

MEETING MINUTES
Town of Halfmoon Planning Board
January 25, 2016

Those present at the January 11, 2016 Planning Board meeting were:

Planning Board Members:	John Ouimet – Chairman Don Roberts – Vice Chairman Tom Ruchlicki John Higgins Marcel Nadeau Tom Koval Richard Berkowitz
Planning Board Alternates:	Margaret Sautter
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 Don Roberts opened the Planning Board Meeting at 7:00 pm

John Higgins made a motion to approve the January 11th, 2016 minutes. Margret Sautter seconded; Rich Berkowitz abstained, Motion Approved.

15.149 Greg and Gary Mincher, Harris Road - Minor Subdivision

Don Roberts: Would anyone like the public notice read? (No comments)

Fred Metzger: Land surveyor here on behalf of Mr. Tanski this evening regarding the four -Lot subdivision of Lands of Mincher, briefly as we went through it earlier or last month there basically looking to do three building lots with the remaining lands to stay with Mr. Mincher. Each of the three lots being created will meet all of the existing zoning requirements. The two that will front on Middletown Road will have an access where they will have a shared driveway coming in off of Harris, and then the last on obviously as well too will have an access off Harris. Again all the three lots meet the minimum zoning and proposing single family residences for each one of them and other than that that pretty much sums it up.

Don Roberts: That's it?

Fred Metzger: That's it.

Don Roberts: Anyone from the public like to speak, Ill ask that you come up here and state your name and address. (No comments) Comments from the board. ?

John Higgins: I believe the fire dept requested that the driveway, the common driveway going out onto Harris Road be widened, and can that be accomplished?

Fred Metzger: Yes it can.

John Higgins: And also there is a requirement for that driveway has to be able to support an 80,000lb vehicle.

Fred Metzger: Correct. I'll have the notes added, I mean obviously we will adjust the width but we will have a note added that the driveway should be created to be able to withstand 80,000lb minimum requirement.

John Higgins: Rich was it also mentioned from the Fire Dept that they wanted some way to be able to turn a fire truck around?

Richard Harris: There was two conditions, there was the driveways being able to handle an 80,000 lb vehicle and that the width of each driveway be a minimum 12 ft. which you're showing 12-1/2, and then the actual total width of that driveway access to be 40 feet. But there was nothing about the turnaround is over in building code at 500 ft. and just along his driveway it's just about 400?

John Higgins: It's not a requirement but sometimes they request it, that's the only reason I asked it.

Richard Harris: They did not request it in this case.

Don Roberts: ok anyone else. (No comments)

John Higgins made a motion to declare a negative declaration pursuant to SEQR. Rich Berkowitz seconded. Motion was Carried.

John Higgins made a motion to approve Lands of Baker Lot #1 Subdivision as presented with the stipulation that the driveway be 40 ft wide and be able to hold 80,000lb fire truck. . Rich Berkowitz seconded. Motion Approved.

15.182 Thomas & Sharon Ruchlicki and Rosemarie Wysocki, 362 Farm to Market Road - Lot Line Adjustment / Minor Subdivision

Duane Rabideau: From VanGuilder and associates here tonight representing Thom Ruchlicki for a request from the Planning Board for a Lot Line Adjustment between Lands of Thomas & Sharon Rucklicki and Romemarie Wysocki, the parcel is located at 362 Farm to Market Road, it's just west of the intersection of Anthony Road. The action tonight is to convey the Easterly 25 ft of the lot 362, which is the Wysocki parcel to Lands of Ruchlicki. The amount of land being conveyed is a little bit over 7,500 sq ft. lot 362 where the house parcel is will go from 1.42 acres to 1.25 acres and the Ruchlicki

piece will go from approximately 22 acres to a little over 22. 2-acres of land. The result of the parcels will meet all of the area requirements of the AR Zone and that's our request.

Don Roberts: Thank you, I would like to open a Public Hearing at this time, would anyone from the public like to speak? (No comments) Board members any comments?

John Higgins: Duane just for my own clarification, you said the 25 feet was part of the original and or was the original 35 foot piece?

Duane Rabideau: The 25 feet was an Easterly Portion of the house parcel.

John Higgins: Ok, that's what I thought.

Marcel Nadeau made a motion to declare a negative declaration pursuant to SEQR. Rich Berkowitz seconded. Motion was Carried.

Marcel Nadeau made a motion to approve Thomas & Sharon Ruchlicki and Rosemarie Wysocki, 362 Farm to Market Road - Lot Line Adjustment / Minor Subdivision. Rich Berkowitz seconded. Motion Approved.

15.174 Rafferty Minor Subdivision, Clamsteam Road - Minor Subdivision

Don Roberts: Does anyone want the notice read? (No comment)

Duane Rabideau: Of VanGuilder Associates here representing Charles Rafferty for re-approval of a three lot subdivision it's located about 500 feet east of Riverview Road intersection, It's on the North side of Clamsteam Road and it's along easterly line of the Adirondack Northway. The action tonight is to we are combining the half acre which is down in the right bottom front corner of the parcel, with a 5.6 9 acre parcel which is the remaining piece to combine the total to 6.2 acres. Once they are combined, re-subdivide that 6.2-acre parcel into three lots. Lot A the one on the left, 2.05 acres, the center lot 3.22 acres, and then Lot C which is the smaller one at the right bottom corner, 40,000 sq ft. Duplexes are proposed for this parcel we do have the special use permit for the Duplexes that has been granted. These parcels will be serviced by public water, and onsite septic, basically nothing has changed on this three lot subdivision from the last approval, basically we are seeking re- approval because of not fulfilling the 62 day filing requirement and that's our request before the board.

Don Roberts: Ok thank you Duane, anyone from the public would like to speak? (No comments)

Rich Berkowitz: So Duane we are just voting on the same project we voted on before?

Duane Rabideau: That's correct.

Rich Berkowitz made a motion to declare a negative declaration pursuant to SEQR. John Higgins seconded. Motion was Carried.

Rich Berkowitz made a motion to approve Rafferty Minor Subdivision. John Higgins seconded. Motion Approved.

15.176 Princeton Heights, Princeton Ave - Major Subdivision

Nadine Shadlock: I'm council to Belmonte Builders, I appear before you tonight in connection with the Princeton Heights project. This is a 51 Lot Subdivision located on Princeton Ave and Manchester Dr., we appear before you tonight seeking the boards re-approval for this project is the result of the failure to timely file the sub-division plat with the County Clerks office.

Don Roberts: Before I open the public hearing, Rich you want to add to this?

Richard Harris: Yes, in the pre-meeting I was asked by the board to explain why this is back before the board and what changed or didn't change. The Planning Board approved this Major Subdivision in June of 2015, in late July of 2015 the chairman signed the plans which effectively starts the clock under state law for filing purposes due to the need for National Grid review, and please clarify if I misstated, unfortunately the time period in state law expired following the signature of the chairman, national grid requested a re-numbering of some of the postal addresses or 911 addresses on one of the proposed streets, Green Briar Way due to the fact that there are existing homes and lots off of Manchester that will now have Green Briar addresses starting at the low number one thus causing all of the other Green Briar Way numbers to increase in terms of the addressing only. The infrastructure is the same number of lots, the size of the lots, the landscape no cut buffer zone is the same, the grading plan is the same, the storm water management area is the same and the change in this plan from the one approved in 2015 is the addressing of Green Briar Way. However due to the fact that the time clock had expired on the filing it had to come back before the Planning Board and a Public Hearing be held and the board consider it again at a public forum.

Don Roberts: Thank you Rich. That being said by the initial Public Hearing this board is of the opinion that all of the concerns back then have been addressed, tonight's public hearing is for any new concerns that may have arose. So at this point I would like to open a Public Hearing, anyone from the public like to speak, please come up state your name address and use the microphone.

Kathy O'Neil: 10 Newcastle, I missed the June meeting so I didn't know it was approved until I got the letter the other day, but my only question is, there is property on Dunsbach road that got sold recently bought from Hughes and electrician or plumber or something, maybe Hadorosky bought it, anybody? No.

Richard Harris: It's not, it might be part of another.

Kathy O'Neil: My question is just, because it seems to be adjacent to the same property I didn't know if there was anyway that, that property would end up connecting to this property for traffic purposes, that's all I'm asking about.

Richard Harris: There is another project that has some of the approvals from the Town and some are needed, they do involve a parcel owned by formerly owned by Hughes, it's known as the Linden Village

Project. That project does not have all it's final approvals but that does not propose to connect to Princeton Heights eternally, they will connect out to Dunsbach but not to internally directly to any streets.

Kathy O'Neil: Ok, I was just concerned about more people driving through the neighborhood and trying to get to the Northway, that's what my comment is.

Don Roberts: Ok, thank you, anyone else?

Tiffany Deruley: I am in 15 Dover Place, so this will essentially be in my back yard. My question is how far is the no cut zone for the trees?

Don Roberts: Jason, want to handle that?

Jason Dell: Where abouts is your property?

Tiffany Deruley: It is all the way on the right hand side; it's the corner lot property just over above that, yep.

Jason Dell: Right in here this dash line is the no cut buffer. I believe the dimension from the property line to the buffer I believe in this area is either 15 or 20 ft but it's denoted on the subdivision plans as well as the site plans where that buffer is.

Don Roberts: that answer your question I hope.

Tiffany Deruley: Yes. Is there any way to have that buffer be any larger or is it set at what it is?

Jason Dell: At this time it is set where it is, due to grading purposes in order to get the lots in there with the grades on the back sides. We tried to maximize that buffer as much as possible while still providing an adequate yard for the residents.

Don Roberts: ok, thank you, anyone else? (No comments) Board members comments? (No comments)

Marcel Nadeau made a motion to declare a negative declaration pursuant to SEQR. John Higgins seconded. Motion was Carried.

Marcel Nadeau made a motion to approve Princeton Heights Major Subdivision. Tom Koval seconded. Motion Approved.

15.189 Site One Landscaping Supply, 1653 Route 9 - Sign

John Higgins recused himself.

Terry Myser: They are looking for a three foot by eight foot non illuminated sign, basically aluminum pan sign on the building to replace the John Deere sign that's there and then on the pylon they're looking

for to replace the faces on there and they are fourteen and a half inches by ten foot wide and there is two faces one on each side of the pylon.

Don Roberts: Replacing what was there before?

Terry Myser: Basically yep.

Don Roberts: the sign meets town code.

Rich Berkowitz's made a motion to approve Site One Landscaping Sign Application. Marcel Nadeau seconded. Motion Approved.

16.001/16.002 Mantra Wellness/518 Acupuncture, 9 Corporate Dr. - Change of Tenant/sign

Joe Able: Able Builders we are seeking a change of Tenant approval for Mantra Wellness and 518 Acupuncture. It is gonna be at 9 Corporate Dr. In the Capital Region Business Park. It's approximately thirteen hundred sq ft. The move in day would be March first, there's not going to be any remodeling done the space is ready to go, it's been vacant for quite some time, over a year. There is going to be seven employees including the owners here Colleen Young and Ashley Wells. They are both certified in their respective fields, both licensed and there's ample parking space as well. Also we wanted to run by you guys were gonna be asking for approval for a sign, it goes in the front of the building, it's a little seven inch by sixty inch long sign like this that will state the name of the company. Any questions?

Don Roberts: You will have to come back for that, they have the one, they have the one for the monument but this sounds different?

Joe Able: No it's the same, it's gonna go, yep yea, we submitted a, it's gonna go right on there it's just another plaque.

Don Roberts: ok. Comments from the board?

John Higgins: Does this require any kind of Health Dept. inspection or certification?

Joe Able: No

Rich Berkowitz made a motion to approve Mantra Wellness/518 Acupuncture Change of tenant. Tom Koval seconded. Motion Approved.

Rich Berkowitz made a motion to approve Mantra Wellness/518 Acupuncture Sign Application. Tom Koval seconded. Motion Approved.

16.003 **Right Trac Financial Group, 440 Rte 146- Change of Tenant /Use**

Richard Herman: I'm the owner of the building, I want to change a tenant, 50 sq ft to Right Trac Financial group it's a licensed mortgage broker. It's an existing space but I'm going to re-arrange it a little bit. There is adequate parking.

Don Roberts: How many employees?

Richard Herman: Right now it will be one, probably two.

Don Roberts: Any questions?

John Higgins: the area that your talking about with changing the tenant on is in the basement is that correct?

Richard Herman: Yes, it's a walk out basement and it's got parking in the back. The building is basically two tiered.

John Higgins: ok, so this is already here, and occupied? We were talking about this in the pre- meeting and I wasn't sure.

Richard Herman: It was built out before I re did the building, the first time I started ripping it up and changing it and I stopped part way through because I didnt really need the space at that time really. It was already built out before.

John Higgins: ok and you said there is an emergency exit on the ground level?

Richard Herman: yea you can walk out, it's got a hundred and twenty nine inches of glass plus a full size door and then it's got a window on the side as well. You could basically walk, it's basically ground level.

John Higgins: So the main entrance would be the upper level?

Richard Herman: No, you drive around back and you can walk straight in.

John Higgins: Ok so it's going to have a, so there's parking in the rear for that downstairs and parking on the upper level for the front?

Richard Herman: Correct.

John Higgins: Ok

Rich Berkowitz: Could you just clarify the number of employees?

Richard Herman: Right now there is one. They will probably hire a part time person, they don't know if she will work there or if she will work at home?

Rich Berkowitz: ok, because just on the application it says five so.

Richard Herman: Well you're counting the upstairs too.

Rich Berkowitz: for the whole building there is five?

Richard Herman: you want me right, I mean I do, I don't know. Oh no it's just two for down there no I've got bob was here a couple months ago he is one, im one, my secretary is one and then two downstairs.

Rich Berkowitz: So the total in the whole building is five and one seasonal.

Richard Herman: yes.

Rich Berkowitz: I was reading your forms and it says total for the space so.

John Higgins: But Rich also there's three businesses located there now not just two, this will be the third. And also it doesn't show it on the drawing is there handicapped parking?

Richard Herman: There is handicapped parking upstairs it is marked, I can put a handicapped in the downstairs that's easy, it s flat you can walk right in.

John Higgins: That's why I thought it might meet requirements to have one for the downstairs access and one for the upstairs access, you said there is one upstairs now and then just if you can put one downstairs.

Richard Herman: Ill put one in downstairs.

John Higgins: ok Thank you.

Rich Berkowitz made a motion to approve Right Trac Financial Groups Application for Change of Tenant. Contingent on putting a handicapped parking space for the downstairs entrance. Marcel Nadeau seconded. Motion Approved.

16.006 DCK Royale, LLC. 1473 Rte 9 (Crescent Commons) - Change of Tenant/ Use

Lyn Murphy recused herself.

Donna Hercules: I am the owner of DCK Royale LLC. And creative designer for Collection Diali, which is a division of DCK Royale. We are seeking a change of tenant approval from the board for the location of 1473 Route 9, which is in crescent commons to operate a retail wholesale childrens fine clothing boutique.

Don Roberts: How many employees do you expect to have?

Donna Hercules: One, yes one at the present time, we are looking to get in on March first, and I understand I will need to comeback because we haven't created the sign as of yet.

Don Roberts: ok as long as you are aware of that. Any questions by the board?

John Higgins: Rich there is sufficient parking?

Richard Harris: Yes for this use, prior use was a beauty salon which had much more intensive use parking requirement, but when you guys approved the original site plan you accommodated excess land bank parking, and 86 paved 61 land banked so 147 parking spaces. We don't have any known parking problems particularly that there's no snow so there are no snow banks in the parking lot. The only time it got a little close was lunchtime during snowstorms. No known parking problems and we've had lots of changes of tenants and this is a less intense parking department.

Rich Berkowitz: Just for book keeping purposes will you be open on Saturdays and Sundays?

Donna Hercules: We will be open on Saturday and Sundays but the main operation will be by schedule for our wholesale clients, but we will be open on Saturdays and Sundays.

Rich Berkowitz: So we can just amend the application for Saturdays and Sundays also it's just so you won't run into any trouble.

Donna Hercules: that's fine, yes.

Richard Harris: whets the hours Saturday if you don't mind me asking?

Donna Hercules: We have hours 12 - 6 however they will be scheduled appointments for our clients.

Marcel Nadeau: how are your deliveries made for inventory?

Donna Hercules: Deliveries are made actually from New York, we do our production happens in Columbia and in china and deliveries will be done to our clients by UPS or FEDEX.

Don Roberts: Any one else?

Rich Berkowitz made a motion to approve DCK Royal, LLC Change of Tenant Application. Marcel Nadeau seconded. Motion Approved.

15.192 Autozone, Route 9 & 146 - Change of Tenant /Use -Commercial Site Plan

Jeff Williams: Bruce Tanski Construction and Development, I'm here along with Mr. Bruce Tanski the owner of the site, we are here to introduce a new building for shops of Halfmoon, shops of Halfmoon is an island between 146, rte 9 and 146. It gained site plan approval back in 2007, the site is 8.56 acres it's all zoned commercial. Along with that approved site plan there were 2 multi -use buildings one was 9,100 sq ft the other one was 13,310 sq ft. along with that there was a 14, 564 Rite Aid. All of those buildings are built per site plan at this point, and if you remember back then there was also 2 commercial

pads that fronted along route 146 just east of the Rite Aid building at that time we proposed two restaurant pads two 5,600 sq ft buildings for restaurant pads. Tonight we are proposing a retail use, it's Auto Zone. You'll notice that retail use is a little less demanding in parking than what a typical restaurant would be so it's less intense parking. But the building that we are proposing is a 7,380 sq ft building Auto Zone is the second largest retailer of aftermarket auto motive parts and accessories in the United States. They were founded in 1979 they have about 5,200 national buildings across the United States, Mexico and Brazil. The company is based in Memphis Tennessee. I believe there are four other Auto Zones in the area, two being in Albany one in Troy and one in Schenectady. Typical store hours are 7:30 am - 9:00 pm Monday - Saturday and Sunday hours are 9:00am - 7 :00 pm Sundays, and the store usually has five employees per maximum shift. Once again we are showing a site plan, which is just east of the Rite Aid on 146. Once again it's a 7, 380 sq ft retail building. It's on a 1.13-acre lease parcel. That parcel it's self conforms to the town's commercial zone and area. We have 53 parking spaces, which I believe is 11 spaces over what is needed. That's what I believe Auto Zone was comfortable with and what was asking for. Municipal water and sewer will be provided on of course it's provided onsite already, the storm water is also being managed onsite. Again this is an approved site plan that's already been through a lot of the engineer reviews with the town, including storm water, traffic, the water and sewer needs. A you will see with the approved site plan there are existing curb cuts, two are on old 146 and one is off of route 9. The applicant is currently under contract to purchase the spa that is on the corner of 146 and old 146 and that affords us a full access curb cut off of 146 to utilize for the Auto Zone and the other pad that is up next to it. These pads have been sitting there, I think everyone would think these are prime location pads but these pads have been sitting there for close to 9 years we have had trouble marketing them and it seems that that full access off of 146 was the real ice breaker for to get a commercial use in here, I can tell you we are discussing with two other commercial entities on the other pad. So once again, what I was going to tell you was we did lose the Olive Garden and Buffalo Wings to the site because there was no access off of 146.

Don Roberts: Thank you Jeff, comments from the board?

Tom Koval: your purchasing the day spa it looks like your taking the access off of 146 and your gonna be losing a few parking spots in the day spa at the entrance does that affect the required parking spots for the day spa at all?

Jeff Williams: We are not sure if we are losing at all we are just using that curb cut we could easily add parking spaces to it if the day spa does not meet up with what s needed for parking. We have more area to add parking for it.

Don Roberts: Joe as far as your review you will look over it right?

Tom Koval: And that's going to remain when you're leaving that it's only going to be a left hand turn heading towards route 9 from that exit.

Jeff Williams: Right now it's a full access curb cut, it's all in and all out, but I think you know people tend to drive they'll take the path of least resistance. I personally would go into old 146 utilize the lights and get in and out.

Tom Koval: I'm just asking because you showing it as a left turn and with that meeting there it could become a problem with two lanes of traffic to try to cut across.

Jeff Williams: But I think people would find I know it's a full access curb cut right now to DOT standard but, I think people will tend to leave and exit out of that site in a different area and utilize the lights that are already there.

John Higgins: We are going to refer this to Clough correct?

Don Roberts: Yes, but we are going to get our comments first.

John Higgins: The only thing is with that access obviously you will have to set up some kind of an easement agreement that Lyn would have to approve if your using that access off site

Jeff Williams: Right, cross easement.

Marcel Nadeau: Jeff with your thought of people wanting to use the red light would it be a thought of making it a one way only, an entrance and out the other way.

Bruce Tanski: Marcel I'd really rather not if I can get away with it because this is what like Jeff said we have been trying to market this since 2007 and as you know we lost Olive Garden and I think it was Chipotle or Buffalo Wings because of that exit and I think it's important. I understand where you are coming from and I understand but I think it might mess up the deal.

Tom Koval: Yea I don't feel one way would be necessary I do feel a left turn only out would be a big safety plus.

Bruce Tanski: I mean I would acquiesce to putting a sign there that has a curve that says right turn only but I wouldn't want to take and make it that way, because this way here it might mess things up with Auto Zone, but if we put a sign there I think that would make a big difference.

Marcel Nadeau: I think your right I think once people use that side they will realize it's easier to go and take the red light.

Tom Koval: Because you do have the other the exit from probably advanced directly across the street, so you don't want people.

Bruce Tanski: So that's what they wanted to be as close to Advanced Auto as they could.

Margaret Sautter: I just have a quick question well not even a question a comment, is just that I am familiar with this site and I'm glad you do have something there and I do see that, that would be an issue that drive and I agree with you completely once they get in they are going to figure the easiest way to get out and go around, that's what I would do and I do, do that many times and can tell you why, and maybe it can get fixed cause I know I've brought it up before but every single time I drive by route 9 I go right by that entrance because there's no arrow in there's nothing and I almost every time and I've only done it once and my girlfriend has done it , go in the out entrance, you know what I'm talking about

the divider there , there's nothing to indicate that here it is turn and I end up going down route 9 cutting through the restaurant going up through Captains, I think a lot of us if you I'm sure you've done that like you said you know you kind of figure out your pattern , that would be wonderful if that was more clearly designated there.

Bruce Tanski: I agree with you and Ill make sure it happens.

Margaret Sautter: Thank you, just cause it is and I've seen two people do the same thing and that's why (gasp) I almost did it again and thank goodness there's no accidents there, but yea I go through Snyders and I go up and around to get where I'm going, so I think that my new method is just to go around back like you said.

Bruce Tanski: How come you never stop at Snyders?

Margaret Sautter: I never do, I never do, I go to the cookie factory and I get my nails done, I stop at Captains all the time but no I don't go there.

Marcel Nadeau: The signs not big enough.

Margaret Sautter: that's right I almost miss it. So I'm glad that you have something there that's great.

Don Roberts: Anyone else? Rich I think that we should defer to Clifton park fire Dept. and Saratoga County planning board and Clough Harbour for review.

Rich Berkowitz: I just have one thing can you just find out what kind of services auto Zone has in the parking lot, you know, wipers, batteries. Stuff like that.

John Higgins: Yes because we have restrictions across the street regarding repairs in the parking lot so we would want to be synonymous with what ever is across the street.

Rich Berkowitz: yea we know we do wipers and batteries and all that you know, we don't want full major repairs in the parking lot.

Don Roberts: all set, ok thank you.

The next step for Autozone, Route 9, is review by Clifton Park Fire Dept., Saratoga County Planning Board, and Clough Harbour.

15.191 Key Valley LLC. Subdivision, 29 Smith Road.Minor Subdivision

Duane Rabideau: From VanGuilder and Associates here representing Key Valley LLC. With a request before the board for a three lot minor subdivision the parcel is located on the Easterly side of Smith Road approximately half mile North of Vosburgh Road. What we are proposing to do it to subdivide lot 1 which it was Lands of Key Valley LLC into three lots. Lot A would be 27,200 ft and Lot B and C are keyhole lots that go into the back parcel Lot B would be 2 acres and Lot C would be 2.1 acres the lots

would be serviced by public water and sewer. The proposed Lots meet all the AR's zoning requirements. And that is our request before the board.

Don Roberts: any comments from the board?

John Higgins: Duane as far as the driveway how wide is the proposed driveway, for the two keyholes?

Duane Rabideau: Whatever the state fire code is for 503, 511 16 ft - 20 ft wide and 80,000 for fire trucks.

John Higgins: I think Rich mentioned earlier that if it's over a certain length they also want to have turn arounds so that they can turn the trucks around.

Duane Rabideau: Turn arounds or turnouts.

John Higgins: Turnouts, 500 ft.

Duane Rabideau: Turnouts ok

Richard Harris: I may have said turn arounds previous, sorry.

John Higgins: And you said you were gonna have town water and sewer connections, Saratoga county sewer?

Duane Rabideau: That's correct the town water is in and I believe the sewer is also installed at this point in time.

John Higgins: ok.

Don Roberts: Anyone else?

Margaret Sautter: The existing pond on the property do we know what kind of pond?

Duane Rabideau: Basically our understanding it was a pond that was dug maybe twenty, thirty years ago; it was dug out kind of like a farm pond kind of deal.

John Higgins: Are there any existing wetlands?

Duane Rabideau: Just as shown on the map.

John Higgins: ok not around the pond not in conjunction.

Duane Rabideau: No, no.

John Higgins: I know they are going to have water and sewers are any on the neighboring houses on wells? Just check them out and mark them if there are.

John Higgins: ok, mark them.

Marcel Nadeau: I think the Fitch property might have a well right there, you could almost see the facing.

Duane Rabideau: Ok.

John Higgins: and these are single families?

Duane Rabideau: Yes.

John Higgins: Thank you.

Don Roberts: Ok Rich I think we should refer this to Clifton Park Fire Dept. for a review.

Richard Harris: Yea I would send it to them.

Don Roberts: That being said, if we schedule a public hearing tonight we should schedule one for four weeks out, which would be February 22nd.

Rich Berkowitz suggested they mark existing wells of neighbors.

A Public Hearing was set for February 22, 2016. It will be an expanded notice.

Old Business:

14.040 Bisceglia Subdivision (4-Lot), Hudson River Road - Minor Subdivision

Duane Rabideau: Basically this would be a continuation of the discussion and review of the proposed four lot minor subdivision. We had a comment letter we addressed and sent back to the planning board, planning dept. and basically we want to know are there any questions or comments about our response letter to the neighbors concerns that were brought up at the last public hearing?

Don Roberts: Rich we have some letters can you read for the record?

Richard Harris: Yes, we received three letters today from two neighbors, First one is, *To the Town of Halfmoon Planning Board for the meeting 1/25/16 letter concerns for Bisceglia 4-Lot Subdivision from Kirk Gendron 685 Hudson River Road. Ann Tarsa 655 Hudson River Road., Rick Abbott 645 Hudson River Road. Ron Lindeman 693 Hudson River Road., and Kevin Lindeman 695 Hudson River Road. The proposed subdivision applicant has shown a trend of not engaging agencies proactively or neighbors which could provide input on minimizing impact on the local community. The Federal Army Corps. of Engineers and New York State Dept. of Transportation have had no formal communication from the Applicant either informing of intent or asking guidance to insure the health, safety and welfare of the neighborhood. As the group of neighbors who presented our concerns together during the*

11/23/15 review meeting, we would like to clarify our concerns and requests. #1 We are not against development of the property and ask the applicant to consider reducing the requests to two new homes and the one existing home for the combined parcels which would result in the health, safety and welfare issues presented. #2 As acknowledged by the Town of Halfmoon Planning Board at the 11/23/15 hearing there is no known subdivision with this proposed density in the Hudson River corridor utilizing a common driveway designed for multiple homes. This untested design presents a real risk for the future owners and neighboring properties as maintenance issues arise. We ask that this density be reduced AHOA is in place per request from Town of Halfmoon Planning Board during 11/23/15 public hearing before the Town of Halfmoon takes over ownership of the road accessing this subdivision. #3 No SEQOR documentation has been presented or proposed to proper governing agencies as of 1/22/16 we request again that the applicants SEQOR form is corrected to show total potential of development to avoid segmentation of action as required by NYS DEC and that the form properly indicate yes to storm water discharges flow to adjacent properties. #4 We do not agree with applicant response in the 11/23/15 board meeting regarding the need for NYS DOT driveway permit. Duane Rabideau" no we have not, basically we don't need one because it is an existing driveway" this is not a true statement per the NYS DOT and further displays a lack of due diligence by the applicant. #5 We request the applicant formally communicate with the ACOE and NYS DOT to work towards solutions that eliminate or reduce our concerns for the neighborhood rather than seeking Town of Halfmoon Planning Board approval and then going to these agencies for permit's. #6 We request at minimum a Home Owners Association HOA approved by the State of New York be a requirement prior to approval of this subdivision by the Town of Halfmoon Planning Board. Maintenance agreements or verbiage in property deeds do not meet the expectations of this request. #7 To our knowledge SWPPP plans are engineered to protect during construction and will not specifically protect adjoining properties after construction. We request that engineered post construction storm water retention system is required prior to approval of subdivision given that extent of wetlands on the property and existing storm water run off concerns presented. There is a high risk of final grading which eliminates existing wet lands retention ponds on the subdivision property which would accelerate flow rates to neighboring properties during rain events. #8 We agree with the recommendation of Saratoga County Board to construct a driveway entrance separate from the existing house to reduce easement/maintenance conflicts. #9 We agree with the Saratoga County Board that require the applicant to "present plans for the sub divider for the Northern parcel to be spelled out fully" during this current approval process due to prior indication of development plans. Thank you for your time and resolution to the above concerns prior to approval of the subdivision.

Richard Harris: Then I received another letter today.

To the Town of Halfmoon Planning Board ATT: Paul Marlow

CC: Rob Streeter NYS DEC, From Kirk Gendron 685 Hudson River Road, and Rick Abbott 645 Hudson River Road.

During the Planning Board review of the proposed Bisceglia subdivision at 683 Hudson River Road held on 11/23/15 we feel is not clearly accepted that there is currently significant flowing storm water run off from the proposed subdivision to our properties. We feel this current issue will be magnified by the disturbance of over one acre of natural surface, as we stated during the public hearing we feel the proposed subdivision request for four houses making the potential for six total houses into the future is too intense which greatly magnifies the storm water run off concerns as well as many other concerns documented during the public hearing. Regardless with the Town of Halfmoon knowing the current storm water run off issues we do not feel the SWPPP alone protects the neighbors from flood damage due to storm water run off. This property is unique in that there is over one acre federal wetlands on the

total four acres of the proposed subdivision. We are requesting safeguards for after construction to not change the rate of flow of storm water run off from the proposed disturbance. Given the current flows from the property it is clear that if engineered retention systems are not included the rate of flow during a storm event will increase due to over one acre of disturbance. To document clearly that storm water run off is an issue now and will only get worse with out engineered retention systems please see the following pictures. We request the board or board representative walk the property during winter as wetland ponds and drainage paths are more obvious during winter months. There's always a high volume of standing water on the proposed subdivision location and having no protection from post construction drainage control of these would be negligent to protecting the neighboring properties. In addition the rate of storm water run off is often higher in the winter months due to the frozen grounds which was not observed by the board due to sight walk down being in the spring. NYS storm water design guidelines highlight the need to consider that frozen ground lower permeability can result in higher storm water run off rates as NYS has this condition for multiple months of the year. Then there is picture #1 upper left the photo is one of multiple wetland ponds on the proposed subdivision, which drains due to elevation dropped toward the right of the photo into a smaller wetland pond, the smaller pond is located on the neighboring property of 685 Hudson River Road. This picture clearly shows running water from one wetland pond on the sub division property onto another smaller pond on her neighboring property. Water flowing is what caused the snow to melt between the two wetland ponds. Picture #2 is a close up of the upper right shown in picture #1 to show that it does contain a high volume of water and can be seen more clearly in this photo to be flowing out into the smaller pond which is located on the neighboring property. Picture #3 is a close up of the smaller wetland pond bottom right, picture #1 showed that it is being filled by incoming flowing water from the larger wet land pond, upper left of picture #1 and then flowing out of the smaller wetland pond bottom right picture#3 onto neighboring property 683 Hudson River Road. Picture #4 showing how close fifteen feet the smaller wetland pond is to the structure on 685 Hudson River Road and potential for flooding damage where flow rates increase during storm events if subdivision approved with out storm water retentions. Picture #5 is a video attached for a minor rain event, which shows water actively flowing out of the smaller wetland pond in picture #4 further creating another larger wetland pond on the neighboring property of 685 Hudson River Road. Increased flow rates of storm water run off from the proposed subdivision on 683 Hudson River Road will cause over flow of these wetland ponds causing flooding property damage. Picture #6 & # 7 are of summer storm events showing the flowing water though neighboring property at 645 Hudson River Road with the source feeding from wetlands draining from the proposed subdivision property at 683 Hudson River Road. The topographical maps clearly show the wetlands draining to - from 683 Hudson River Road property to lower elevation-neighboring properties. The storm water flooding issues will be made worse when flow rates increase during storm events if subdivision approved with out storm water retention systems. And the third letter received today to Rich Harris, Town of Halfmoon Planning Board, From Ann Tarsa 655 Hudson River Road Waterford N.Y. 12188, Regarding Bisceglia property 683 Hudson River Road. After the new markers were placed on the Bisceglia property which better defines the location of the new lot and buffer zones planned for the portion which abuts my yard, I can see more clearly the impact this particular lot will have on my privacy. I had spoken to you regarding my requesting trees be planted to help alleviate my problem. I understand that what brush is there would need to be cleared for any plantings and would consequently open a better view of the proposed home for myself and vice versa. Of course I don't see that as a solution therefore I would now like to request that the no cut buffer be extended an additional ten feet to provide more distance and also there be trees planted large enough to provide privacy immediately such as an arborvitae. Thank you for the time you took to speak with me,

Respectfully, Ann Tarsa 1/25/16. After I conversation with Rich Harris I requested the proposed house be set back further than fifteen feet and include an earth berm with landscaping. And she left her phone number.

Don Roberts: That's it?

Richard Harris: yep.

Don Roberts: Ok, Duane would you like to respond to these letters?

Duane Rabideau: That's quite a mouthful.

Don Roberts: He did a good job didnt he.

Duane Rabideau: yea he did, basically we addressed a lot of those concerns in our letter, some of that information reviewing the neighbors comments she, it's very clear there's some misstatements things of that nature, twisting of words, mish mashing facts

Don Roberts: well with out going there

Duane Rabideau: I know, I know I mean it's frustrating to deal with this all the time on our part.

Don Roberts: On everyone's part it is, but I mean even the neighbors too they have concerns but how they brought up drainage they brought the screening, can we just touch on them a bit.

Duane Rabideau: they keep saying flow, there is no stream with in this it's basically the flow that exists if there is flow, it basically is a bathtub effect. Basically this wetland corridor flows north, this one flows south, this is the one apparently, I didnt see the photos but the flooding that on the other parcel that's related to this and any drainage that's associated with it, basically we are not impacting that just some minor crossings here, all of our development this wetland complex here basically ends right here so everything flows north. Basically it's a situation where the watershed break point is right here, this goes that way and this goes this way and right about here this goes this way and the rest goes towards the river. There's only the maximum of less than two acres water shed to fill this wetland there's not a stream so basically there's just a bathtub effect, whatever run off there is there now flows out even if it's frozen or not, there is no erosion problem. I could see it if there was a stream but there is none, so it's strictly a very small wetland complex. What were doing will have no impact on it; basically we still have to get the core permit's so.

Don Roberts: How about the ladies request about screening?

Duane Rabideau: It's one of these situations where her lot is cleared right all the way through and she's requesting us to screen her, when we've left a buffer granted it's mature trees but her house is here we are not cutting anything here this is where the brush is, brush under story with a mature forest so, it doesn't make any sense. What's there now is the best we can do.

Don Roberts: Joe as our town engineers do you have anything to add to this?

Joe Romano: Yea just to clarify the requirements from a storm water perspective for our project and what we reviewed. So we follow NYS DEC guidelines and they, the applicant is required to file a permit, a general SPEDES permit for the construction activities. So this is a single family residential subdivision over an acre of disturbance but less than five acres so what we review is a storm water pollution prevention plan which is basically tells the contractor, has practices and mitigation measures for during construction and how they need to build the project. DEC does not require post development storm water ponds for a development this size. So that when we are reviewing a project those are the standards that we review against, and that's what we reviewed for this basically it's called a basic storm water prevention plan.

Don Roberts: So in your opinion this is adequate?

Joe Romano: For the level of disturbance, the type of construction, that's what this project falls under.

Don Roberts: Ok, thank you. Any comments from the board?

John Higgins: Duane I'm going to be consistent I was on the committee that went out there, I questioned about the run off in both locations and I cannot fathom how you can build four houses with driveways and not put more water into the runoff in the center section of the property, it's just not physically possible for you to convince me that no additional water is going to go into that area.

Duane Rabideau: Well there will be additional but it will be nominal, it's not a black and white thing.

John Higgins: It's still going onto someone else's property, still heading north.

Duane Ravbideau: Yea it's heading right through lands of Bisceglia, right here. Before it even gets to Mr. Gendrons parcel, it doesn't touch the Lindmans parcel. There is terrain out there.

John Higgins: I know we walked it extensively.

Duane Rabideau: Right because we walked down onto this lot and we saw how it went, basically any potential flow would go this way, up through like that, towards the river on Mr. Bisceglia's other lot.

John Higgins: but it's still going off the site.

Duane Rabideau: Naturally the run off would be nominal, because basically your going to have lawn areas here so the only impervious surfaces are the driveways and the roofs and a lot of that at least this portion is going that way.

John Higgins: Well you've got to admit we've expressed concerns when we were out there I've expressed concerns every time this application has come before this board.

Duane Rabideau: We feel there will be nominal run off. Not any more than you would expect.

Lyn Murphy: Duane I'm sorry are you saying that the applicant is unwilling to just put up some arborvitaes to try to assuage some of the concerns from Mrs. Tarsa?

Duane Rabideau: At this point yes because hers is all clear and ours is wooded and if you start doing that you're putting arborvitaes us at the edge of the woods. The thing is her house is here when she looks most of it is already covered by brush right so she doesn't have a clear shot, this is higher here she will see this house but she is not going to see anything else, it's not like she is going to see all four houses. Just the angle of her house cause her house is right near the road.

Don Roberts: To try and address the concerns in those letters, I believe we should take another look at this, I really wish the applicant would consider the arborvitaes personally, it's not much to ask for one thing. Secondly I think we should have a committee go out and it's winter time now and look at the drainage situation, just one more time before we make a decision on this.

John Higgins: Don, I was on the original committee, I'd like to be on this committee and either Tom or Margaret.

Don Roberts: ok it's Marcel, Tom, and John. I would appreciate Duane if you would speak to the applicant about the arborvitaes, it's not too much to ask, I don't believe. All right.

Duane Rabideau: ok, when will this be scheduled so we can walk?

Richard Harris: Is everyone available, Thursday or Friday?

John Higgins: Thursday I am not available, I am Friday.

Duane Rabideau: Friday is fine with me.

Rich Berkowitz: Can we just determine how far north this drains and whether it drains north straight or North toward the river?

Duane Rabideau: Right we will see that when we are out there it's pretty obvious

Don Roberts: ok all set? Ok thank you.

The Board decided to make another Site visit to the property / project to evaluate the storm water drainage issue concerns before making a final decision. The Site visit will be on Friday January 29 2016, and John Higgins, Tom Koval and Marcel Nadeau will be attending.

15.106 Warren Tire Service Center, Route 9 7 Stone Quarry Road- Commercial Site Plan

Tom Koval recused himself.

Jason Dell: I'm an engineer with Lansing Engineering, here on behalf of the applicant for the Warren Tire Service Center, also with me this evening is the applicant Mr. Kellogg as well as Alana Morand from Creighton Manning that is here to answer any questions you folks may have regarding traffic. The

project was last before the board back in the fall of Last year so I will just give a brief overview of what the project entails in the hopes of moving the project forward. The Project site encompasses about 1.7 acres is located at the intersection of Stone Quarry Rd. and Route 9. The lot is zoned C1 commercial and the applicant is proposing to construct a 7,200 sq ft tire service center on the parcel. There will be one access point from Stone Quarry Rd, one main access into the facility as well as a secondary future emergency access off to the west. Water supply will be supplied by a connection to the Halfmoon municipal system, sanitary sewer will be provided to the project via connection to the Saratoga County Sewer Dist. Sanitary Sewer System. And storm water will be managed on site in accordance with DEC requirements. Parking has been provided in accordance with the town of Halfmoon zoning code and at this point in time I have addressed all of CHA's technical comments pertaining to the site plan, so that portion we feel we are in good shape on, we have also submitted a site plan application for the project so that's in there and we are here tonight to answer any questions that the board may have and hope to move the project forward however the board sees fit.

Don Roberts: Just so everyone knows before we go any further Mr. Thomas Koval recuses himself in this item, any comments from the board?

Rich Berkowitz: How visible is this going to be from Route 9 and also from Stone Quarry road?

Jason Dell: the visibility will be fairly good; site sit's up above route 9.

Rich Berkowitz: How high does it set up?

Jason Dell: How high above route 9? Approximately eight to ten feet at least.

Rich Berkowitz: Ok and how visible from the apartments across the street.

Jason Dell: It will be able to be seen clearly from the road, I guess the question is can the apartments, looking from the apartments see into the facility?

Rich Berkowitz: Right the local residences, since the apartments are across the street and there's another resident across the street and one to the west.

Jason Dell: we have provided some visual screening some vegetation along stone quarry road in order to mitigate any visual impacts of the site. But as far as from the apartment complex it's self from up and into the site, we are not proposing anything super high to block any body looking down the site no.

Rich Berkowitz: Ok what I'm going to get into next probably is the sign, and how visible that sign is when that sign is lit, because that is the only commercial establishment on that road. How visible would that sign be to the residents? Since basically this is a residential street that is zoned commercial in that corner.

Jason Dell: Right now that sign is proposed at sixteen feet high, so it is going to be a visible sign, speaking with the applicant prior to the meeting he's amicable to lowering that sign down to about twelve feet.

Rich Berkowitz: And where would that sign be located on the property?

Jason Dell: The sign, we're showing the sign down in front, down closer to the intersection of route 9 and Stone Quarry.

Rich Berkowitz: What kind of elevation is that compared to where the building is?

Jason Dell: The actual elevation, off the top of my head it's probably about four or six feet lower than the building, Stone Quarry kinda goes down right there.

Rich Berkowitz: So it's basically a building height, it's about a six-foot sign.

Jason Dell: Off the top of my head approximately.

Rich Berkowitz: Ok

Margaret Sautter: Jason, can you just verify what you have posted up there, that is, we had some questions here.

Jason Dell: The plan that you have is the original rendering from the concept submittal that we had submitted, this is the updated plan as we went through the CHA review as well as the comment responses from CHA we moved the entrance down in order for a better site distance down into the intersection with Route 9.

Rich Berkowitz: What kind of lighting will they have on site?

Jason Dell: A lighting plan was proposed, already is in the site plan package that we prepared, there are both pole mounted lights as well as wall packs on the building.

Rich Berkowitz: And they are going to be pointed down?

Jason Dell: Yes, there will be minimal if no light spillage off the property but that's all included within the site plan package that was reviewed by CHA.

Rich Berkowitz: And also with the current site there's tent sales going on periodically.

Robert Kellogg: Owner of Kellogg, Potter LLC, and also Warren Tire. We do two tent sales a year, it lasts for one week, one in April and one in October and we get a tent permit for that and it will be at located on the property so it's visible from the road. We probably want to put it in a situation where you can see it from route 9 that's a big traffic draw there for us. It's roughly 20x 20 or sometimes as big as 20 x 30 tent. That's just up for one week.

Rich Berkowitz: Are there any outside storage of vehicles.

Robert Kellogg: We try not to have any outside storage of vehicles we want to put all the vehicles inside the shop, if someone drops one off after hours we do have a night drop box.

John Higgins: How about outside storage of used tires?

Robert Kellogg: No, we have all of our storage is covered storage, it's on the end of the building, if you look at it there's a covered storage area there for any scrap tires or used tires like that. There will be nothing exposed to the environment.

John Higgins: And that's within the footprint that's shown?

Robert Kellogg: Yes, it's actually part of the building here, there's an enclosed covered storage area. It's attached to the building.

Rich Berkowitz: No outside storage containers?

Robert Kellogg: No.

Rich Berkowitz: Besides the trash receptacles in the back?

Robert Kellogg: No.

John Higgins: Ok is it part of the building or outside the building and attached to it, we only see one footprint here, which would tend to mean it's part of the building.

Robert Kellogg: Yes it's part of the building.

John Higgins: Ok so there's no, the access into that area is from within the building?

Robert Kellogg: From within the building also outside the building yes, so that we can load them into the truck to get rid of them.

John Higgins: Ok because you know, at your present location I know you're very busy but there are times when tires are stored outside, used tires.

Robert Kellogg: The current location we have is much smaller storage area, this is going to be probably three times larger storage area so it should never be a problem.

John Higgins: Ok we just ask these questions as a matter of record we know how you plan on operating. Now if you're moving the sign down over much closer to route 9 and as you stated earlier that elevation is already eight to ten feet higher than route 9, you could almost put a sign two feet high to the base of the sign and still be fourteen feet above route 9, correct?

Robert Kellogg: That's right as long as it's visible from route 9 we are ok with having a lower sign.

Jason Dell: John I mentioned the site itself was about ten to twelve feet above route 9, it's actually down a little bit closer by Route 9 here is the sign location right here and it climbs up quite a bit up the hill to where we are going to be in here. We're dropping down quite a bit too where the signs proposed.

John Higgins: Ok so that's what I was asking, so that site is almost even with the surface of route 9?

Jason Dell: Well right here if you think of the top of the hill is right here, we're coming up, we're probably about a foot or two above that grade with our building pad and then you can imagine how steeply, or how quickly Stone Quarry drops down and we're proposing our sign down here.

John Higgins: ok so it is quite a bit lower? Ok I misunderstood then I thought it was going to be much higher. Now can you just show us where the future emergency access is going to be?

Jason Dell: We're showing it right along the western side of the site.

John Higgins: And that's going to go into the driveway for the basement systems is that correct?

Jason Dell: Yes that's correct, it will all be along here I believe, and there's an existing easement to use that, for that access road.

John Higgins: Ok and do you have any idea where the new building is gonna be for the basement people, I know it's not part of this application I was just curious.

Jason Dell: I don't know.

Rich Berkowitz: And is that parcel higher or lower or the same?

Jason Dell: Over in this corner the site TOPO generally goes in this direction, down here I believe this area starts to get lower down here.

Rich Berkowitz: I'm sorry I'm talking about Adirondack Basement is gonna go is that a higher elevation or a lower elevation or basically the same.

Jason Dell: I believe it's lower; I don't have a lot of information on that site plan down there

Rich Berkowitz: You're talking a short distance though.

Richard Harris: Rich, if you remember the subdivision, this was going to be there. They had done a lot line adjustment with this lot to get this piece and then the rest of, and we don't have an application for commercial site plan, but the rest of the lot was back in here, where I think Jason says it goes down, so it was pretty much a flag lot, like this came straight down and it does go back over here so you don't know where they are gonna put the building, if they put the building here it's probably a little bit lower than that building, up here I think it would be a little higher I think. Crested Hills around right here right.

Lyn Murphy: Jason you have the easement already or you wouldn't be showing the access there correct?

John Higgins: Ok, now again referring to existing site you have three or four exterior sheds for your waste oil, storage for the waste oil furnace, is that all gonna be inside the new building? There is not going to be anything on the outside like it is presently?

Robert Kellogg: Nope.

John Higgins: Ok, thank you.

Don Roberts: Anyone else, Marcel? There is some concern about the signage as you know and also the landscaping along route 9, so I would like to have a committee go out and look at this one more time, before we act on this, so since Tom and Marcel and Don already got one, I'd like to have me, Rich and Margaret if your willing to go out and look at this site one more time alright? All right Rich we will put it back on for next meeting?

Richard Harris: ok

Don Roberts: In the meantime we will work something out where we can meet you out there ok.

John Higgins: Don if you want a third on that committee, myself, Marcel

Don Roberts: We've already got three.

John Higgins: Oh, I'm sorry I didnt realize you said yourself.

Don Roberts: Me, Margaret and Rich.

John Higgins: I didn't hear you say you were part of it, thank you.

Board members Don Roberts, Margaret Sautter and Richard Berkowitz are going to do a final site visit before reaching a decision on the Warren Tire Service Center Site Plan.

John Higgins made a motion to adjourn the meeting at 8:23 pm. Rich Berkowitz seconded. Motion Carried.