a problem it is just water.

Mr. Partlow commented: What time are the deliveries of the semi trucks?

Mr. Earl commented: The semi truck deliveries are about 7:00AM and there are no residential homes nearby so it doesn't affect any residences at that site. There is no

dumpster request. There is an existing dumpster for the complex behind Halfmoon Sandwich that is fully gated.

Chairman Ouimet commented: What percentage of the space are you looking to operate?

Mr. Earl commented: It is 50% of the existing building.

Chairman Ouimet commented: What percentage of that 50% of the building is going to be devoted to retail versus storage.

Mr. Earl commented: There are about 700 SF devoted to showroom retail.

Vice Chairman Roberts commented: I am sure that you're not going to be storing water outside right? Are you going to be storing any other components outside?

Mr. Earl commented: No, water outside would freeze and that is the purpose of the building. Everything has to be contained inside. There will be not one thing outside.

Mr. Partlow commented: What about the breakdown of the pallets?

Mr. Earl commented: The pallets are specialized they are metal base with metal racks that hold about 20 bottles on each rack and those racks are custom industry specific so they wouldn't be outside, they stand about 5' high.

Mr. Partlow commented: They go back with the empty trailer?

Mr. Earl commented: Yes, absolutely. They have to in order to bring water the next day. The water comes from outside of Binghamton.

Mr. Berkowitz commented: So these are the 5 gallon jugs?

Mr. Earl commented: Yes they are.

Mr. Berkowitz made a motion to approve the change of use/tenant for Prestige Water at 1613 Route 9, seconded by Vice Chairman Roberts. Motion was approved unanimously.

Chairman Ouimet commented: Any sign?

Mr. Earl commented: No sign.

OLD BUSINESS:**15.088 Robert Ballard & Thomas Ballard, 21 Smith Rd. –Minor Subdivision/Lot Line Adjustment**

Gilbert VanGuilder was present from VanGuilder Associates commented: I am representing Tom and Robert Ballard. I believe the Board has seen this proposal a few times. The public hearing has been held and there was a site meeting by the committee last week which concentrating in this area here. There were some drainage problems that were brought up by the neighbors and I think that was reviewed by the committee. Unfortunately it is topography driven, the applicant could at this point in time make application for a building permit to build a house on this lot and this proposal would not change that in anyway. The main factor driving this lot line adjustment between Robert and Tom is there is a wetland area here that doesn't make this parcel accessible to the other parcel so this is a more natural division line between the two parcels and this line. It adds 3.91 acres to this parcel making the northerly parcel 6.82 acres and the southerly parcel 7.29 acres. There will be 2 lots.

Chairman Ouimet commented: Don you were part of the site visit?

Vice Chairman Roberts commented: Yes I was and Gil is correct we went out there and due to the topography of the area there is really nothing we can do about the drainage issues but it cautions the applicant that any future building out there we should be careful.

Mr. VanGuilder commented: Take care in grading.

Chairman Ouimet commented: Before a motion is made was there any discussion about requiring a site specific grading plan prior to the issuance of any building permit? Was that talked about out there?

Vice Chairman Roberts commented: Not that I am aware of. Not for this one.

Chairman Ouimet commented: For this particular lot would it be important that prior to the issuance of any building permit you submit a site plan showing the grading plan.

Mr. VanGuilder commented: Would you like a note on the plan stating that?

Chairman Ouimet commented: Yes.

Mr. VanGuilder commented: Yes, certainly no problem.

Vice Chairman Roberts commented: We are not going to hold up anything right?

Chairman Ouimet commented: No.

Vice Chairman Roberts made a motion to declare negative declaration pursuant to SEQRA, seconded by Mr. Ruchlicki. Motion was carried unanimously.

Vice Chairman Roberts made a motion to approve the lot line adjustment at 21 Smith Road contingent that a note be added to the plan requiring receipt of a grading plan prior to the issuance of a building permit, seconded by Mr. Ruchlicki. Motion was carried unanimously.

15.091 Charles & Dorothy Hill/ Mark & Jean Hill, 114-116 Beach Rd.- Minor Subdivision/Lot line Adjustment

Mr. Gilbert VanGuilder with VanGuilder Associates was present and commented: I am here representing Mark and Jean Hill. The property is on the southerly side of Beach Road. I believe the Planning Board had a chance to look at this prior to it going to ZBA for a setback variance for the house built in 1830. The ZBA granted a front yard setback area variance on Sept. 8, 2015. We are now seeking the lot line adjustment from this Board.

The older home at 114 Beach Road will have 30,000 SF with public water and septic system. The son, Mark wanted to do the lot line adjustment because he wants to keep the barn. It is used for storage. The other lot at 116 Beach Road will have 56,837 SF.

Chairman Ouimet commented: Are there any questions from the Board?

Mr. Higgins commented: I know you mentioned town water, is there any wells in that area?

Mr. VanGuilder commented: I think there were some left over because both of these houses have been here for a number of years, but we did check with Frank's office and there is public water in that area.

Mr. Higgins commented: Prior to the public hearing, could you give us a rough idea of where the wells are located? I can't tell from here. As long as they are shown that is fine.

Mr. VanGuilder commented: This well location is here and this well is located here.

Mr. Higgins made a motion to set a public hearing for Monday, September 28, 2015 at 7:00PM, seconded by Vice-Chairman Roberts. Motion was carried unanimously.

14.123 Cardin Acres PDD (Hunter's View), Roger Ln/Chateau Dr/David Ln – Amendment to Site Plan

Mr. Jason Dell, Engineer with Lansing Engineering commented: I am here on behalf of the applicant for the Cardin Subdivision or Hunter's Run project. The project is a 36-lot subdivision that was approved back in 2007 and one the approved set of plans there was a note that was required that the lowest finished floor elevation to be 4' above ground water. We were before the Board back in October of 2014 requesting relief from that requirement

from the 4' separation to ground water down to a foot/foot and a half which is more typical of construction. Prior to that meeting the applicant had done a years' worth of ground water elevation monitoring to determine what the actual ground levels were out there. It was quite a bit more detailed survey of the ground water conditions out there. Also during that meeting it was discussed and agreed to have the applicant do another years' worth of monitoring to really get a good hold on where that ground water elevation was and is. It was actually revealed and determined that ground water in some locations actually went down by over 2'. We are here tonight again to request relief from that note from the Board and for further discussion.

Chairman Ouimet commented: Obviously you know that I was skeptical last time you were here presenting the original set of ground water readings and I probably was instrumental in getting the Board to agree for a year and continue the monitoring to see what it looks like. Unfortunately we picked the driest year that we have had. To no fault of anybody's it is what it is. I remain skeptical of lowering the requirement but I understand that you have put a lot of effort in and monitored a lot closer for the last year or year and a half. Probably one of the things that scares me the most is going from 4' to 1' I might be able to be more comfortable if you were to agree to 2' I think that maybe the Board could see its way through to a 2' elevation I don't know. I don't speak for everyone on the board so John you were on the original committee.

Mr. Higgins commented: I was on the original committee way back when. Could you just confirm the lots that we are talking about because we had a list at the pre-meeting and it looked like there were about 10 lots on Chateau Drive are the ones we are really talking about?

Mr. Dell commented: Correct, the majority of the change will be on Chateau Drive on this end of the project site. For Chateau it would result in changes of anywhere from 4' down to a 1.5' difference on the finished floor elevation. This is definitely the area of largest concern in the Chateau area.

Mr. Higgins commented: You are confirming that what you are requesting is a change of only the 10 lots on Chateau Drive.

Mr. Dell commented: No because in the letter we also included several of the lots on David as well.

Mr. Higgins commented: Ok because that wasn't on the list and we looked at it at the pre-meeting.

I believe that some of the lots on David Lane are already actually under construction based on the original plan.

Mr. Dell commented: Yes I am sorry but there are other ones on David that have not gone into construction yet.

Mr. Higgins commented: The ones on David Lane what were the average...

Mr. Dell: The ones on David Lane are only changing between .3' and 1.5' and one is 2.3' so the most significant change is on Chateau.

Mr. Higgins commented: So they are going from 4' down to 3' on David Lane correct?

Mr. Dell: Correct.

Mr. Higgins commented: The big changes are all on Chateau Drive.

Mr. Dell commented: Correct.

Mr. Higgins commented: I agree with what John was saying. The Board has concerns as I said I was on the committee we went out there four times and at various times of the year and we always had to wear boots out there. It is a very wet area and with what is going on in other parts of the Town with sump pumps having to run 24/7 we are trying to avoid that. I think and again as one Board Member what I would like to see is the ones on David stay at the elevations that were approved originally the 10 lots on Chateau Drive go down instead of 4' or 3.5' go down to 2' across the Board on Chateau Drive. I think that is what we had talked about. At least we are splitting the difference with you, we are trying to not only protect the future property owners but also give you guys a little bit of a break being that as John said it is the driest year we have had in a few years.

Mr. Dell commented: Would it be agreeable to 2'?

Mr. Higgins commented: On the Chateau units only the David ones stay the same. Oh I am sorry very little change on David. So the one on Chateau actually is going to increase by 1/2 foot because that one was 1 1/2 the rest will all go down to 2'. So it will be 2' across the board on the 10 lots on Chateau. Instead of a 4' separation it will be a 2' separation. Is that acceptable?

Mr. Berkowitz commented: That is 2' from the highest water level that you measured. How does the whole property drain? I can't remember. Does it drain out toward Plant Road or does it drain toward Chateau Drive?

Mr. Dell commented: This storm water basin you can see the outlet pipe comes over to the wetland area. There is a very large wetland complex.

Mr. Berkowitz commented: When you put in these basement foundations its not going to disrupt any of that drainage or disrupt the ground water? It is not going to raise the water table?

Mr. Dell commented: It certainly is not going to raise the water table we actually see on projects like that this where you install sewers that it does have the tendency to lower ground water in the area.

Mr. Berkowitz commented: Are they having any French drains around the properties, will that be needed?

Mr. Dell commented: There are foundation drains that we are proposing.

Mr. Berkowitz commented: I am talking about the perforated kind around the property?

Mr. Dell commented: No. We actually see on projects like that where you install sewers that it does have the tendency to lower ground water in the area.

Chairman Ouimet commented: Are there any other questions from the Board?

Mr. Partlow commented: I had the same concerns that John mentioned and if you are in agreement with the 2' I would be happy with that as well.

Vice Chairman Roberts commented: That works for me.

Mr. Higgins made a motion to declare a negative declaration on SEQRA, seconded by Vice Chairman Roberts. Motion was carried unanimously.

Mr. Higgins made a motion to amend the applicant's application to only include the 10 sites on Chateau Drive and those 10 sites will have finished basement floor elevations 2' above the high water level, and the others all remain the same as what was previously approved by this Board, seconded by Mr. Partlow. Motion was approved unanimously.

15.102 JW Danforth Office Building, 5 Liebich Ln - Amendment to Site Plan

Mr. Joe Dannible, Environmental Design Partnership commented: I am here for JW Danforth and their application for a proposed addition to an existing building at 5 Liebich Lane with me tonight is Frank Levy and Tom Shannon of JW Danforth. As you recall we presented this project to the Board in July of this year and at which time we received approval for a 20,000 SF addition to the site plan. Since that time we had some changes to the programming in the building and we are looking to accommodate a future warehouse expansion. We have changed the proposed office building from 20,000 SF to 18,000 SF and slightly rotated it. If you look at the plan I have presented up here on the board the pink outline highlights what was previously approved the orange outline is now what we are proposing. Again, we are going to a smaller footprint we still have ample parking on the site to accommodate the use and with that we are asking the Board to re-approve the amendment to the site plan.

Chairman Ouimet commented: Thank you. Are there any questions from the Board?

Mr. Berkowitz commented: That is a total of 18,000 SF not 36,000 SF.

Chairman Ouimet commented: So really the only significant change is that it is smaller and it's slid out behind them toward the building line.

Mr. Dannible commented: Correct. We actually slid it closer to Liebich Lane. We meet all the setbacks we are looking to do that in the event in the future we need additional warehouse space.

Chairman Ouimet commented: So the last time we saw it was a bigger building, bigger addition, and flush with the building line.

Mr. Dannible commented: Correct.

Mr. Higgins commented: So the other pink area is going to stay parking?

Mr. Dannible commented: We are going to clean out the parking lot, some of that area will become part of a patio, and the rest of it will remain and turned back into a lawn area.

Mr. Higgins commented: I apologize we don't have a revised drawing here in front of us. The parking for the office will be in the front of the building?

Mr. Dannible commented: All the parking for the office is here identical to where it was in the previously approved plan. None of this area that is currently parking lot will remain.

Mr. Higgins commented: As far as the entrances to the office parking area it is just one entrance or is there two?

Mr. Dannible commented: You have the main entrance here which circulates all the way around the building through the loading dock area and back out to Liebich Lane.

Mr. Higgins commented: So you can go all the way around, that was my question, thank you.

Chairman Ouimet commented: Are there any other questions from the Board?

Mr. Berkowitz made a motion to declare negative declaration for SEQRA, seconded by Mr. Higgins. Motion was carried unanimously.

Mr. Berkowitz made a motion to approve the amendment to site plan as presented for 5 Liebich Lane, seconded by Mr. Higgins. Motion carried unanimously.

12.031 Stephenson Ridge, Upper Newtown Rd. – Major Subdivision

Mr. Dell, Engineer with Lansing Engineering commented: I am here tonight representing the applicant for the Stephenson Ridge Residential Subdivision. We are here tonight to re-introduce the project to the Board, it has been a while since we were before you folks tonight we will go back over the basics of it. We will bring the Board up to speed on where we are and to request that Board possibly set a public hearing for the project. The site encompasses approximately 196 acres and is located along the northern side of Upper Newtown Road about a mile and a half east of the intersection of Route 146 and Upper Newtown Road. The existing zoning out there is AR Zone. The site is currently vacant wooded property. The last time the project was before the Board there was approximately 156-lots originally proposed. The project has been revised down to approximately 113-lots and the reduction of lots came through the review by CHA and some of the other studies that were performed along the way. The vehicular access to the project is going to be by two curb cuts along Upper Newtown Road which will then go back, and all the roads will head north to total out to approximately 11,000 linear feet of roadway. There is also a proposed 60' right-of-way that will connect to the property located to the north. Water will be provided to the project by a connection to the Halfmoon Municipal System and Sanitary Sewer will be provided by a connection to Saratoga County Sewer District's system. They have granted reserve capacity for the project already. Storm water will be managed on site through NYS DEC requirements as well as the Town, and we are proposing green infrastructure techniques for the project. The project has also gone through several rounds of detailed review with CHA. The last round of comments I believe was around February of 2014. In that they there were a couple of outstanding items. One of the items was CHA was requesting a 100' buffer behind the lots along Upper Newtown Road we were proposing, however the applicant will agree to a 100' buffer along the backs of those lots. With that we are here tonight to answer any questions the Board may have in hopes of furthering the project on how the Board sees fit.

Chairman Ouimet commented: Thank you. In going back and looking at the reviews I remember that when this was presented as a concept it was referred to CHA for review and CHA issued a letter in June of 2013 outlining a number of engineering things (it was a 5-page letter) and traffic and some other articles that you mentioned. Your response letter was dated February 5, 2014 and we haven't seen the project until just now. In talking with CHA at the pre-meeting we were told that they are still in the process of reviewing your response and the subsequent engineering discussions that have taken place since this February 14 letter. What is it that you are asking for this Board to do at this time since their review is not complete yet?

Mr. Dell commented: We were looking to re-introduce it as well as to get a public hearing scheduled to hear any additional public comments.

Chairman Ouimet commented: I know that you would like to get a public hearing scheduled but I would like to hear what CHA has to say as a result of the modification that you have made, you have reduced the number of units that you were proposing to build as well as

these other issues that you raised. I appreciate the fact that you agreed to the 100' buffer so that is not an open issue as far as I am concerned but there are a number of other open issues.

Mr. Dell commented: I think one of the main issues that we wanted to get in front of the Board was that 100' buffer.

Mr. Higgins commented: Is the 100' buffer going to be homeowner's association property or is it just going to be a deed restriction. We found that deed restrictions don't work. You say it's a 100' no cut buffer, they totally ignore it, and then all of a sudden it's a legal action between that property owner and the other property owner. I would prefer to see the 100' buffer become part of the homeowners association so the homeowners association has control over it and its not a case of a property owner dispute.

Chairman Ouimet commented: It is an interesting issue but I think it's a little premature to discuss it now. I understand what you are saying but as far trying to pin the applicant down you don't even know if they are going to have a homeowners association.

Mr. Higgins commented: All the rest of the properties have it.

Chairman Ouimet commented: But John there has been a number of revisions that we haven't seen.

Mr. Higgins commented: I am sorry John if it is being reviewed I just want to bring that point out. That is all.

Chairman Ouimet commented: This is part of my point. There are a number of things that we haven't seen we haven't gotten the opinion from the Town's Engineer yet. So I for one am hesitant to set a public hearing.

Mr. Higgins commented: I agree. Also if I could point out another item in the time since we have seen this last the Highway Department has come to this Board and told us that they prefer not to have cul-de-sacs and I am counting at least 4 cul-de-sacs in this development which the Highway Department has put us on notice that they prefer not to have.

Chairman Ouimet commented: I think the real fundamental issue here and I agree with you John but the real fundamental issue for me that you have cut down the number of units and revised the plans that we haven't seen and I don't want to see it at a public hearing. I want to see it before a public hearing, get all the Board's comments out to you and all the parties before I schedule a public hearing. It doesn't make any sense to do it at an open forum it could be a free for all I don't know. I don't want to be a party to a free for all.

Mr. Dell commented: Understood.

Chairman Ouimet commented: Are there any other comments from the Board? We will take this and refer it back to CHA and wait for CHA comments to come back and then we will put

you back on the agenda as soon as we get it all. Then you can make the presentation based on all the revised drawings at that point.

Joe Romano, CHA commented: Jason can you give us a revised plan that incorporates that 100' buffer just so we have it during our review of the concept.

Mr. Dell commented: Yes.

Chairman Ouimet commented: Is there anything else?

Mr. Higgins commented: I would also like to see potential tie-ins to some of the adjoining properties for future road connections. I don't see them anywhere on there but there's always that possibility.

Mr. Dell commented: We do have one to the North.

Mr. Higgins commented: One. Thank you.

Chairman Ouimet commented: I think there is some conversation about it but we don't know what they are. Thank you Jason we appreciate it.

Motion made by Mr. Ruchlicki, seconded by Mr. Higgins to adjourn the meeting.

Respectively submitted by Denise Mikol, Secretary
Town of Halfmoon Planning Board