

**MINUTES MEETING
Town of Halfmoon Planning Board
January 23, 2017**

Those present at the January 23, 2017 Planning Board meeting were:

Planning Board Members: Don Roberts –Chairman
Marcel Nadeau- Vice Chairman
John Ouimet-absent
Tom Ruchlicki
John Higgins
Tom Koval
Richard Berkowitz

Planning Board Alternates: Cory Custer-absent
Mike Ziobrowski
Thomas Werner

Director of Planning: Richard Harris
Planner: Paul Marlow

Town Attorney: Lyn Murphy
Deputy Town Attorney: Cathy Drobny

Town Board Liaison: John Wasielewski
Jeremy Connors

Chairman Don Roberts opened the Planning Board Meeting at 7:00 pm

Marcel Nadeau made a motion to Approve the Minutes from the December 12, 2016 meeting. John Higgins seconded. Motion Carried.

Rich Berkowitz and Tom Ruchlicki abstained.

Public Information Meeting:

14.090 VanWert Subdivision(fmr. Angle Lane Subdivision) Angle Lane - Major Subdivision

Don Roberts: Would anyone like the notice read? (no comments)Ok go ahead please.

Joe Dannible: Joe Dannible Environmental Design Partnership here on behalf of Kenneth VanWert and his application for a 21 lot subdivision located off Angle Road and Ridgewood Drive in the Town of Halfmoon. We are here tonight for a public hearing; we're looking for a preliminary final approval and to seek a negative declaration for SEQR. The project itself is located again as I said 21 acres of land off the end of Angle Road and it has a stub street that was left as part off the Rolling hills subdivision for access to the property. The allowable density when we go through the density computations.

Don Roberts: Sorry they still can't hear you in the back of the room for some reason, maybe speak a little louder maybe.

Joe Dannible: Ill try, the application itself again 21 acres located on the end of Angle Road with access left from the stub street left from Ridgewood Dr. as part of the Rolling Hills subdivision. The property itself as we work through the density computations in the northern Halfmoon GEIS has an allowable density of around 26 units, as I said the current proposal is for a 21 units, one of which is the existing house off the end of Angle road and there would be 20 new building lots constructed on a currently dead end road that would connect into what is known as the Klearsy or I believe the Meadows of Halfmoon subdivision. My understanding is that that subdivision will be coming back in front of this board for some recent revisions the owners are looking to do. The project itself is proposing 7.2 acres of open space a 4.2 of those acres is what we are dubbing as quality open space which means its unconstrained land which complies with the minimum of 20% within the northern Halfmoon GEIS. Included within that deed restricted area is a no cut buffer behind all the residents on Ridgewood Court, there will be a 30ft no cut buffer the town will be the beneficiary of that and the town would have the ability to enforce that as needed.

Lyn Murphy: Now the open space aspect of the no cut buffer the town would be able to enforce based on the rules set forth in the GEIS, the no cut portion of it though would be a deed restriction enforceable by the neighbors the people who own the properties but that is not something the town has jurisdiction to enforce.

Joe Dannible: Ok there will be deed restrictions on the deeds of these lots that will restrict them from clearing

Lyn Murphy: Yes they are legally enforceable just not by the town its by the other neighbors or whoever else has a complaint standing.

Joe Dannible: Access to the subdivision there is a stub street, a paper street that was left as part of the Rolling Hills PDD off of Ridgewood Drive extending up near the water tower, we are going to be tying into that road and extending from this point here extending down into the subdivision and tying into what is a future stub street as part of again the Klearsy subdivision Meadows of Halfmoon. Until the Meadows of Halfmoon is constructed we are proposing a temporary cul-de-sac at which time the road through the through street is created this section of the cul-de-sac would be abandoned and removed and this lot would be able to be built and consistent with the rest of the lots within the subdivision. Water would be served by the Halfmoon Water Dept. Sewer would be by the Saratoga County Sewer Districts , each one of these lots is currently proposed with a grinder pump which would bring sewage up to the road discharging into the system within the Rolling Hills subdivision. Stormwater would be managed onsite with a single stormwater management basin located at the end of the road at the lowest end of the property.

Richard Harris: Joe, excuse me a second, I did talk to the director of water today and he just wanted me to re iterate to the board that this will require an extension of the water district as you may know and that will result in the town attorney drafting a water district extension agreement at some point if this moves forward, I just want to make you aware that we have terms and there is costs involved in that.

Joe Dannible: Yea that is correct, our next step from here is to go to DOH and DEC to finalize things such as sewer and water extensions to the property. I recently was speaking with Rich, the emergency services did take a look at this plan with Rich on Friday and what they are recommending is that these flag lots, these back lots here have a 24 foot wide driveway to provide access to each one of those homes we agreed to do that we will do a 24 foot wide shared access driveway to each of those building lots and that should suffice for the Fire Departments is the understanding I got from Rich's conversation. Again with that I look to address any comments the board may have on this , we've been looking at this project for several years a couple different engineering firms, I think when we started we came in with , the applicant Ken VanWert came in with around 26 units as they've gone through the planning process the planning board understood some of the constraints and difficulties this land has , what we are proposing today is 5 less lots than that nearly a 20% reduction in the overall density of the property. Thank you.

Don Roberts: Thank you Joe. At this time I would like open the Public Hearing I would like to advise everyone that if anyone would like to speak come up use the microphone and give your name and address, that being said anyone like to speak?

Sue Sampanther: Hi my name is Sue Sampanther I live at 28 Rolling Hills Drive which is at the corner of Rolling Hills and Ridgewood in the development and I generally speaking support the project but as an engineer I have some concerns about road access and specifically during construction or until Klearsy is developed. As those homes are being developed all of that heavy equipment traffic will come through Rolling Hills and Ridgewood and Cary road which are town owned roads and there will be a cost associated with that cause I would imagine that heavy equipment will cause some damage to the existing town roads. So my question is whether John Pingelski has weighed in with his opinion on it and what the impact might be to the existing roads and if the town will be compensated for any of that potential cost. And then additionally you know Klearsy has been in the works for a while but there sounds like there has been some significant delays so the concern would be what if things don't happen with Klearsy or don't happen on the planned schedule will we endure years worth of construction traffic and residential traffic from these homes as their built , through what is already a very busy area , my house in particular is at the stop where the stop sign is there and its busy and it will get significantly busier with these additional houses. Now if Klearsy goes according to plan and the neighborhood has direct access out to Farm to Market that would be good for me that would be good for a lot of the neighborhood because most of the traffic heads out to route 9 they would use the Klearsy development to exit the Rolling Hills PDD instead of coming through the existing neighborhood so I just wondered if you could clarify some of those questions about road access and whether the town has looked at the potential impact financially.

Don Roberts: Ok, thank you. John I hate to put you on the spot but would you like to respond to that?

John Pingelski: Im sorry I was late for the original um presentation but the darker spot to the right I dont remember seeing on my original map that I looked at, to the top right, this here, is that? Ok, right, um it's what 20 some houses I believe? Yea um and I know phase II and III were extremely larger than phase I and the roads in phase I and Cary road did ya know handle the traffic that was there so um what we can do is we done in the past is also look at the roads that are there ya know maybe put a bond on em or some kind of security so if something does happen to em like we've done with Princeton Heights um some security of something that does happen to them roads we would have something to fall back on is what I'd be looking for.

Don Roberts: Ok, thank you very much I hope that addresses your concern. Anyone else?

Ashley Putz: Hi, Im Ashley Putz I live at 8 Ridgewood which is the corner, right hand corner lot in that map there. My house backs to the deed conservation area have a steep ravine behind my house, but I do have some concerns for sure , one of the questions that Sue had asked that I dont really feel got addressed with his answer , is just the not so much the issue with potential damage to the roads but we have a large neighborhood with a large population of children who play in these streets and this is going to again bring in a lot more not only construction but residential traffic , ya know coming into our neighborhood so thats absolutely a concern, already Rolling Hills has a speed issue Rolling Hills drive as well as Liebich , the cars that come in there we tend to have a lot of ya know heavy traffic and cars go very fast down that through-fare there. But as somebody who lives in one of these lots that backs our neighborhood which we were told by our builder would be forever wild ya know we're concerned about the fact that we have this light industrial park thats behind us. When ya know these lots are coming in here ya know a 30 ft buffer which we were told by Rich Harris would be a 50 foot buffer ya know is not very much and I just.

Richard Harris: Can I just clarify that?

Ashley Putz: Oh, yea.

Richard Harris: I'm Rich, part of it is 30 and then it's hard to see on that picture, behind your house it becomes 50

Ashley Putz: Ok, but behind the houses that have the lots behind them its only 30 correct?

Richard Harris: No, let me zoom in on that, Ok your over here correct? Your here?

Ashley Putz: That one I believe.

Richard Harris: Right there this is all no cut buffer so that's the ravine, this is 50 feet behind these houses, and right here it comes down

Ashley Putz: It drops to 30?

Richard Harris: And over here it drops to about 30 when you and I spoke its 50 behind your house.

Ashley Putz: Ok , alright so that makes sense , but yea where as I believe myself and the other families that live in those houses ya know we're concerned about obviously the increased traffic but the decreased ya know buffer between us and that industrial park as it is right now we have a lot of um light that comes through the woods we get a lot of noise thats pretty much an all day and night operation back there so you know we defiantly have some concerns about losing some of that buffer that we have ya know again between our houses and everything thats going on on Liebich lane back there so I think in general what the comments we've heard from our neighbors is just how bringing in another neighborhood attached to an already large neighborhood how this will affect the amount of traffic thats coming in and out of Rolling Hills and we've had speed traps and things like that set up over the summer because of the constant issues that we've had in that neighborhood so I guess thats in a nut shell some of those concerns.

Don Roberts: Ok, thank you, anyone else?

Johnathan Mahn: Hi Im Johnathan Mahn , I'm at 36 Rolling Hills drive , I just wanted to get back to this , the two issues with the , one was the dump , the construction traffic , we had a large issue and we called the town multiple times during even the finalization of phase III in Rolling Hills with the dump trucks going through , with speed issues with not covering their tops and it created a enormous concern we've got again hundreds of kids in our neighborhood and somebody is gonna get hurt, some of these issues have been brought up , I went back and pulled the notes from 2012 , 2014 , 2016 about this intersection at Angle road and Cary road and Farm to Market again we are adding ya know even coming out of Ridgewood drive onto Rolling Hills we're adding 30% more traffic to that intersection with the 23 houses there's about 65 houses right now in that phase II, III area back there , if you take out Greenfield's your looking at a 70% increase in traffic so this is gonna cause a lot more traffic coming on through that neighborhood so , has anything , has a study been done? I know one was requested in 2014, one in 2012 and based on my March 2016 study it hadn't been done yet on the traffic coming onto Farm to Market do you know if a study's been done?

Richard Harris: Traffic to Farm to Market?

Johnathan Mahn: Yes, so there s coming out yea, its all related so part of the Klearsy discussion there , it was asked then , their response was that the traffic study had not been completed at that time, because it was brought up it makes me

Richard Harris: Klearsy was approved well before 2014 though,

Johnathan Mahn: the construction?

Richard Harris: No, Klearsy never was constructed, Klearsy's approval was prior to 2014 so I'm not, that doesnt front on Farm to Market but this doesnt have any direct connection, unless Klearsy goes through.

Johnathan Mahn: No , but the traffic will come out through Cary and it comes out to Angle on Farm to Market that was the intersection, at times I think part of the VanWert discussion they were going to re-do that whole intersection too, I dont know if thats ever going to happen.

Don Roberts: Joe you want to

Joe Romano: Actually that intersection of Smith road, Cary road, Angle road is one of the traffic improvements that have been identified as part of the Northern Halfmoon GEIS, it actually is one of the top priorities that the town highway superintendent has identified so the plan would be to use funds that have been collected through the years through the northern Halfmoon GEIS and reconstruct that intersection.

Johnathan Mahn: So is that plan available to the public yet?

Joe Romano: That plan has not been developed.

Johnathan Mahn: So the next point on the road that has been brought up as a lot of these neighborhoods in this area are coming up is the Farm to Market Route 9 intersection, I understand there is an issue because its a county road and a state road maybe but is that intersection being looked at, cause as everybody knows that backs up like a nightmare at rush hour.

Richard Harris: Route 9 and Farm to Market?

Johnathan Mahn: Yea

Richard Harris: Well half of that intersection is in Halfmoon and the other half is in Clifton Park I'm not aware of any funding being provided to the town to either town to do an analysis it has come up in reference to proposed planed development districts contributing towards a traffic analysis or study of that intersection but route 9 is a state road so we wouldn't have any direct ability to control any improvements but I have been involved in a couple of meetings in the last 4 years where both Clifton Park and Halfmoon have tried with proposed developments to have them dedicate funding as part of a public benefit to do a study of that area and potential improvements but I'm not aware of anything at this time.

Lyn Murphy: The town board has gone so far as to contact the state to talk about the necessity of having improvements there based on exactly what you're saying, and unfortunately at this point in time the state does not believe that the traffic counts warrant there being any improvements at that location at that point the town board, the planning board their hands are tied because it has to be approved by the state and the county in order for it to proceed.

Johnathan Mahn: Right, I mean I know this has been a discussion, even at the 2012 notes it was mentioned they bring it up but if Klearsy one goes in too that's another 49 homes we just added one right across the street off of Smith and Farm to Market.

Richard Harris: I do want to put out Klearsy is already approved , they could come in and start construction for 49 , I dont know it was prior to my time here so I'm not sure what traffic study was done but if they were to come in with a new project for that or change in the density I'm pretty confident the town would require an additional or new traffic study for that , taking into account if this was to be approved because as you see its logically connected so while that doesnt probably doesnt satisfy you for this project , I can tell you Klearsy comes in again to change it , from what I understand make it be more build-able from what the previous approval was it will probably result in an increase in density and almost definitely require a traffic study, but you know an in depth traffic study. That's a lot of what if's

Johnathan Mahn: So we dont have a plan its wait until it gets until to the next, till the next builder comes in I guess.

Richard Harris: For Klearsy yes, there have to be someone before we would require any improvements there would have to be a new plan included if the traffic warranted.

Johnathan Mahn: Ok

Marcel Nadeau: Rich, excuse me, Rich, I'm sorry, I thought I had requested with the Mott subdivision that they look into the traffic study?

Richard Harris: Yea that's actually underway.

Marcel Nadeau: That would entail that whole area, I did request for looking at Farm to Market and Route 9.

Richard Harris: Yea I can't recall what intersections off the top of my head, there were like 5 or 6

Johnathan Mahn: There's another development down the road further with a golf course or something going in too

Richard Harris: going in or being proposed, oh PAAR, that is approved that's correct, they are starting construction, but the one you're talking about is a proposal that has been before the planning board as recently as a couple of months ago Mott Orchard Planned Development District and that's in this vicinity and that traffic study actually we just approved the scope the last few days so that study will be underway. Off the top of my head I can't remember all the intersections that one is going to analyze but it's in this area.

Marcel Nadeau: Probably Pruyn Hill and Farm to Market, that's the only two intersections.

Richard Harris: Yes.

Johnathan Mahn: So behind this development is there a way to connect it into, onto Liebich I think during the original Hudson, it was the Hudson Valley Engineers I believe they had a tentative connection shown in their drawings according to the meeting minutes does that still exist?

Richard Harris: No it does not, it was proposed and again that was two years ago something like going through here coming down as a potential connection that is not there and now in its place is a large couple of acre land conservation designation right here with three residential lots, actually, I'm sorry this large conservation zone is part of lot 10 right here, that's that lot with the long driveway and then a shared driveway to these two that, the plan you're thinking of the first sketch plan you saw a couple of years ago would have brought it through here and that seemed very difficult at the time as you can see with the steep grades that's been abandoned.

Johnathan Mahn: Ok so there's no, cause that would alleviate a lot of the construction concerns, it's really the dump trucks that are a big concern just cause we don't have sidewalks as you know so everybody has to walk or ride their bikes on the streets so coming down the grade on Ridgewood drive there is dump trucks that are going to be flying so it's a big concern. So I don't know what the town can do for that to make them slow down, make them follow the laws.

Richard Harris: It's a matter of law enforcement, the sheriffs not the town, we don't have the resources

Johnathan Mahn: Well one lives right next to the water tower.

Richard Harris: Correct

Johnathan Mahn: I think that's all I have. Thank you.

Don Roberts: Ok, thank you, I guess we have a second timer here.

Sue Sampanther: I'm sorry I just had one additional question, Sue Sampanther, 28 Rolling Hills Drive, so the following question, the temporary turn around implies that there is an intention eventually to tie in the new road to the Klearsy Development depending on the timeline and when that all happens if it were delayed beyond the completion of

this neighborhood, so if this neighborhood were to be completed before Klearsy is under way is the town are you legally able to go back and enforce the tie in after the fact ? if the neighborhood is done ,complete , the roads have been turned over to the town and then Klearsy's developed do we have repercussions to go back and say even if you dont want to you have to tie it in?

Richard Harris: Yes, it's shown here as a temporary turn around and temporary , your right can be permanent if nobody ever builds Klearsy, the other side Klearsy would be over here, so this what's labeled temporary turn around cul-de-sac , at what point is temporary not temporary, so if Klearsy never gets built in our lifetimes it's a pretty permanent cul-de-sac. If it does come through, the town owns this we'd own this under your scenario and the next developer would be, based on what we've all talked about here would be required to tie in to right there.

Lyn Murphy: They couldnt just put up a fence and say no we're not going to, it gets dedicated to us and as long as the other sub division comes forward and lays out into that connection it will be made.

Sue Sampanther: Ok, thank you.

Don Roberts: Thank you, anyone else? Ok, I'll close the public hearing and Joe got some questions for you please.

Richard Harris: Don, excuse me, did you want me to read the letters?

Don Roberts: Oh, yes before we close, yes we have some letters that need to be read into the public hearing so I'll re open the public hearing.

Richard Harris: In the last couple of days four letters , sorry emails from residents , neighbors that received , I believe most of them if not all had received public notice from the town , I will read them into the record now:

Richard Harris - Subdivision Convern

From: Steve David [REDACTED]
To: <rharris@townofhalfmoon-ny.gov>
Date: 1/23/2017 3:44 PM
Subject: Subdivision Convern

To Who It May Concern,

I am writing in regards to the proposed Van Wert subdivision. I am not able to make it to the meeting tonight, but I want my voice to be heard that I am strongly apposed to this project. I currently live to Rolling Hills and with the increased development that has happened there and along Farm To Market Rd, not to mention the commercial development that has recently grown quite a bit on Liebach Rd the traffic flow has increased tremendously over the past couple of years. I am strongly apposed to any further development in this area, not only due to the traffic safety issues but the adverse affect it will have on the environment and current habitat.

If you have any questions, please get a hold of me and keep me informed of any developments.

Regards

Steve David

[REDACTED]
Rolling Hills Development
[REDACTED]

Richard Harris - Van Wert Subdivision Proposal Grievances

From: Benjamin Eggleston [REDACTED]
 To: <rharris@townofhalfmoon-ny.gov>
 Date: 1/23/2017 3:05 PM
 Subject: Van Wert Subdivision Proposal Grievances

Good Afternoon Mr. Harris-

I'm contacting you in light of the recently proposed Van Wert Subdivision that would connect to the Rolling Hills neighborhood and the adjacent (proposed) Meadows of Halfmoon. I am unable to attend tonight's Planning Board Meeting but would like to submit my concerns.

1. There are no maps currently listed on the website or in electronic form that diagrams the proposed neighborhood layout.
2. Connecting Angle Ln to Angle Rd (proposed) will tear down a number of trees that will open up the views to private backyards, one of which is mine. It will further expose the Industrial development located on Liebach Lane and the traffic associated with those businesses which currently consists of large 18-wheel trucks from SYSCO and heavy duty trucks from Danforth Construction which make a mess of the road. We already have the Water Tower in our neighborhood which draws the Town in with their trucks and a 10 foot waterline on 4-5 properties to the South of the Tower that has trees cut down, creating no buffer for our homes and the proposed development
3. There are a number of wildlife families (deer, turkeys, fox) that have been roaming those woods which also traverse our neighborhood peacefully as well. This proposed development would take that away and take away the serenity from our neighborhood.
4. Ultimately, this connection will cause increased traffic through our neighborhood (Rolling Hills) where most houses have children playing outside regularly. They currently have a heightened sense of security due to Ridgewood Dr. being a loop with one exit (Rolling Hills Dr.), and also Green Fields Dr. ending in a cul-de-sac where the only traffic is typically residents and no thru-traffic
5. I'm very concerned with the cost of the homes back there driving up the cost of my home but their footprint will be on average much less than my home due to the higher cost of excavating behind my home. This will lead to a higher base price for a home buyer starting with a much smaller footprint and will result in my tax assessment going even higher. I wasn't pleased by the misinformation about my estimated taxes when I built the home. I'm currently paying \$1200 more in School/Property Tax than the numbers I was given to work with.

My understanding when my wife and I moved in was that this could potentially occur however, would extend the Water Tower Service Rd (I believe is Angle Ln. on the Saratoga County maps not Angle Rd. just off of Cary Rd.) but homes would not be built for another 200 feet past the water tower and end in a cul-de-sac. Of course, without an electronic map, it's difficult to determine what we are actually getting.

I will continue to adamantly oppose this development and wish to have my grievances go on-record.

Regards,

Ben & Liz Eggleston
 [REDACTED]

Richard Harris: I did after receiving this, this is my own comment, I did email them a copy of the map , the portion near their property kind of showing in better detail where there property was adjacent to their proposed properties no cut buffer.

From: Marcia Cognetta [REDACTED]
To: <rharris@townofhalfmoon-ny.gov>
Date: 1/23/2017 1:03 PM
Subject: VanWert Subdivision- public hearing today

I am writing in response to the proposed VanWert subdivision being proposed behind my property on 12 Ridgewood Drive. I was extremely upset to hear of this proposal and respectfully ask that you deny it.

Before I entered into a contract to build my home with Hodorowski Homes in 2012 I asked and was told by them that the property behind my lot was unbuildable due to the ravine and wetlands. This point was extremely important to me especially because of the industrial park on Leibach lane. I was seeking peace and quiet and did not want to hear or see the happenings of the warehouses on Leibach. The trees offer a sound and light barrier between our neighborhood and the 24 hour operations happening on Leibach. They also offer privacy which is why I paid a premium on the lot. Furthermore, the property being proposed for VanWert is home to families of deer and much more wildlife that will be displaced, perhaps into our homes and further onto our property.

Lastly, the increase in traffic is going to be a major issue for Rolling Hills residents. Building an access road to this neighborhood and the Meadows of Halfmoon will turn my street, which is peaceful and quiet, into a main access road for more than 60 new homes. I built my home on Ridgewood so that my daughter would have a safe street to grow up on. If Van Wert is built, and an access road is created, my comfort level for her safety will be compromised. Your denial of this proposal will ensure that the residents of Rolling Hills, who have invested in The Town of Halfmoon, remain safe, in the peaceful, quiet surroundings that brought them to the Town in the first place.

Thank you,
Marcia Cognetta

[REDACTED]

----- Forwarded Message -----

Richard Harris: And I had also followed up with a map excerpt showing her the adjacent proposed project to her home.

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Richard Harris - Van Wert Subdivision

From: Nicole Calisi [REDACTED]
To: "rharris@townofhalfmoon-ny.gov" <rharris@townofhalfmoon-ny.gov>
Date: 1/23/2017 3:17 PM
Subject: Van Wert Subdivision

Good afternoon,

My name is Nicole Calisi and I live at 41 Ridgewood Drive in the Rolling Hills neighborhood. I am writing to you today to ask that the town board please deny the the Van Wert subdivision proposal.

If approved, this subdivision and the already approved Meadows will mean traffic from 60 more homes up and down Rolling Hills, Green Fields and Ridgewood trying to cut over to Liebich Lane, further compromising the safety of our families. My family in particular is directly affected by increased traffic because you must travel past my house to get to Rolling Hills Drive. I have two small children, one of which with special needs, and speeding is already a huge issue in our neighborhood, so much so that the sheriffs were in our neighborhood this summer watching for speeders. I have to pull my daughter on the grass at least twice a week trying to avoid speeding cars while walking to and/or from the bus stop in the morning, and it will only get worse with more people traveling down our road.

This may also mean that many of the trees, which provide sound and light barrier between Phase 3 Ridgewood and the industrial park on Liebich Lane will be removed, compromising our quiet enjoyment and privacy. The families of deer and other wildlife will also be at great risk for being displaced, possibly into our homes or further onto our properties.

Please help safeguard the children in our neighborhood and deny the Van Wert subdivision!

Thank you very much for your attention to this matter!

Best wishes,
Nicole Calisi

Richard Harris: That's the last letter and those for the record all four were provided copies to the planning board members prior to the meeting and also the applicants engineer.

Don Roberts: That it? Thank you Rich, okay on that note I'll close the public hearing and let me make a comment and Lyn if I say something wrong please correct me you heard in some of those emails how people are opposed to the application as presented I get that but please keep in mind if this board receives an application and it meets all the town ordinances its a standard subdivision , meets all of our engineering requirements and there's no special specifications needed this board does not have the authority to say no because neighbors dont want it , please keep that in mind alright , thank you. Joe we've got some questions for you, did I say that right Lyn, thank you, now Joe you heard comments about concerns about the construction traffic, how would you propose to address that?

Joe Dannible: Yea, with the construction traffic unfortunately the only way into this property is through the access hill on Rolling Hills PDD. We certainly would be amenable to putting in additional construction traffic sign lowering speed limits with town highway superintendents ok to 15 mph for construction vehicles I think that would help slow down the flow of traffic in that neighborhood, again there are certain hours that construction can occur at the site so that would limit the hours people would be coming and going from the property.

Don Roberts: You will advise the truck drivers and all about the concerns about children in the neighborhood and being very careful right?

Joe Dannible: Absolutely

Richard Harris: Can I just add Joe and John Pingelski touched on it what we did with another project Princeton Heights and I know your considering probably for another project coming up soon is we town staff , highway superintendent and town engineer walked with the applicants engineer , videotaped and catalogued the condition of the roads prior to the start of construction to develop a benchmark of the condition of the roads so both you know builder and town knows what the condition were before you started and then use that as a barometer during the project and at the conclusion at some certain point to determine whether it looks like things need to be repaired or the town pursue repair by applicant for any damage that has occurred, we are dealing with our first one right now we did that last spring or so last summer and I know the board has talked about it on at least another project and thats something this board could consider requiring a similar process to protect the residents , the conditions of the roads at least , it may not affect the speed issue that you've addressed Joe , proposed to address but in terms of to ensure the roads aren't damaged and if they are repaired by the responsible party.

Don Roberts: And also as we discussed before Joe you and whatever real estate company, developer has market the product here they will tell the prospective homebuyers that this is not going to be a cul-de-sac forever and it will indeed be a through road.

Joe Dannible: Absolutely

Don Roberts: Okay, because again the town doesnt need that hassle of having people complain about they weren't informed right?

Joe Romano: Absolutely it's the intent of this neighborhood to connect, we wish Klearsy was already developed it would save us from having to construct a temporary cul-de-sac at the end of the road.

Don Roberts: Ok, thank you.

Marcel Nadeau: Lyn is that something that we could put in a deed restriction? Or information on the deed for future purchases?

Lyn Murphy: The map that future purchaser would see is a temporary cul-de-sac , can I guarantee that everybody actually looks through their deeds and doesn't just listen to a real estate agent who is trying to sell them a piece of property? No, unfortunately that happens but if they do check with the town it's clearly on the approved subdivisions. We can ask that there be a note that it's a temporary cul-de-sac that will be a through road as part of the deed, but I can't guarantee that people are going to read their deed. What we can do as far as preliminary and final is really solidify that process with regards to inspections of the roads and how that process will pay out and the bonding requirement for the developer so that there's definitely going to be resources there to ensure that everything is taken care of .

Mike Ziobrowski: I mean Joe one of the things that you can do is as soon as the road is put in you put the binder course down and obviously this is before the homes are even set in place, if you put the binder course down and then the top coat doesn't go down until 95% of the neighborhoods completed, that will cut down on the dust going down the roadways, and you'll have to clean the roads on a daily basis with the street sweeper.

Joe Dannible: That's no problem what you're suggesting.

Mike Ziobrowski: It's part of your standard SWWP and you just have to assure the people of Rolling Hills that that's gonna be done.

Don Roberts: Ok, any other questions?

Marcel Nadeau: Joe what are the hours of construction time?

Joe Dannible: Correct me if I'm wrong it's either 7am to 7pm?

Richard Harris: There is no noise ordinance or restriction in town code so generally we set at the pre-construction meeting barring any regulations on construction by the planning board it's sun up to sun down generally.

Rich Berkowitz: Can we restrict that in the summertime?

Richard Harris: You could refer to the town attorney to, regarding your authority but there are many, most builders, this doesn't apply to everyone, have committed at the pre-construction meeting to not work on Sundays unless they need to catch up or something like that, that's usually what we get, but barring any addition of planning board or regulation on the books we generally go with sun up to sun down, which in the summer can be nine o'clock. or 8:45.

Rich Berkowitz: But we can put those restrictions if we deem necessary.

Lyn Murphy: I'm sure the applicant would be willing to agree to any reasonable restrictions put forth by the board, and again this is not final subdivision approval so these details can be worked out through, as they go through all the state agencies as far as specific times go.

Rich Berkowitz: I just have one question about traffic mitigation, are there stop signs within this development?

Joe Dannible: Are there stop signs?

Rich Berkowitz: Yea , I'm looking at a google map of it now and I don't , I mean I'm trying to zoom in and I don't see any stop signs any traffic controls in there , I mean I'm looking at the corner of Rolling Wood or Ridgewood , Rolling Hills in Ridgewood.

Joe Dannible: I know we are proposing a stop sign dead end at the intersection of Dutch lane and Dutch lane is a new road and Ridgewood Dr. I don't recall what is in the existing neighborhood.

Rich Berkowitz: I mean is there any traffic control in Liebich and Rolling Hills, or Ridgewood and Rolling Hills is it Cary and Rolling Hills?

Tom Ruchlicki: There are stop signs

Rich Berkowitz: There are stop signs within the entire development?

Joe Dannible: I'd assume there should be stop signs as part of any road that was dedicated within the town but I don't know for certain

Rich Berkowitz: Then this stub road by the water tower that was built prior to these homes being built?

Joe Dannible: That was built as part of the Rolling Hills subdivision.

Rich Berkowitz: So this stub road and this Ridgewood road was built before these homes were purchased?

Joe Dannible: Correct.

Rich Berkowitz: Ok.

Tom Ruchlicki: I just got a couple of things I want to clarify in my own mind cause I know that property, that Liebich lane area could you take your little pointer and just kind of show me approximately where SYSCO Foods is and the reason why I ask that is because people are talking about noise mitigation and that .

Joe Dannible: Yea I mean SYSCO from that point to SYSCO is probably a 1000 feet, maybe 1500 feet

Tom Ruchlicki: The reason why I'm asking is people talk about noise mitigation now there's gonna be homes there versus what they are used to seeing as forested area.

Joe Dannible: Correct

Tom Ruchlicki: In my experience with any noise coming from SYSCO it doesn't really go that way into that development it's going straight back over Kleary's property and.

Joe Dannible: I would tend to agree it's in close proximity to Kleary's

Tom Ruchlicki: And the development that's taking place on Liebich lane to the north which would be relative to these homes,

Joe Dannible: That would be up in this area right here.

Tom Ruchlicki: if I might say it's a quieter type of development than SYSCO food itself as far as truck traffic in and out , their maintenance building which generally creates a lot of noise and anybody that lives in that area knows that when the power goes out and their generator goes on I can hear that at my house and I'm on the other side of route 9, so I'm having a little bit of trouble understanding why you would think there would be a noise problem and I'm not sure that , that would be a concern if I lived in your area , just an opinion of mine , I live right across the road from SYSCO foods , I know all about their truck traffic, their noise , what they do so I'm not sure that I could say that this development would have any impact on noise other than the noise created by the development itself, the residential traffic, just my opinion.

Lyn Murphy: Unfortunately the public hearing portion has been closed however this board all heard your very real concerns with regards to noise pollution and light pollution which are going to be in your opinion enhanced by this development.

Tom Ruchlicki: I'm not saying that your not correct in what your saying as far as an increase in noise and traffic and all of that I'm not saying that, I dont believe that the area that your concerned with in that industrial part of the SYSCO on Liebich lane is the part that would create the noise that your worried about, and I'm aware that continued development on Liebich lane

Joe Dannible: Its hard to, its up in this area, Cardinal Health, off that property line it's probably about 700 ft, probably

Tom Ruchlicki: And the elevation difference between where that property is and those houses are that drops off into Liebich lane and it's probably got to be all of 80 feet or more cause I know that area where that last development took place on the corner there's probably an 80 foot bank there. You would think that it would contain that noise, I hear ya but it's just the nature of the beast I dont know, It's just my opinion. I understand your complaint.

Don Roberts: Any other comments by the board?

John Higgins: Don, excuse me, two things, I agree that traffic is going to be a problem I think the construction people should be encouraged to utilize Liebich lane as much as possible as they did in phases II and III of Rolling Hills, but as far as mitigating the traffic we all know the problems with Cary, Farm to Market and Farm to Market Rte 9 this is just more and more traffic everyday, thank you.

Don Roberts: Anything else? If the board feels we are ready we need a motion on SEQR and preliminary approval.

Rich Berkowitz made a Negative Declaration pursuant to SEQR. Marcel Nadeau seconded. Motion Carried.

Don Roberts: Now if we go for the approval we are going to need a contingency on the comments by the fire department.

Rich Berkowitz: And also we get to take a look at this again for final subdivision.

Richard Harris: The fire department comments did come in.

Don Roberts: Yea but we should make that.

Richard Harris: Oh to include them, I apologize, I miss-heard.

Rich Berkowitz made a Positive Recommendation for a Preliminary Approval for VanWert Subdivision contingent on the fire departments comments. Tom Koval seconded. Motion Carried.

New Business:

16.195 Coles Collision, 1624 Route 9 - Addition to Site Plan

Josh Jewett: Good evening I'm Josh Jewett general manager with Cole's Collision we submitted a site plan revision for a security fence on our property , first I should apologize we went about this in the beginning in the wrong way the fence is installed , we did receive notice from the town we had the fire chief come over , we installed a Knox box on the fence , we also did a site plan revision with I believe Fred Metzger who did the original plan in 2012, and the fence is currently standing.

Don Roberts: Ok, thank you, any comments by the board?

John Higgins: Your not planning on putting any additions on the fence no barb wire no razor wire anything like that.

Josh Jewett: Correct.

Lyn Murphy: Is this the Cole's in Clifton Park or the Cole's in Halfmoon?

Josh Jewett: Cole's Collision in Clifton Park.

Lyn Murphy: Halfmoon, you're in Halfmoon.

Don Roberts: She's kidding you.

Rich Berkowitz: You're on the wrong planning board then.

John Higgins: When the applicant originally came here we encouraged him to use Halfmoon as advertising and at that time he told us he would, ever since then its been heavily advertised as Cole's Collision of Clifton Park if you could mention to him that he should realize where he is located and he is in the town of Halfmoon and not Clifton Park.

Josh Jewett: I can certainly do that. Understood.

Don Roberts: Thank you very much and one other thing Rich have we heard back from the County on this?

Richard Harris: Yes they approved it and also I spoke to the Fire Chief he had provided a key for the Knox box as the applicant stated and took a look at the plans and did not object to any access or anything.

Don Roberts: Ok, thank you.

Marcel Nadeau made a motion to Approve Cole's Collision's Addition to Site Plan application. Tom Koval seconded. Motion Carried.

17.000 **Hairlines Inc., 1675 Route 9 (Watkins Plaza) - Change of Tenant/Use**

Scott Earl: Good evening I'm Scott Earl representing 1675 rte 9 Watkins Plaza. I come here tonight we've got a vacancy in the plaza, Allure Hairlines went out of business the end of December there's a new tenant their based in Massachusetts their business is slightly different than Allure the previous tenants, Allure was a hair salon with about 7 chairs and a much higher volume of traffic, clients coming in and out all day long 6 days a week. The Hairlines they basically sell product, they sell John Mitchell, GK Hair, LCN nails and skin and make up products they are a distributor, now they do have a class from time to time with 3 or 4 or even 6 clients that come in to look at the products and test the products they have one chair remaining onsite so there wouldn't be clients coming in and out to get their hair done or their nails done obviously it's one person, a one trick pony if you will. The hours of operation are 8:30 in the morning till 6. 8:30- 4:00 on Thursday and Friday there's only 3 part time employees. As the owner of the plaza I've made them aware that employee parking is done immediately to the west of the plaza and the northwest of the plaza, I strictly enforce that the spaces in front of their stores from Caputos all the way to Spoon and Wisk are merely for the clients.

Don Roberts: Now when you have those classes is that gonna put a hardship on the parking?

Scott Earl: The hardship on the parking occurs when H&R Block has classes and I've got my little monitoring outfit out there and guide people over to the outside parking areas where if you noticed over the last few years they get utilized more and more, everyone wants to park in front of the front door and I'm there with boxing gloves to get them out in the, and I tell the owners honestly if you want your customers to stop here the people want to park in front of your store so if you are going to put your employees there your not going to have any customers, so far its worked out great I dont anticipate any interruption , there is a neighbor next door Among Angels their parking's limited there more of a Saturday afternoon , Sunday evening crowd, Watkins is seasonal, Thanksgiving , Christmas , New Years a little bit of Easter, Caputos is the heaviest used tenant there and they consume quite a bit of the parking. H&R Block as well is seasonal until about the 18th of April and I haven't seen H&R Block do anything more than 4 or 5 cars at a time.

Don Roberts: Ok, thank you Scott. Any questions?

Rich Berkowitz: They are not open on the weekends at all?

Scott Earl: According to this no, they are not open on the weekends, Monday through Friday, and Monday through Wednesday is only till 6.

Don Roberts: Now they will come back for a sign application?

Scott Earl: They will.

Marcel Nadeau: So Scott just to clarify is this like a wholesale distributorship or retail.

Scott Earl: Wholesale distributorship, retail, people can come in and try the products but they find the products at various other salons.

Rich Berkowitz made a motion to Approve Hairlines Inc.'s Change of Tenant/Use application. Tom Ruchlicki seconded. Motion Carried.

Scott Earl: Thank you.

17.001/17.002 Halfmoon Auto Care, 12 Firehouse Road - Change of Tenant/ Use & Sign

Robert McClean: Good afternoon I'm here to apply for occupancy and tenant change for 12 Firehouse Road in Halfmoon New York, general purpose is general automotive repair.

Tom Koval: Name and address?

Robert McClean: Robert McClean 25 Fonda road, Waterford New York.

Don Roberts: Just gonna be.

Robert McClean: General automotive repair, not getting into heavy engine work, transmission work none of that, this is basic drop off pick up same day service.

Don Roberts: Ok, thank you, any questions?

Marcel Nadeau: Any body work, any spray painting?

Robert McClean: No, I'm the only person working at the facility.

Marcel Nadeau: So just mechanical, no body work?

Robert McClean: Yes, no body work at all.

John Higgins: Excuse me, and you're aware of the fact that this is a pre existing non conforming and some of the neighbors have complained over the years about noise and early hours, things like that?

Robert McClean: Yes my hours will be 8 to 5 Monday through Friday and if I have to on Saturdays only if the extents of the repairs are extended that long. I am aware of one complaint of urinating on the building I dont know why because there is a facility inside the building and I will not operate my business like that so I think thats the only complaint I've heard of.

Don Roberts: Ok, and for the previous tenant the restriction was work does not start on any cars prior to 8am and also no more than 15 vehicles on site at any time.

Robert McClean: Yea I dont even believe I'm going to be using that much , it will be one parking spot for myself , maybe 5 per day for my customers. I dont want to stack up cars out there I dont want them sitting out there. I dont want to be responsible for anything happening to them.

Don Roberts: Ok, but those restrictions will apply to you as well.

Robert McClean: Exactly.

Don Roberts: Thank you, anything else? Sign?

Robert McClean: Sign, I did send in a memo for a sign its right up there, One Day Sign in Waterford will be making that sign it's a 3x6 which will be hung on the north side of the building top corner.

Don Roberts: Ok, anyone else?

Rich Berkowitz made a motion to Approve Halfmoon Autocare's Change of Tenant/Use & Sign applications. Michael Ziobrowski seconded. Motion Carried.

17.010/17.011 Harbor Freight Development, 1617 Route 9 Amendment to Site Plan & Minor Subdivision/Lot Line Adjustment.

Jason Dell: Good evening, my name is Jason Dell. I'm an Engineer with Lansing Engineering, here on behalf of the applicant, Mr. Scott Earl for the Harbor Freight Retail Development. We were last before the board with this project back in August 2015 and we're back before the board, excuse me, back in 2015 the board had approved this project, we're back this evening for a minor revision to the plan. Back in 2015 the plan at the time called for the consolidation of all three of the lots for this project, however, for this project and for the current application we would look to consolidate two of the lots as well as have a lot line adjustment in order for Harbor Freight to own the lot for which it's going to be situated on. So as a brief overview the project site is located immediately north of the Halfmoon Sandwich Shop. It's over here's the existing sandwich shop parking lot. The ? lot with three apartment buildings that are in the rear there now. The overall project size, all three parcels total to about 6.28 acres and they are all currently zoned as part of the C1 zoning. So for the projects the Harbor Freight is still a 15,000 square foot building. It's still situated in the same spot at wherever the lot lines will be adjusted to give them about a 1 ½ acre parcel with the remaining about 5.29 acres in the back to be consolidated. What we're also showing on this plan right now is a conceptual 10,000 square foot flex space building that we're showing on this particular plan right now as conceptual in nature and we would propose to come back before the board at a later date to get this area approved by a site plan approval at that time. So for the project and for the parking for the project we'll have access that comes off of Route 9 and about the

same place as where the current access is into the sandwich shop you can see it situated a little bit to the north. We'll come in, we'll have one entrance point and we'll eliminate the two entrance points that are further to the north so access for Harbor Freight will come through this singular access, there will be cross lot access easement for Harbor Freight to use this access for the proposed parking that we're looking to do out there Harbor Freight requires 60 parking stalls and per the Town Code, the Town Code specifies 85 parking stalls. So, on the proposed Harbor Freight lot we would be able to accommodate their requirement for the 60 lots. Their 60 parking stalls. In the rear here, what we're showing for the flex space, they would require 26 parking stalls per code, however, we're providing about 38 stalls back here for the existing sandwich shop per code they're required to have about 40 parking stalls and with the proposal in front of the board now this area here would increase to a little over 80 stalls, about 81 stalls. So even though the Harbor Freight doesn't meet the current code of 85 stalls, they do meet their internal requirement of 60 and the additional 25 stalls that they would need per code would be accomplished through across lot parking easement that would be granted for any needed overflow that they may have for a grand opening or a sale or anything of that nature. All the utilities and engineering remains very consistent with what was previously approved. Water will still come in off of a connection to the main that's located along Route 9, a sanitary sewer service would still be extended to the property and storm water management will still be accomplished in the same manner on sizing as was done previously. So we're here tonight to bring the project back before the board with the revision with the lot line and the parking and we understand that a public hearing is required so we'd like to request the board's schedule a public hearing as well as refer the project along to Clough Harbor for review.

Don Roberts: Thank you Jason. Now the applicant is well aware that if this parking scheme is agreed to, that it could very well have an impact on any future tenants for the future buildings.

Jason Dell: That is correct. That's why we're showing a conceptual and we'd have to come back in the future for a site plan approval at that time. We've also called that out in specific note along the side of the plan.

Don Roberts: I just want to make that for the record so that everyone's clear on that. OK. Thank you. Any comments?

John Higgins: What's happening to the existing apartments in the back?

Jason Dell: The existing apartments would have to come down.

John Higgins: Prior to construction of the Harbor Freight?

Jason Dell: Well, the first apartment building is right in here. So, in order to bring this access back as well as put the parking in here, that first apartment building would have to be demolished.

John Higgins: How about the other two?

Don Robert: Scott, your name, and address please.

Scott Earl: My name is Scott Earl.

Scott Earl: My address is 1617 Route 9. I have so many, I forget. The apartments, currently, building #1 is actually unit #6 through #8.....#5 through #8. Those, that building would come down and to Jason's point that currently is occupied around here. That second building is currently occupied; we've got a couple of senior citizens that reside in that building. They're totally remodeled garden apartments; we've got maybe one or two cars parked there. This back building has a water problem. It had been remodeled but it's taken on some groundwater so that's been totally empty now for over a year. We propose to demolish building #1 and building #3, leave building #2 in tact with the few tenants that are there until we come back in to see what else, if anything, can be done with that property.

John Higgins: Thank you Scott.

Marcel Nadeau: Thank you Scott, Scott you're familiar with their site on Central Avenue?

Scott Earl: Yes, I am

Marcel Nadeau: So, is this a bigger site than that? What's the square footage?

Scott Earl: No, it is not. They're in line in a shopping plaza by a McDonald's and Wendy's. I've observed them several times at that site and 15 cars is a high day on that.....

Marcel Nadeau: What size is that site, do you know?

Scott Earl: That site is 12,800 square feet.

Marcel Nadeau: OK.

Tom Werner: Question, will the overflow parking be constructed in phase 1 so you'll have the addition to the 60 right from day one?

Scott Earl: Absolutely, because the overflow parking involves the deconstruction or demolition of that first apartment building to ensure that the sandwich shop has adequate parking as well. He tends to over flow his parking lot at times so we're adding another 40 space behind that.

Tom Werner: OK, because I know Harbor Freight frequently has liquidation sales, parking lot sales, tent sales and obviously to attract more traffic to their store but also takes up parking spaces.

Scott Earl: To your point, you're in full control of sidewalk sales, tent sales or any other sales. They have no right, legal right, to have any kind of sale or even a sandwich board sign outside of that building. So I've made them well aware that this is Halfmoon, this isn't Colonie.

Don Roberts: OK. Thanks Scott. That's good.

Scott Earl: Thank you.

Don Roberts: Anyone else?

Rich Berkowitz: Take a vote to set a public hearing for our next meeting.

Rich Harris: I just want to bring to light, that's ok, go ahead, well, we do need county referral on this and it's three weeks until the next meeting which still doesn't fall before the next county planning board meeting.

Don Roberts: OK

Rich Harris: But they already saw pretty much this plan and did a referral before they often will consider doing it through our MOU prior to meeting, but I hate to promise that, they've got some conflicts Wednesday that conflict. So, you gotta decide, you can set it for three weeks from now if the applicant wants it, but then if we don't have the county referral by that meeting, you'll have to either have the public hearing or take the late meeting, or if you just want to wait until the February 27th meeting to do the public hearing. I think you should have your county referral by then.

Don Roberts: Is February 27th gonna set you guys back at all or no? That's be alright? That's cleaner that way, ya know.

Rich Harris: It'll avoid potential having it on two more times.

Don Roberts: Yea. Cancel it? Amend your motion for February

Scott Earl: What date is it February

Rich Harris: February 27. I believe is the date

Don Roberts: The last meeting in February.

Tom Ruchlicki made a motion to set a Public Hearing for Harbor Freight Development for February 27, 2017. Rich Berkowitz seconded. Motion Carried.

Jason Dell: Thank you.

Don Roberts: OK, thank you.

Jason Dell: Were also referred to Clough

Don Roberts: Oh definitely, yes, right Joe. Thank you.

Old Business:

16.190 Arborcare Landscape Services & Products, LLC, Hudson River Road – Site Plan

Mark DePaul: Good evening, my name is Mark DePaul, Sr. and I'm back here again tonight to have my site plan approved for my tree nursery. I was here back, I think on December 12th and the application was tabled waiting for approval from the county and I think that's gone through and I don't think there was any issues that we had back then so that's basically it.

Don Roberts: OK. Comments?

Marcel Nadeau: I'll make a motion to approve.

Tom Koval: I'll second.

Rich Harris: I just want to mention we did receive a letter from a neighbor, Ken Leggett in support of the project.

Don Roberts: Oh, he's supporting the project

Rich Harris: In support of it, yup.

Don Roberts: Well, that's good for you.

Rich Harris: Ken Leggett 958 Hudson River Road.

Don Roberts: OK. Thank you Rich.

Marcel Nadeau declared a Negative Declaration pursuant to SEQR. Tom Ruchlicki seconded. Motion Carried

Marcel Nadeau made a motion to Approve Arborcares Landscape's Site Plan application. Tom Ruchlicki seconded. Motion Carried.

16.102 RCC Enterprises dba Maple Leaf Childcare Inc., 41 Werner Road – Site Plan

Daniel Hershberg: Mr. Chairman, my name is Daniel Hershberg from Hershberg & Hershberg with me is John Moran representing the applicant, the project is to construct a child care center for up to 200 children, we have had two review letters from Joe Romano at Clough Harbor, February 15 and December 7th who responded to those, I think all the technical issues raised by him were resolved, the one issue that had been raised that we think we would let asked us for grant a parking waiver because if you use the 200 students, it's 67 parking spots at one per 3 and up to 30 staff. Now the 30 staff are not all there at the same time, but used in the code strictly it would mean essentially 97 parking spots. We're providing 74 parking spots, what we've provided here is a table that shows four other facilities run by the same applicant that are identical in use and it shows essentially that they all have similar parking ratios as a matter of fact two of them are, are less intense than ours, but they are almost identical, the average is one parking spot for every 2.93 students for providing one parking, or children we're providing one parking spot for every 2.70 students. So we're virtually right on target with their other facilities. Their facilities are run in a similar manner; there are some other issues that were raised, primarily in a letter from an adjoining neighbor. Those had to do with noise with proximity of a playing land to their parcel and the traffic I'll leave the traffic for Tom Johnston did a study for the town and I don't know whether or not you might want Tom to make comments regarding that traffic now and then I'll come back and answer any other questions.

Don Roberts: That'd be a good idea.

Daniel Hershberg: Thank you.

Tom Johnson: Thank you Dan. My name is Tom Johnston from the Chazen Companies and I am your independent traffic engineer under your new process for this project. The traffic study was pretty much straight forward. We looked at the operating conditions of the intersection of Route 146 and Werner Road as well as the site driveways to Werner Road. As I said, the study was straight forward only a couple of intersections to look at. The amount of traffic to be generated by the day care center, about 200 students, we estimated about just over 100 new trips for the development, also noting that the use prior was also a day care center. There was one piece of information that the client did supply us for use in a traffic study and that is a percentage of what we call pass-by trips. It is, a pass-by trip is basically defined as traffic that is already on the roadway that would stop and use this facility and continue on their way it's not a new trip destined for this facility. The pass by trip percentage that they have used in their other facilities based on the facilities in Malta was to say that the amount of traffic is, well, would be 75 percent pass-by trips, so if 75 percent of the traffic would be already on Werner Road that is for this location highly unrealistic to use that high, such a high percentage of traffic. Route 9 where their sites are located are, is such a high volume of road that 75 percent cannot be applied to this location. However, since this in a residential area where you would have families and some I'm sure would want to use this facility we did accept it 25 percent pass-by credit. So, we said 25 percent of the traffic going to the facility would, is already on Werner Road families to have parents and kids looking for facilities, so we said 25 percent was ok. So the bottom line as far as the amount of traffic for this site at, for the site driveways, we have very good levels of service, no problems getting in and out of the facility traffic wise and as far as the intersection of Route 146 and Werner Road, there is an increase in delay for the left turn movement. The turn off of Werner Road to go eastbound on Route 146. It is an un-signalized intersection. It is an unavoidable delay any time you gotta add traffic to an un-signalized intersection you will increase delay especially for a left turn movement. The increase in delay for the morning peak hour and rush hour is 7 seconds relatively minimal, however, in the afternoon it's a 17 second increase for that left turn movement which is a little bit more substantial, however

Rich Berkowitz: An increase from what? What's the wait period now, I'm sorry to interrupt you but, you're talking about increases but what's the baseline increase from?

Tom Johnson: From about 50 seconds to about 60 seconds, its level service now without the project, D & F and so it goes up a little bit further into the F range.

Rich Berkowitz: One reason I'm asking is this intersection was just in the paper last week as far as the column DOT puts out about people ask questions about intersections and they answer it, and there is no scheduled improvements besides moving the stop line more forward.

Tom Johnson: And what kind of improvements were people looking for?

Rich Berkowitz: Line of site, someone wrote in about a signal there, DOT said no but they know there's a problem so their going to move that stop line that's there more forward maybe give people a little more site distance.

Tom Johnson: Ok, there is not enough traffic to meet the warrants for a traffic signal so the DOT is correct on that, right now that movement the left turn operates level service E in the morning also in the afternoon projecting it forward a couple of years put in no built condition when this project will be built it stays an E in the morning but it jumps to a level service F in the afternoon with out the project.

Rich Berkowitz: So you are going up?

Tom Johnson: Your going from 43 up to a 50 in the morning in the afternoon you go from a 54 to a 71 , a 17 second increase.

Rich Berkowitz: Do you know how many cars are stacked at that intersection during the morning or afternoon? So if you have 10 cars stacked there you gonna wait 10 minutes?

Tom Johnson: Well your not gonna wait 10 minutes , that is the average delay throughout the hour, some people have very little delay , some people have a little more so that 71 second is an average.

Rich Berkowitz: Which equals, so if you average out one minute per car its ten minutes for ten cars.

Lyn Murphy: The way that, that works he is saying that in an hours time it would be 71 seconds, not 71 seconds per car

Tom Johnson: Two vehicles for the max queue waiting in line to get out of there, so the volume is pretty low coming out of the Werner road, so on average you have 2 vehicles waiting to turn left at any one time.

Rich Berkowitz: So that's the average queue?

Tom Johnson: That's the what we call the 95 % queue, 95% of the time there will be 2 vehicles and less than that.

Rich Berkowitz: Now is that statistics?

Tom Johnson: That's based on actual analysis.

Rich Berkowitz: So someone's out there observing us?

Tom Johnson: Well the procedures are based on observations from sites throughout the country, and it's worked into the formulas for out traffic analysis.

Rich Berkowitz: Then based on that I disagree with that finding totally, I'm sorry.

Tom Koval: It's hard to believe that is someone was actually observing that, I'm sorry.

Tom Johnson: Ok, Its something that could be accomplished if that's something the board wants to say, standard traffic procedures that's ya know, specific ques were not measured in the field.

Tom Werner: Tom would a left turn lane at that location for east bound traffic that has to make that left turn something that you would see as a help mitigating the situation? So that the other east bound traffic that's destined for points east of there could bypass around?

Rich Berkowitz: There is a left turn lane,

Tom Werner: Oh, there is a left turn lane

Rich Berkowitz: There is a right turn land and a left turn lane.

Tom Werner: Ok, I'm sorry I was taking

Marcel Nadeau: Tom you want to explain your scenario,

Tom Ruchlicki: I really don't, the situation that exists there , the way that T cause its not a true intersection its a T, the person thats gonna make a right hand turn continually creeps out to 146 on Werner road , blocking the vision of the person thats looking west and they actually play off of each other , such that you pull ahead , I pull ahead, you pull ahead , I pull ahead , a guys making a right hand turn he cant look east and I cant look west if I'm making a left its inherent to that T situation and with the traffic flow on 146 the only thing that I will say that I know would help the situation would be if DOT took the time and looked at how the lights were sequenced from 9 & 146 to the west and 236 should be changed so that continuous ramp that they have at that light thats a right hand turn onto 146 was eliminated and they made everybody go to the light and they signaled it with a turn arrow , because with a right on red and the situation that exists up here on the end of 146 and 236 where you dont have to stop at that light at all if your going south on 236 you just shoot right through that little ramp that they have there, there's no break in traffic to allow you to get out Werner road in what I would call a safe manner. Your always fighting a condition there that like I say unless they sequence the lights different , eliminate the right hand ramp coming off of 236 so that everybody has to be signaled it aint never gonna change. its just the nature of the beast and thats my observation, the situation exists and I guess the only other thing I will say is you have a T not an intersection that is already an F so no matter what you do on Werner road its always gonna be an F the difference is what you said , if its 17 seconds, 15 seconds it could be 30 seconds its not going to matter, the amount of traffic your generation coming out onto that intersection.

Tom Johnson: That's correct.

Tom Ruchlicki: So having said that, that's why I made the comment that I did about your traffic study and all the nice little mathematical things you figure out it doesnt change the condition that exists at Werner road and 146, it just doesnt, we could talk about it all night. It's gonna be just what it is, so having said that.

Tom Johnson: No , it doesnt , right what it is the delay and one point I didnt mention was since this site was a previous day care a similar use but probably a little bit smaller that what it was , it probably operated like that one that other day care center was in use at that time.

Tom Ruchlicki: And I would be willing to bet you that most of the people leaving the facility and that are going to after you are doing what you are doing if we approve it , their not going to go out to 146 their gonna go back out down

Warner road and they are gonna go down Farm to Market road and out that way and up to Anthony road , go out that way to route 9 and disperse from there.

Tom Johnson: Out to Farm to Market with route 9?

Tom Ruchlicki: I believe they will take Werner road and go north and go out Farm to Market road , come to the light, which is another bad intersection in the town but the long and the short of it is that I live here my whole life and knowing how people are and what they get used to in their daily travels , why would you bother to endanger your situation any more than it already is, just go back the way you came , because they are not going to come up 146 and go into Werner road I really dont think they will, based on the development and the people that will be using your facility. I'm just saying, that's just my opinion based on the whole situation.

Tom Johnson: Well it's not my facility, but we did look at those going out north, so there is a percentage of traffic that goes out north, everybody does not come, were estimating everybody comes down Werner road. As far as the traffic coordination of the lights, the lights that you are talking about they are separated by a couple of miles.

Tom Ruchlicki: It doesnt matter when rush hour , whether its in the morning or the afternoon , there is so much traffic that passes through 9 and 146 that you'll have traffic stacked from Lowe's light all the way out to Werner road, and I say stacked I dont mean that they are not moving and they are moving at 40 and 50 miles an hour cause they are trying to get home, there's no break in traffic to allow someone coming out of Werner road to pull across traffic safely and feel comfortable about doing it without trying to have to go fast ya know really pull out in front of traffic that you really wouldn't normally do on a normal basis.

Tom Johnson: Well the point was its very difficult to coordinate traffic lights that are so far apart, there's a lot of interaction in between the two lights that would make it difficult to maintain a platoon of traffic through out the corridor , that is was just my point on the distance of the two lights.

Tom Ruchlicki: Alright, ok.

Don Roberts: Gee Tom before these two guys started beating you up I was gonna say it felt real good to finally have a town engineer speak , a traffic engineer speak from a town perspective rather than the applicants you know, but so much for that , so much for that you know (jokingly back and forth)

Richard Harris: Guys I do wanna, Tom was nice enough not to blame me but I do want you to know I believe his original proposal did call for actual counts on Werner road by your staff thats correct, I think I cut it out , would you propose actual counts?

Don Roberts: For future reference you might want to put that back in again for future

Tom Johnson: Well we were going to collect a little bit more information on Werner road just to get some further information closer to the site rather than just at the intersections, but given that fact that it is a replacement similar facility that is replacing one, I think its fine the way it is.

Don Roberts: But you are on our side dont forget.

Tom Johnson: Im on nobody's side I am independent.

Richard Harris: You guys might find out, one theory is that no matter who we hire they still might end up saying the same as what those hired by the developer; it just maybe provides a level of assurance that

Don Roberts: A more independent view.

Richard Harris: Right.

Lyn Murphy: Well plus he also was quick to try to defer to his own expertise as it relates to 75% as compared to 25% being passed through. So I think he did what he was supposed to do, in my humble opinion.

Tom Johnson: Thank you, you put it so much better.

Don Roberts: Ok, and Rich we also have a letter from a neighbor?

Richard Harris: Yea we did notify neighbors who were able to write in like any project is able to write in about any project, the neighbor had some concerns they were forwarded to the applicant there are copies in your packets related to visual and noise impact and I don't know if Dan wants to summarize his response to them. One of them involved traffic and traffic concerns which I think we just heard about but the others related to noise and visual buffer.

Dan Hershberg: We have used Tom Johnson a number of different private projects working for us and he always does a very thorough job when you assigned him into the project I was very comfortable his findings would be done professionally and come up with.

Don Roberts: He was good that was very good thank you.

Dan Hershberg: The one issue raised in this letter was traffic and I deferred to Tom's report, the other letter had to do with the decibel levels coming out of the playground. What I did is I went back and I pulled out some documents from the Federal Highway Administration does have decibel levels for a whole bunch of different uses in their table. There is a noise control act of 1972 it specifies a whole bunch of issues regarding noise level. It finds that in a residential area the average day time noise level is between 67 and 70 decibels, it finds that from playgrounds, schools etc. the average noise level is also 65 to 70 decibels not significantly different. Now it is a difference if you're at 67 and 70 it sounds like it's very close but you can be, a decibel level is a log-rhythmic scales so it actually is not directly proportional. Meanwhile I'll point out the fact is, is that the residence that adjoins us at a point that's 18 ft between 12 & 18 feet higher than the average grade at the playground so that the slope itself would interfere with it there also the playground is also the closest point on the playground is 80 feet from the, the neighbor was right about here and we're leaving existing trees in here and there are existing trees on both sides of the line. The house is 80 ft removed there is a 12 to 18 foot grade difference between this park between the playground area there. One thing that, foliage itself is not a great deterrent to sounds, sound passes through foliage fairly easily it doesn't reduce it significantly but even dense foliage doesn't reduce it significantly but the ground impacting with the ground does impact it, people realize the fact is when they put in those sound walls on NYS highways the process is there is something solid between the sound generation at the wheels and the houses and it's normally a line of sight, if you can see it you can hear it, if you can't see it and you've got this solid fill between you and there the decibel level will not raise significantly. John also tells me that in their centers they are remarkable quiet because they are well run centers and the kids are kept busy and there won't be a significant impact from that.

Rich Berkowitz: Is there a fence around that playground also? Is there an opaque fence around the playground?

Dan Hershberger: We have a fence around it but what we planned on doing, we planned on doing it with chain link, probably a black coated chain link fence, I don't know whether or not, but even if the fence were six feet high we have behind it we this 18 foot, 12 to 18 foot hill behind it, it's not going to deflect the sound anymore than will that hill. The main absorption for the sound will be impacting that solid hill behind it and we don't think the sound will travel very far the distance is also a couple hundred foot difference in horizontal space between a piece of playground equipment and the building is a significant amount. So we don't think that the decibel level from the playground is a significant issue. The proximity issue is also somewhat, the two issues they raised other traffic worries, the decibel levels from the playground and the location of the playground. We could put the playground in front of the building but with the

parking area it belongs behind the building its secure there, we are fully surrounded by trees, we left the trees in there we are adding some additional coniferous trees to have a more of a visual impact on the site so that we dont think that this playground will be, have any visual impact on the neighbors home, so we dont think that there would be any rationale to move the playground any place else on the site.

Tom Werner: Question on the parking, the practice at the other sites as far as Halloween parties, Graduation those types of events, what do you do in the event of trying to accommodate all of that parking. Because I know from experience they are well attended.

Dan Hersberger: Well John do you want me to say essentially , I asked him that question after you had your meeting there and he said essentially they do have a couple special events a year and they've always been able to handle the parking with that same sort of ratio cause those other buildings are in places where there isn't any , its just like here nobody wants anybody to park on Werner road , no one wants anyone to park on Carmen road in Guilderland, there is one is Scotia Glennville so again its always contained within a parking lot. John do you have anything to add?

John Moran: Hello my name is John Moran I am the owner and operator of Maple Leaf Childcare Center as far as holiday parties and that type of things I cant stand here and lie to you it gets busy but what we normally do is we as long as we can park on the lawns and those type of things not on the playgrounds but ya know park on the lawn where we can ease in these other areas usually we stack the employees cars up on the lawns at those times we usually only have 2 or 3 parties like that a year. We have a Christmas holiday party and in a building this size we will split it up into 2 nights.

Tom Werner: All of the children are they by age groups and are those staggered or can they be all at the same, like a Halloween Parade?

John Moran: They are staggered and the Halloween thing, they dont do like we used to do they are at earlier in the day now but just for the kids and some of the parents to come but we do have a Christmas party where Santa comes and thats usually at 4 o'clock 4 to 5 and we will do half the building one night and half the other night they do , do something Mother's Day and Father's Day teas but that's earlier in the day with mother , father who usually come , ya know come bring the kid and have tea and bring the kid with them. For the most part it's always work for us , we haven't had any issues I mean it will get busy but we haven't had to park out on the road and have crazy stuff happening. And the rest of the traffic flow seems to work well the rest of the year, we have no other issues with that, and we have plenty of parking for the other times of the year.

Don Roberts: Ok, thank you. Rich

Richard Harris: I just want to quickly add , the type of events it depends on the size but it do require either a mass gathering permit from the building dept of a certain size or if there is going to be tents anything like that requires so this is just to help reassure that if those qualify for those types of approvals building department does review parking and where the overflow parking is going to be for those events depending on the size and number so just keep that in mind for that, I dont know if what your planning qualifies it has to do with numbers and cars so there is a level of review for special events.

John Moran: Like I said we dont do a lot of special events we have a few, it gets busy because mom comes and dad comes.

Tom Werner: Grand parents, yes they do. They're retired so they have the tine.

Rich Berkowitz: In the unlikely event this does happen where would the overflow parking be?

John Moran: Well we would probably take all the employees cars and pull up into the grassy area maybe up behind these other areas.

Dan Hersberger: We are talking about this area in here can probably have some employee parking stacked in there, this has got a hill this can't handle it but this is a very level area in there that can accommodate probably 15 cars easily for the employees.

Tom Werner: That probably wouldn't be available at Christmas time if there is snow.

Tom Ruchlicki: I would just like to make one comment, I wish I had your comments on sound for that other subdivision that we talked about cause that was my point the trees aren't going to do you any good, but if there is buildings there and those houses are there, their gonna stop sound easier, better than the trees, that much I do know. I wish I had him here to say that, cause I know they didnt understand what I was trying to say.

Don Roberts: Anyone else?

John Higgins: Yes, over the years as Werner road has developed every single development in there we've had complaints from neighbors, regarding traffic, now when helping hands was there they're daycare was no where near the size this daycare is and Helping Hands had a lot of disabled children that went in and out during the course of the day, they weren't all dropped off in the morning and picked up at night, so my concern is, your saying 200 children is that a realistic number?

Dan Hersberger: As far as?

John Higgins: Well I'm just concerned because of the traffic and because of the fact that the only access in and out of there are marginal roads.

John Moran: If your question is , is that a realistic number I believe it is. I mean they are here tonight getting approvals for more centers so on and so forth I will say there is a percentage and its a large percentage probably 50% of the clientele that do come there are bringing multiple children , some bring three but its usually 2 , I mean it does happen you know its a...

John Higgins: Would you be willing to consider a staged , in other words the first year go with a 100 children and see how the traffic is affected if there is any number of accidents at the main intersections and then come back to this board for review to go up to the 200? Im just as tom said I've gone through that Werner road, 146 and it's a mess, especially in the morning.

John Moran: And I can appreciate that but the difference of 100 children, 200 children is the difference of maybe a million to 2 1/2 million dollars in the building so in order for me to build a facility for 200 children its gonna cost me 2 1/2 million and your gonna tell me I can only put a 100 in there because of the traffic down the road, it wont work for me and I have to be honest with you thats...

John Higgins: Well the problems we have concerns is you know the neighbors and the residents of the town thats the biggest concern we hear is traffic and you know that is a tough, tough location it always has been, I mean the older members on the board have heard this for years about traffic.

Tom Ruchlicki: Rich did point out to me though that other people will go north on Werner and go up Cemetery and come out on what would be Old Route 146, just I mean if it was me and I had to avoid that situation at Werner road and I had children in the car there's more than one way out of there.

Dan Hersberger: Im sure Tom would support me in his comment people would find the way of least resistance to get in and out of a place and if they find that an intersection concerns them safety wise or anything else they will go the other direction , there are two directions on the road its not a dead end so a significant number would probably go north on the site , and one of the most difficult things unless you did a full origin and destination of where your people are coming from and where your people are going to is determining how people travel on the site and assumptions made based upon existing observations of the activity on the road and I think its done well. I read Toms report I think it does a good job of evaluating the potential impacts.

John Higgins: One other item I want to confirm the building will be sprinklered?

John Moran: Yes the building will have to be sprinklered, probably with the building code in NYS.

John Higgins: I understand we just had.

John Moran: We are gonna add a hydrant, space was added for new hydrants, we just haven't picked a new spot for it yet but we think this will be an ideal place we can T off the water main in that location, its a good place for a truck to pull up in front of the building and hook up to a hydrant.

Richard Harris: The fire chief did say anywhere on that line from Werner road that you prefer, and your site plan does show a fire connection for sprinklers, it's on the plan.

John Higgins: I just want to confirm it that's all, thank you.

John Moran: Don, I want to confirm it because the question was asked

Rich Berkowitz: The State has approved this site for 200 kids?

John Moran: The State will approve nothing until I give them the plans.

Rich Berkowitz: But your goal is the State approval of 200?

John Moran: From my experience we will design the building to hold 200 children and design the classes and everything is done by square footage of per child.

Rich Berkowitz: And what is your timetable as far as construction wise once this is approved?

John Moran: Realistically we would go to the drawing board I would love to break ground this summer but if not , if I cant break ground by June or July I would probably defer until next May.

Rich Berkowitz: And in your experience with the other facilities your not going to have 200 children on the first day, its gonna build up?

John Moran: Its gonna build up but I can tell you route 9 took me about 8 months to fill, I think Halfmoon and what's going on here and all these people are saying here earlier the neighborhoods and a lot kids , I think it will serve them well , I'm excited to come here to the area.

Rich Berkowitz: Ok.

Don Roberts: Anyone else? Joe you have any outstanding issues?

Joe Romano: No, we covered the parking and like we said and we went over a number of technical reviews.

Don Roberts: So there's no contingencies needed on your end?

Rich Berkowitz: You dont need to know where the fire hydrant is going to go or anything? That's just final stuff that you go through?

Joe Romano: Yea when he sends the final plan in with that.

Rich Berkowitz made a motion to Approve Maple Leaf Childcare Inc.'s Site Plan. Marcel Nadeau seconded. Motion Carried.

Rich Berkowitz declared a Negative Declaration pursuant to SEQR. Tom Koval seconded. Motion Carried

Rich Berkowitz made a motion for Final Approval for Maple Leaf Childcare Inc.'s Site Plan. Marcel Nadeau seconded. Motion Carried.

Tom Ruchlicki made a motion to Adjourn the Planning Board meeting at 8:42 pm. Marcel Nadeau seconded. Meeting Adjourned.