

**MINUTES MEETING**  
**Town of Halfmoon Planning Board**  
**March 28, 2016**

Those present at the March 28, 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  
    Mike Ziobrowski  
    Corie Custer

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 John Ouimet opened the Planning Board Meeting at 7:00 pm*

*Don Roberts made a motion to approve the March 14, 2016 minutes. Tom Ruchlicki seconded. Motion Approved.*

**Public Hearing(s):**

**16.012      Sokoloski and Jacon, 2 Stage Run - Minor Subdivision(Lot Line Adj.)**

**John Ouimet:** Would anyone like the notice read? (No comments) If not , Duane whenever your ready.

**Duane Rabideau:** From VanGuilder and Associates here representing Laurie Jacon and Diane Sokoloski for their proposed lot line adjustment. The two parcels are located at 2 Stage Run, which is the smaller parcel to the right, and 134 Harris Road, they're located at the southwest corner of Stage Run and Harris Road. What they are proposing to do is to annex the southerly 2,589 sq ft of 2 Stage Run to 134 Harris Road, which is the larger parcel. The sizes of the lots after the proposed conveyance would be for lot 2 Stage Run 27, 103 sq ft. and that would be a decrease and then increase of 134 Harris Road to 56, 225 sq ft. The two lots after the lot line adjustment would meet all the spatial requirements for the R-1 Zone and that is the request before the board.

**John Ouimet:** Thank you, would anyone from the public like to speak? (No comments) if not I'll close the public hearing, anyone from the board like to speak?

**Rich Berkowitz:** I just have one, those trees are already existing?

**Duane Rabideau:** That's correct.

**Rich Berkowitz:** By the property line.

**Duane Rabideau:** Yes, correct.

*Rich Berkowitz made a motion to approve the Minor Subdivision of Sokoloski and Jacon 2 Stage Run. Marcel Nadeau seconded. Motion Approved.*

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

**15.156**      **Clifton Park Church of Christ - Minor Subdivision**

**John Ouimet:** Would anyone like the notice read? (No comments) If not Gavin whenever you are ready.

**Gavin Villaume:** Ok, Environmental Design representing the applicant, Clifton Park Church of Christ. This project is a two-lot subdivision on Old NY Rte 146, the applicant is proposing to subdivide the lot in order to create two separate parcels one for each existing building that currently is on the property. The two existing buildings are the existing church building that would be retained by the church and the second building is a small office building that's been vacant for quite a while. The applicant proposes to subdivide these two lots with frontage on old route 146 there will be, at this time there really is no proposed improvements, I know the plan we have presented in front of the board really shows some of the suggested improvements that would occur in the future for both these two lots, but there is no new construction within these two proposed lots. That's pretty much the application. Oh yea we did receive several variances also from zoning board of appeals several weeks ago.

**John Ouimet:** Thank you, anyone from the public wish to speak? (No comments) If not I'll close the public hearing. Any questions from the board?

**John Higgins:** John I mentioned at the previous meeting, that because of the number of parking spots that you have approved obviously a new tenant or new owner is gonna be limited as far as to the type of business they are gonna be able to put in there.

**Gavin Villaume:** Correct, yep the applicants aware of that.

**John Higgins:** Thank you.

**Tom Koval:** That would be far down in the future

**Gavin Villaume:** Future site plan yea, whoever becomes the future tenant would come in here for Site Plan yes.

**John Ouimet:** Any other questions? (No comments) Motion on SEQR

*John Higgins made a Motion to declare a Negative Declaration pursuant to SEQR. Rich Berkowitz seconded. Motion Carried.*

*John Higgins made a motion to approve the Minor Subdivision Clifton Park Church of Christ a submitted. RichBerkowitz seconded. Motion Approved.*

**16.011 / 16.022      CGM Construction Duplex, Guideboard & Middletown Roads - Major Subdivision & Special Use Permit.**

**John Ouimet:** Would anyone like the notice read? (No Comments)

*Lyn Murphy recused herself.*

**Chris Marchand:** From CGM Construction, we are the applicant for a subdivision and a special use permit for a duplex on a parcel of land that is located at the intersection of Guideboard Road and Middletown Road, this is a unique situation in that this parcel while physically separated from the other parcel that shares the same tax map number but its physically separated by Middletown Road, so there is a larger parcel that is located across the road that this is a part of. That larger over all parcel I believe had three separate residential building lots broken out a couple months back so this has become a major subdivision because this would be the, make it five lots, the fourth of five lots. So this individual piece is part of that five lot major subdivision and we are also looking to do the special use permit for a duplex, there is a more recent drawing that was submitted than this that shows the location of a septic field, the driveway would still come off of Guideboard Road, so we are looking to access it from the lesser of the two roads in terms of traffic. There was a site meeting with several members of the board back on March 4th, and I think that was the only question that was raised was regards to the driveway location, but everything else. The lot conforms in terms of square footage and setbacks and things like that so, in terms of a duplex, we believe its in character with the rest of the neighborhood there are a number of multi family dwellings close by. So this is not something that's out of character or uncommon in this part of town, so I'd be happy to answer questions at the time.

**John Ouimet:** Thank you, anyone from the public wish to speak? Yes sir, come on up and identify yourself please, you have to use the microphone I'm sorry.

**Ken Green:** I live at 6 Halfmoon Drive the other end of the village, last year there was a proposal for Brookwood Road for a two lot subdivision and Duplexes to put in and at that point in time I came into that meeting suggesting not to have the duplex. I don't have a problem with someone building a house there, same thing with the other two lots that were put in there and the feeling of the neighborhood is generally older homes, yes there are some apartments in that area but they're not duplexes, and trying to keep that neighborhood as a single family neighborhood is kinda what I'm after, its why I bought into the area 15 years ago, that's how I feel about it. I don't have a problem with a house going in there just not a fan on Duplexes.

**John Ouimet:** Thank you, care to respond?

**Chris Marchand:** I understand, I'm sorry your name was sir?

**Ken Green:** Ken

**Chris Marchand:** Ken, understand what ken is saying but we feel that the location of this particular parcel maybe less desirable than single family homes or single family home singular because of the traffic on Middletown and Guideboard Road, its frontage with two roads, so we may try to market is as such as a single family home but we are looking at getting a special use permit for a Duplex to give us that option as well. If we get a potential buyer who wants to do a single family home then that may be what happens but we want to leave our options open and we've done, we being CGM have done a number of Duplexes in town and you wouldn't know just driving by that they are Duplexes, they look single family, we try to do a nice quality job in the sense that they don't scream two family, I'm not

sure what kens aversion may be or there may be certain things that Duplex have a negative connotation to them but we feel with the product that we put out that you wouldn't know any different, unless your gonna go count the cars in the driveway but in terms of the neighborhood or quality of life standpoint I don't feel there would be any downside to this being two family versus one family.

**John Ouimet:** thank you, anyone else from the public wish to speak? (No comments) if not ill close the public hearing. I understand that there was a committee board that went out to look at the site, John, John Higgins you want to summarize the committee,

**John Higgins:** Yes, Tom Ruchlicki and Tom Koval and myself went out, I do have one question, the driveway, when we pulled in that day, is that where the driveway is, I seem to think that I recall the driveway being further down Guideboard away from the corner?

**Chris Marchand:** You can see on this drawing there is a, I don't have a pointer but there is a dash line, I can show you John on your drawing. Ok so, right here there was a little gravel pull off where we pulled in that morning so the driveway more or less I have right there and this was kind of a crude sketch, I did submit something that shows a little parking area for vehicles this would be the two unit duplex and the septic field would be located off of here. Its municipal water supply so no wells to worry about but I don't know if that answers your driveway question.

**John Higgins:** Yea I just, I was just suggesting you might want to try and look at trying to keep it as far away from the corner as possible just for traffic reasons, you know when people are pulling out in the morning or in high traffic times that can get very busy going up to that corner. That's all.

**Chris Marchand:** Sure, sure, ok

**John Higgins:** But, yes we did meet at the site, we did look, you had a map as far as some multiple family residences in the area and I did take a drive around after the meeting and look and yes I agree there are some in the area, a lot of those are older units that have been there for quite a while, but it seemed to me personally that the majority of the newer units were single family homes. As you said its the parcel has its own drawbacks it has problems, high traffic volume, the firehouse right down the road things like that, that may tend to dissuade somebody from putting a single family home in there, but then again you know it is a nice piece of property it is a very large lot so thank you.

**Chris Marchand:** Thank you.

**John Ouimet:** Tom Ruchlicki anything?

**Tom Ruchlicki:** Nothing, I would only reiterate what John said and its a nice lot, my own personal opinion where the lot is, its location on that corner like that or why if you will, I don't see a problem with either being built there.

**John Ouimet:** Tom Koval.

**Tom Koval:** I feel the same way, its not a prime single family lot, its a vacant piece of land that's been overgrown and ratty for years, everyone knows that my business is right down the street and I know the multi family units that surround it, I don't think a quality duplex would be adverse to the neighborhood or a single family home for that matter, but it certainly fits within the character of the neighborhood, Guideboard and Church Hill, and Halfmoon Pkwy both have multiple multi unit houses. I see two single family houses on the corner of Brookwood and Halfmoon Brookwood and I'm

sorry Middletown and Halfmoon and Brookwood that have sat vacant for years they cant get anyone to buy em because its a busy intersection, so I don't feel as though a single family would be a good fit there for a lot of reasons but , I don't feel as though a duplex would be a bad situation there its a nice spot , it would get a piece of property back on our tax roll , that's otherwise sit vacant for years.

**John Ouimet:** Thank you, the only thing that I'm a little unclear on, Chris I know you said that in response to public comment that your going to initially market it for single family home?

**Chris Marchand:** So we've had several people express interest going either way, no definitive answer yet somebody is interested in doing a duplex on it, we may be ourselves doing a duplex on it but if we, someone were to come along and want to do a single family, sure we would do one there too. I don't know how much of a marketing effort we are going to put into this but we would like to have the option open to do one or the other. I think it would be a harder sell to do single family, and that's why we may take the avenue of doing a duplex and then we would retain ownership of that ourselves. If in the meantime somebody were to come along word travels that the lot is a suitable building lot and someone wanted to do single family then we would entertain that idea so its fair to say that I misunderstood you, your not going to initially market it as a single family home lot?

**Chris Marchand:** I'm not, that's to be determined to be honest with you I don't know how much marketing, cause marketing could just be putting a sign out front and say build to suit, we are not gonna spend any amount of money on marketing it either way.

**John Ouimet:** Don

**Don Roberts:** Yes John, I have to agree with the gentleman who spoke at the public hearing about his desire to keep this a single family lot and I agree with that because I believe most of the houses in that area are single family and I think it should be single family as well.

**John Ouimet:** Marcel

**Marcel Nadeau:** Yea I would agree as well with Don as well, the reason we have public hearings obviously to listen to the public and our job is to help the public in these situations being that its possible that we could do a single family I don't see why it couldn't be done, I was also going to bring up the point of the two homes that we did deny on Brookwood which I believe ended up being single family homes I don't think there's any duplexes across from these houses here correct? , When I looked at the subdivision last month for Tanski, to my knowledge I didnt see any duplexes in this area, around the corner there is.

**Chris Marchand:** Well there's two duplexes that were approved with in the past two years and built on Harris Road, there are two duplexes less than a half a mile away on Guideboard road if you are traveling closer to the intersection where Saltys Restaurant would be on the left there are two duplexes with the in the past few years.

**Marcel Nadeau:** But I'm talking about this particular area around theses houses.

**Chris Marchand:** Well there's been nothing new built because that's the last remaining lot so, to answer the question and I about marketing, we prefer a duplex, we don't think its very marketable as a single family I'm not ruling out that idea but our strong preference is a duplex.

**Don Roberts:** I just have to point out that the two examples you've brought up, on Guideboard Road you have to pass by many single family homes before you get to those duplexes, same on Harris road you have to pass by many single family homes to get to those duplexes as well, I mean they are not right in the immediate area this parcel in my opinion.

**Don Roberts:** That's what I was trying to bring up.

**Chris Marchand:** Am I incorrect in

**Tom Koval:** I just saw two new lots go up for sale on Brookwood right at the corner of Brookwood an Middletown, which is a similar point, aren't they approved duplex lots at R.J. Valentees?

**Chris Marchand:** Yea, yes I believe those are Ronnie Valentees the trees have been cleared and everything and the town approved those recently so I'm not seeing a distinction.

**Richard Harris:** Chris, no the board voted that down for duplexes.

**Tom Koval:** Oh it is voted down, I thought he was just marketing it that way, I wasn't sure.

**Marcel Nadeau:** Those were the two I was referring to; we denied them because the neighbors wanted single-family homes.

**Richard Harris:** He proposed the subdivision but not the duplexes.

**Marcel Nadeau:** So I would favor single family.

**John Ouimet:** Anything else from the board? Rich, well I think we will vote. Motion on duplexes.

**Don Roberts:** What are you gonna do subdivision, then the special use permit don't you?

**John Ouimet:** Ok, motion on subdivision.

*Marcel Nadeau made a motion to approve CGM's Major Subdivision. Tom Koval seconded. Motion Approved.*

*Marcel Nadeau made a Motion to declare a Negative Declaration pursuant to SEQOR. Tom Koval seconded. Motion Carried.*

*Tom Koval made a motion to approve CGM's Special Use Permit. Tom Ruchlicki seconded.*

*John Ouimet called roll for this motion: Don Roberts - Nay, Marcel Nadeau- Nay, Tom Koval - Yay, Rich Berkowitz - Yes, Tom Ruchlicki- Yes, John Higgins- No, John Ouimet - Yes. Motion was Approved.*

**16.026**                    **Parcland Estates PDD/ Carol Jean Estates, Cemetery Road - Ammendment to PDD Recommendation**

**John Ouimet:** Bruce if you would wait a minute or two for our town attorney.

**Bruce Tanski:** Sure, Good evening, applicant for the proposed ammdement to Parcland Estates PDD application. On February 3rd, first off I want to apologize for not having Jeff here he is at a meeting for me up in Stillwater so my apologies. On February 3rd the town board passed the application to the planning board for recommendation,

we introduced this application to this planning board March 14, meeting where they set tonight's Public informational meeting. Parcland Estates was created in 1996 renamed the Carol Jean Estates its located off of Cemetery Road in Halfmoon. It consists of 12 - 8 Unit apartment buildings for a total of 96 Units on 11.62 acres. It's surrounded by Turf trailer park, which is now Halfmoon Estates. On the west is single-family residences on the east. The whole site as you can see on the aerial photograph is surrounded by natural vegetation that creates a natural buffer to all the neighborhood uses. The proposed amendment consists of adding .60 acres of neighboring properties of which I own and it's located at 86 Cemetery road. The property currently has an old single family home on it, which is proposed to be removed. Once removed we wish to construct one additional 8-Unit building and add the land to the rest of the density. It will have its own designated parking area or utilize its existing internal driveway. Curb cuts off the existing complex. The amendment is to increase the boundary area by .6 acres, it increases the density by adding the 8-unit building, this would create a total of 12 .22 acres and bring the total number of apartments to 104. The density calculation will go from 8.26 units per acre, gross acre to 8.56. It will not alter the character of the neighborhood of the existing 20 year old well maintained Carol Jean Estates site, its created a good transitional zone between the high density mobile home park and the existing single family residential uses. We will remove the unsightly home and the driveway on the hazardous curve. Thank you, any questions.

**John Ouimet:** Thank you, anyone from the public wish to speak? (No comments) If not ill close the public hearing, any questions from the board.

**John Higgins:** Bruce at the pre-meeting there was a discussion of an addition to this that was proposed in 1997 do you recall that?

**Bruce Tanski:** I don't know what I did last week, no, I don't imp sorry.

**John Higgins:** Several of us that were on the board at the time cant remember either ,but apparently there was some kind of in addition to this possibly we can look at it because I don't believe this can be voted on tonight anyway but anyway maybe if you could check into it and Rich and Paul will check into it also. I honestly can't remember but one thing I did mention to Jeff last meeting was as far as the area where the present driveway is for the house you're gonna take down if you could re-vegetate that and plant some trees and things like that just to try and

**Bruce Tanski:** Oh absolutely I would put a buffer there and vegetate it just like the rest of the place looks.

**John Higgins:** And plant some trees and things like that just to try and freshen up the place.

**Bruce Tanski:** Oh absolutely I would put a buffer there and vegetate it right there just like the rest of the place looks.

**John Higgins:** Yea that's what we talked about, and just utilize the existing in and out driveway to accommodate that facility also. Thank you.

**Bruce Tanski:** Ok, yep.

**John Ouimet:** Any other questions?

**Tom Koval:** Is that the single family home to the bottom left that your taking down? I know, I'm sorry it's a new project today.

**Bruce Tanski:** Now wait a minute how do you use this thing. um its right there.

**Tom Koval:** So you are just going to take that out your going to revegetate that curb cut and then your going to have parking come around in off of

**Bruce Tanski:** Threes the parking right there.

**Tom Koval:** Alright, thank you.

**Bruce Tanski:** Gosh, good thing I'm not a doctor.

**John Ouimet:** Any other questions. Now this cant be voted on tonight Bruce cause we are still waiting to hear from Fire and a Town Engineer, and questions that John asked so we are going to table this until the next meeting. Public hearing is closed. . Thank you,

**Bruce Tanski:** Thank you very much folks.

**Richard Harris:** John I just want to mention Bruce and his engineers are going to be designing more detailed plans for chough to review so it might not be next meeting if the back and forth hasn't been done.

**Bruce Tanski:** Lansing engineering is currently working on a site plan to submit to Clough harbor I forgot to tell you that sorry.

*The decision for the Public Hearing for Parcland Estates was tabled until further notice so the Fire Dept. and CHA can submit a review.*

### **New Business:**

#### **16.019                    Chlopecki Subdivision, 48 McBride Road - Minor Subdivision**

**Duane Rabideau:** From VanGuilder and Associates here representing Ken Chlopecki for a proposed 2 lot subdivision . The parcel is located at 48 McBride road , the proposal is to subdivide the original lot 3 that was subdivision lands of Chlopecki back in 2004 into two single family residential lots. Lot 3A would be 4.6 acres in size with all the existing improvements and all the structures on that lot. Lot 3B which is the triangular shaped parcel would be 1.6 acres in size and would be for the proposed new single family home. The lot 3A which is existing buildings are serviced by onsite well and septic and also the new lot would also be new onsite well and septic and that is our proposal before the board.

**John Ouimet:** Thank you, any questions from the board?

**John Higgins:** The rear of that lot 3A or 3B that wasn't any trail area back there, I just was trying to remember exactly where it went, I know there was some in that area.

**John Ouimet:** It's further over yes.

**John Higgins:** Further over, Ok.

**John Ouimet:** Any other questions? (No comments) If not we will schedule this for a Public Hearing at our next meeting April 11, 2016.



*Don Roberts made a motion to schedule a Public Hearing for the Cholpecki Subdivision at the April 11, 2016 Meeting, John Higgins seconded. Motion Approved*

**16.035**                    **1613 Rte 9 (Tenant Sign/ Contemporary Athlete) - Sign**

**Lauren Courentollo:** From Vital Sign Company, and I'm representing 1613 Rte 9 LLC. We're proposing to put a free standing sign at the entrance of 1613 Rte 9.

**John Ouimet:** Don, you have a rendering correct?

**Lauren Courentollo:** Does everyone have a copy? Ok, so its 20 sq ft on each side with 6ft aluminum or 6 inch aluminum posts, it has interchangeable tenant panels which are 10inch x 48 inch and that's about it.

**John Ouimet:** But you're only asking for approval for one of the tenant panels correct?

**Lauren Courentollo:** I believe there's only one tenant right now.

**John Ouimet:** So you do realize you would have to come back if there are other tenants.

**Lauren Courentollo:** Ok.

**John Ouimet:** Don have you had an opportunity to look at this sign?

**Don Roberts:** Yes, and your making the application for Contemporary Athlete right now?

**Lauren Courentollo:** Correct.

**Don Roberts:** And it meets the town code, make a motion to approve.

*Don Roberts made a motion to approve the sign application for Contemporary Athlete. Marcel Nadeau seconded. Motion Approved.*

**16.044**                    **Creative Ink Tattoo (Billies Barber Shop)- 2A Hayner Heights Dr. Change of Use/Tenant**

**Billie Joe Carl:** I am the owner and operator of Billie Joes Barber Shop 2 Hayner Heights. I am looking to seek approval to rent out some of my space I have available to Caroline Scavo for Tattoo.

**John Ouimet:** Any questions from the board?

**Don Roberts:** What will be the hours of operation?

**Billie Joe Carl:** The hours of operation are going to be kind of opposite of mine but some are going to be ya know, but she is going to carry more evening hours, which my business kind of diminishes towards evening anyways, so I'd say probably 2-10 she's doing business of operation, where evening hours the barber shop wont even be operating. And she's going to be single, she's going to be there by herself so at any other given time she'll have one other person there with her.

**Rich Berkowitz:** This question came up at the pre meeting, is there a handicapped parking spot in the parking lot?

**Billie Joe Carl:** Yes there is.

**Tom Koval:** What were your, when you were approved to occupy that space what were your approved hours of operation originally?

**Billie Joe Carl:** For the barbershop?

**Tom Koval:** Yes.

**Billie Joe Carl:** My approved hours were from 7 am till 8 pm.

**Tom Koval:** Ok, so you're asking to increase your approved hours by 2 hours.

**Billie Joe Carl:** Correct, but the barber shop will not be operating that late, just her, her business.

**Tom Koval:** So it will alleviate some of the parking issues?

**Billie Joe Carl:** Absolutely, I don't feel like there will be any conflicting hours, and like I said our business most of my full time workers hours end between 4 and 5 anyways so there's only three barbers until 8 o'clock so I don't feel that there will be any conflicting, and like I said she's operating by herself so it's not like she'll have an overabundance of clients there anyways.

**Tom Koval:** And you're not at this time going for any kind of sign addition?

**Billie Joe Carl:** Not right now, no.

**Tom Koval:** Is there, is she going to be occupying an existing station or are you putting in an additional space for her?

**Billie Joe Carl:** No there is an additional, I have a room its approximately I'm not good with square footage I believe it's about 100 sq ft. maybe a little bit bigger but it's just a room that I have available, when I took over the back part of the building that was just a room, and I know at the time I couldn't use it because I only had x amount available so I didn't want to over exceed my space.

**Tom Koval:** Ok, thank you.

*Rich Berkowitz made a motion to approve Creative Ink Tattoo's Change of Use/Tenant Application. Don Roberts seconded. Motion Approved.*

**John Ouimet:** Don't forget if you do a sign you have to come back for approval.

**Billie Joe Carl:** Absolutely.

**John Ouimet:** Thank you.

**16.037 / 16.038      Just For You Salon, 31 Sitterly Road - Change of Use / Tenant & Special Use Permit**

**Jodi Willet:** I'm looking to rent the space at 31 Sitterly Road, its zoned , its a residential house but its zoned C-1 commercial and I'm looking to put my hair salon in there and live in the same residence. We'll be converting some of the garage space into , its a ranch style walk out basement type home and 'm looking to put the salon into the first floor and live upstairs and I have myself full time and I have one part time renter that will be utilizing the space for a salon.

**John Ouimet:** So you will have 2 chairs?

**Jodi Willet:** Two chairs one full time for myself and one for part time.

**John Ouimet:** Is there already water hook up in the garage?

**Jodi Willet:** Yes.

**Marcel Nadeau:** Are you the owner, are you purchasing the property?

**Jodi Willet:** I'm going to rent to own.

**Marcel Nadeau:** Ok

**Jodi Willet:** And I do have the current owners permissions to do what ever I need to do to change the space to accommodate the salon.

**John Ouimet:** Any other questions from the board? Signs?

**Jodi Willet:** I'm not requesting a sign at this time.

**John Ouimet:** Ok., you have a motion.

*John Higgins made a motion to schedule a public hearing for the next meeting. Marcel Nadeau seconded. Motion Approved, Public Hearing scheduled for the April 11, 2016 meeting.*

**16.031                      Brookwood Subdivision, Brookwood Road - Major Subdivision**

*Lyn Murphy recused herself.*

**Brandon Ferguson:** From Environmental Design I'm here representing CGM Construction, Chris Marchone is one of the owners is here tonight as well. We are presenting a conceptual 23-lot subdivision. The existing parcel is located along the southern side of Brookwood Road and Middletown Road and Devitt Road. That actually consists of 2 parcels, 3.9 acre parcel along Brookwood and the remaining larger parcel is 52.5 acres. There is a small portion less than a 1.4 acre that falls in the town of Waterford as well. The larger 52.5 acre parcel is divided by a national grid right of way that goes down the middle and we do have Army Corps. wetlands that are highlighted in gray on the site, that's just a preliminary sketch of those wetlands at this time. The proposed subdivision will be 23 lots, 16 of them will be accessed off a proposed town road that comes off of Brookwood. We have already talked to National Grid and they will allow us to have the easement through there right away for that town road. The remaining 7 lots will have access either off of

Brookwood or Devitt Road. 13 of these lots will be on shared driveways. Water is going to be public water, the actual town water tower is right there next to the parcel and we are proposing septic systems on individual lots. We had a meeting with Rich Harris, Joe Romano and some members of the town highway dept. and water dept. prior to this meeting and they did express some concern with the shared driveways and that we should talk to the fire dept. so we did have a meeting with the Halfmoon Waterford fire districts and they suggested signage along the shared driveways for directions to help them access and get to these lots and know which one they are going to as well as allowing the fire trucks to get within 100 feet of the homes. So we are proposing signage along the shared driveways at the beginning of them and then wherever they split for directional information for the emergency vehicles as well as providing turnarounds along the driveways and at the ends and designing the driveways in accordance with the NYS Fire code to ensure that they can get to these homes. That's what I have at this time I will turn it back over to you guys.

**John Ouimet:** How many lots are serviced by that cul-de-sac?

**Brandon Ferguson:** 16

**John Ouimet:** And that's the only way in and only way out?

**Brandon Ferguson:** Yes

**John Ouimet:** It looks kinda tough to me, I don't know about the rest of the board.

**John Higgins:** How long is it?

**Brandon Ferguson:** The road is about 1,300 feet.

**Tom Koval:** So it's coming out just west of the town water tower access, so it's on a pretty wide-open stretch of Brookwood.

**Brandon Ferguson:** Um, hmm.

**Tom Koval:** And the other ones coming out.

**Brandon Ferguson:** The other lots will be accessed; they will have driveways that come right out to Brookwood or Devitt road on the eastern side.

**Tom Koval:** On the other hand maybe a couple of key hole lots, technically because of the power lines.

**Brandon Ferguson:** Yea, yea the power lines we actually had to get an easement to access for that roadway to access those 16 lots.

**Tom Koval:** And you have 2 coming in off of Devitt?

**Brandon Ferguson:** Yep

**Tom Koval:** Just past the pond it looks like.

**Brandon Ferguson:** That's correct.

**John Ouimet:** Now you are proposing all single-family homes correct?

**Brandon Ferguson:** All single family homes. Yep.

**Tom Koval:** with septic?

**Brandon Ferguson:** Which is consistent with whets in the area. Its all R-1 residential all single family homes around the property.

**Rich Berkowitz:** Lots 2,9 and 8 is that coming off of one driveway?

**Brandon Ferguson:** 2, 9, and 8

**Rich Berkowitz:** I'm sorry, 7,8,9, It looks like three separate driveways

**Brandon Ferguson:** There's going to be a driveway located down the south western portion, yes they would be coming off of one driveway.

**Rich Berkowitz:** And how long is that driveway from the cul de sac?

**Brandon Ferguson:** I don't know off hand, I believe it's close to 1000 feet.

**Rich Berkowitz:** So 1,000 feet off the cul-de-sac?

**Brandon Ferguson:** Don't take my word completely on that I don't know exactly how long it is I don't have that measurement on me.

**Rich Berkowitz:** How long is the cull de sac to Brookwood Road?

**Brandon Ferguson:** The proposed town road is 1,300.

**Rich Berkowitz:** So you're talking 2300 feet from Brookwood to get to those homes?

**Brandon Ferguson:** um hmm.

**John Ouimet:** If you can get there.

**Rich Berkowitz:** If you can get there. Ok

**John Ouimet:** On what lots?

**Rich Berkowitz:** 11 and 10, how do they get there?

**Brandon Ferguson:** 11 and 10 would also come up that same driveway, its 7,8,9, 10, 11 would all come off of that shared driveway.

**Rich Berkowitz:** So you have five homes coming off of the one driveway?

**Brandon Ferguson:** That's correct, yea the driveway would split part way down into two other driveways.

**Rich Berkowitz:** So what's that little finger of land coming lot 11 to the town road?

**Brandon Ferguson:** That was actually to gain frontage on the town road.

**Rich Berkowitz:** So how many flag lots do you have coming out onto that road?

**Brandon Ferguson:** We have, I believe there are, I think there's 3 actual flag lots. A number of them also have frontage that they do have the full frontage on the road they just have different lot lines in order to gain that frontage on the road, there is 3,4,5 lots there.

**Rich Berkowitz:** I counted about 6.

**John Ouimet:** To be honest with you I'm not cozying up to the density here. I'm pretty concerned about the one way in and if you have an incident up front you cant get to those houses in the back, I don't know maybe its just me, I don't know what the rest of the board thinks.

**Marcel Nadeau:** I agree with you john the first thing I looked at was lot 8, imp trying to determine how the access was going to get there but id have to agree with you.

**John Ouimet:** I mean maybe there is another way to do it but I'm not seeing it.

**Tom Koval:** What are you proposing for driveway widths?

**Brandon Ferguson:** We'll design them with NYS fire code, I don't remember off hand exactly what the width is I think its close to 20 ft. once you get to that length of them 8 lots.

**John Ouimet:** No margin of error there.

**Tom Koval:** We required more for the last one Eric Tanski.

**John Ouimet:** There's no margin of error there.

**Brandon Ferguson:** Yea we would be willing to do wider driveways as well if it was that serious.

**John Ouimet:** You're gonna run out of land that's the only thing, its, I don't know maybe its just me.

**John Higgins:** And you have some steep slopes there too.

**Tom Koval:** There's no slopes in this property, I've ridden through it many times.

**John Higgins:** Well whets the designations up by lots 8 and 9?

**Brandon Ferguson:** Yea I believe those are 1-foot contours on that map as well.

**John Higgins:** Oh ok that was deceiving a little bit, yes

**John Ouimet:** Joe is there anything, I know you've seen this a couple of times before, is there anything you would like to share with the board at this point in time or not? Doesn't matter. You don't have to.

**Joe Romano:** I think those are good comments by the board I mean we can incorporate those into our conceptual review, when we had met with the applicant previously the main focus of the discussion was the reduced right of way width at the entrance in terms of making sure that the highway superintendent was comfortable with the reduced right of way width of the road with staying in the town standard, its the 10 ft reduction in the right of way.

**John Ouimet:** Has there been any feedback from the fire district?

**Brandon Ferguson:** Yes we did meet with the fire districts and their concerns were directions to get to the lots making sure down the shared driveways that there would be adequate signage on the driveways to direct them which houses to go to address wise, as well as making sure that they can get a fire or emergency vehicle within 100 ft of the homes especially a fire truck because of the ladder length and everything which we told them they would be able to put in turnarounds and work with them to ensure that their vehicles would be able to get within 100 ft. and we'd come up with a sign design that would be placed along those shared driveways to direct them to the correct address.

**John Higgins:** Are you proposing any fire hydrants?

**Brandon Ferguson:** There will be public water run down the proposed town road and there will be a fire hydrant at the end and we will work with the fire dept if they need to do additional ones so we can definitely work with them.

**John Ouimet:** anything else from the board? I guess we will just refer you back to Clough to keep working on your concept.

**Marcel Nadeau:** Just a question, do you have any road frontage on the west portion we will say around the bend?

**Brandon Ferguson:** The western portion, no

**Marcel Nadeau:** Nothing at all?

**Brandon Ferguson:** No that is land locked because of the national grid easement, cuts it right off.

**Tom Koval:** The western part of the property more towards the Valente just got the

**Brandon Ferguson:** Yea your talking about the western side of the, yea that whole parcel, portion of the parcel that's on the western side of the national grid easement right of way that is landlocked at this time because of the national grid, that's why we have to get, the only access we have is actually off of Brookwood getting an easement from them.

**Tom Koval:** Yea I think you're misunderstanding; we're talking up in this area.

**Brandon Ferguson:** Yep, yea, yea so anything west of the national grid easement including that section that doesn't come all the way out to the road.

**Rich Berkowitz:** You can't get any access from Sunset blvd?

**Brandon Ferguson:** Um the sunset blvd to the south there, no that actually is kind of an odd area there is a lane that comes out but it doesn't come all the way down to the public right of way it comes down to private land.

**John Ouimet:** Ok we will refer to Clough. Thank you.

*The board tabled the discussion and referred it to Clough Harbor and The Fire Dept.*

**16.005                    Stewarts Shop, 214 Guideboard Road - Commercial Site plan**

**Chuck Marshall:** I am from Stewart Shops, since our last meeting we received both county comments and comments from Clough and while I am only part addressed on the plans tonight ill go through them and show that we are in agreement with all of them. Essentially in the area here and here parking spaces 8, 9 19 and 20 the clough comments had said that we eliminate those spaces um the reason that their request for removal is when you don't have the bollards in between the spaces which we cant do for snow removal you create a potential conflict between the perpendicular vehicles so we will remove those and install landscaping as requested. Unfortunately the comments were received on Monday of last week and we weren't able to address them for the plan. The second thing is, is that our staff met on site with the fire dept, so these two light poles on the 236 side will be pushed out slightly. A truck routing for a ladder truck has been included to accommodate to show that the site accommodates the ladder truck movement around it and the second thing is, is that in spaces 4-6 right where the dot is there is a propane exchange so in spaces 4-6 instead of the 10 ft spacing on center for the parking lot bollards or the parking lot space bollards will go to a series of 5 ft spacing to prevent a vehicle from going through the curb and hitting the propane exchange. The only other thing that was left in the comments was from the county and that was that the, we show a 12 ft drive lane with, its either 12 ft or 8 ft, drive lane here and a 4 ft shoulder, the previous plans showed that we were going to give that land the town and a correction came from the county because its a county road we had to change the note so that it said, to be conveyed to Saratoga County.

**John Ouimet:** So the land will be conveyed to Saratoga County?

**Chuck Marshall:** Correct.

**John Ouimet:** Now the entrance, exit on 236 is that proposed to be a full service intersection?

**Chuck Marshall:** No the service will remain the same it will be no lefts out.

**John Ouimet:** Right turn only?

**Chuck Marshall:** No left turn full access in and no, only right turns out.

**John Ouimet:** Is it wide enough for that or are you going to widen it? I didnt recall the access point to be that wide.

**Chuck Marshall:** There's a slight shift in the, if you look at the plans, submitted plans should be two toned so the center island here is shifted slightly south and this radius is brought in also, I'm sorry brought out. So it does allow, there is minor changes to the actual curbing there but it does



accommodate those movements. So I'm sorry they're both essentially moved to the North not the South.

**John Ouimet:** Joe is that your understanding on how that access point is going to work? Now is there gonna be an island or curbing in there to prevent anyone from making a left?

**Joe Romano:** They show an island on their plan.

**John Ouimet:** Thank you.

**Marcel Nadeau:** Could you repeat the amount of footage going to the county on the right of way?

**Chuck Marshall:** It looks to be about 16 feet, so 12 foot with a 4 foot shoulder, if you see the property lines are red though here obviously we don't start our curbing through here so this that hatched area through here is the portion that will be given to the county.

**John Ouimet:** Anything else?

**John Higgins:** go ahead Tom

**Tom Koval:** The fencing you're showing in the plans it's all I assume white vinyl, based on your other stores.

**Chuck Marshall:** Yea there's an enclosure, you had some other fencing, sorry, I don't think its called that on the plan but I think we can accommodate that.

**John Higgins:** Now does it mention a car wash, where is the car wash going to be located?

**Chuck Marshall:** yea per the last appearance here we removed the car wash from the plan.

**John Higgins:** ok cause its still in the title so if you can just remove that please. Thank you, I'm talking about on our paperwork here we have.

**John Ouimet:** So it's not your intent to add a car wash in the future correct?

**Chuck Marshall:** Right now we don't feel its the best use of the lands, we removed it from the plans, if in the future one materializes they can come in under separate site plan.

**John Ouimet:** ok, any other questions?

**John Higgins:** Now the additional 2.2 acres that Stewarts recently acquired to the west of this is not part of this application or is it part of the application?

**Chuck Marshall:** This is the 2.

**Richard Harris:** John is this what I was referring to in the pre meeting? They purchased two parcels and they have been combined.

**Chuck Marshall:** I'm usually the first to know when we buy land and I was confused so no it's the same parcel.

**John Higgins:** Ok, thank you.

*Don Roberts made a motion to approve the application for Stewarts Shop, contingent on Clough Harbors final sign off. Rich Berkowitz seconded. Motion Approved.*

*Don Roberts made a Motion to declare a Negative Declaration pursuant to SEQR. Rich Berkowita seconded. Motion Carried.*

#### **14.090                    Angle Road Residential Subdivision, 39 Angle Road - Major Subdivision**

**Joe Dannible:** Environmental Design Partnership here representing Kenneth Vanwert and his application for a proposed 23 -lot subdivision located on property that has its original frontage on Angle Avenue. The application has been presented in the past by a different engineer we have since that time taken over the project and as I've met with the town and gone over this application the town has basically said come in and start over with the application because of what was done in the past there's been a lot of confusion on so essentially I'm here tonight for the first meeting on the project even though the project has started its review with Clough Harbor. I wanted to come back in front of this board and review the changes that we had made and then commence again with the CHA review of this project. Again what we are proposing is a 23 lot traditional or conventional subdivision on lands that originally front on Angle road. The original house and the parcel, the 22 acre parcel this is Angle Road here this is the homestead with the 22 acre parcel this will be one of the 23 lots and there will be 22 new building lots developed with in the 22 acres. The subdivision will gain its access from the Rolling Hills PDD, Ridgewood Dr. there is an existing town road stub that extends to the property line from the east and the second point of access will be in the south end of the property connecting into what is the Clearasy Subdivision, an approved subdivision in the town which has not yet been constructed. Because we don't know the timing of that subdivision, when it will be constructed we are proposing that a portion of a lot, I believe its lot 22 will have a temporary cul de sac installed for plow trucks to turn around, emergency vehicles to turn around until such time that the Clearacy subdivision is constructed and then we have a street that's connecting two subdivisions to one another. This is the classic definition of in fill development. Things we are proposing with in our traditional subdivision is a 30 ft no cut buffer along the property line that's adjacent with the Rolling Hills homes here, we are also going to do deed restriction of the wetland areas on the site, we are not proposing any impact to the wetland areas or any of the slopes over in this area. The western portion of this area of the site is mainly, I say open space land, but its going to be undeveloped land as part of the Rolling Hills industrial Park, located on Liebiech Lane, so to familiarize everybody if you go about 2,000 ft from the property line directly to the west you would run into the RGH Medical Building which was the first building approved within the Liebich In. park , from this area here on the property there's a little bit of an upland area here on the property but then its surrounded by a large track of wetlands in this area and then up again over in this area over 1000 ft away 1500 feet away is Liebich In. and then 5 Liebich Ln the project was approved as barren and most recently in here as Danforth Mechanical. Again along the western edge of the property there is a substantial amount of land that will likely never be developed as part of the Rolling Hills PDD as they have ample land through out the remainder of their site to reach and achieve their full build out. So with that I'd like to entertain any questions the board may have and then go ahead and commence with the CHA review of this project. Thanks.

**John Ouimet:** Any questions from the board?

**John Higgins:** this is in the Northern Halfmoon GEIS?

**Joe Dannible:** It is in the Northern Halfmoon GEIS.

**John Higgins:** Right what are you proposing as your 20 % quality green space?

**Joe Dannible:** My understanding of the code is you only need to provide the 20 % quality open space if a conservation subdivision is sought or determined by this board to be the appropriate method of subdividing that land.

**John Higgins:** I think you're wrong, I was on the GEIS committee and we can have Clough look at it again but there was stipulation in northern Halfmoon GEIS that each of these developments requires 20 % integral quality green space. We were hoping for green space along the road frontage, obviously you don't have sufficient road frontage here to really do that but we still the GEIS still requires 20 % quality green space in one lump sum.

**Joe Dannible:** Ok we can certainly look at that, when I was reading through the subdivision regs, it basically said to me in step one at the pre application meeting or first meeting with the planning board it would be determined if a conservation subdivision or a traditional subdivision would be sought and that's item A under section 143, so that was my impression so I am presenting it that way

**John Higgins:** This is a traditional subdivision correct?

**Joe Dannible:** This is a traditional subdivision.

**John Higgins:** Like I said if Clough could re read the GEIS, it's been a few years but I believe that's still part of the requirements.

**Joe Dannible:** ok now one of the things I did look at the open space on this there really is no meaningful open space areas on this site, but what the GEIS talks about is having open space as you said along the existing road frontage this parcel essentially has no existing road frontage we're at the end of Angle Avenue which is a long road it dead ends.

**John Higgins:** I'm familiar with the site and maybe you have to eliminate some of the lots and put the quality green space in there that's required.

**Joe Dannible:** ok we will certainly look at that, I'd have to lose 20% of our development to give open space that is not meaningful to the town. Who will own this open space is the question, is it dedicated to the town?

**John Higgins:** No

**Joe Dannible:** Cause there is no HOA proposed with this development.

**John Higgins:** Well then it would be attached to one of the lots correct, Paul, Rich.

**Rich Harris:** Yes, it would be a portion of all the lots.

**John Higgins:** it could be attached to 2 or 3 lots, exactlys.

**Joe Dannible:** So we could do a deed restriction of contiguous land, ok.

**Richard Harris:** This is going to be by the 30 ft buffer along the back of the lots.

**Joe Dannible:** essentially we would have the 30 ft buffer that we would have to deed restrict along the Ridgeview Dr. and then we would wrap that around the rear of the parcels and include the wetlands so if the open space can be deed restricted open space as opposed to a single parcel I think we can make that happen.

**Richard Harris:** There's no requirement that it be a single parcel.

**John Higgins:** Not a single parcel but I think there is a requirement in the GEIS that it all be integral, so it has to all be attached. But again it's been a few years, why don't you take a look at it and see.

**Rich Berkowitz:** Joe when that stub road was put in what came first the stub road or the homes on Ridgewood dr.?

**Joe Dannible:** I did not do the plans I'm assuming that, that stub street was a planning requirement of the PDD and that neighborhood, that road itself is put in and I believe.

**Rich Berkowitz:** But was it put in there, I know it was a future connection but were the people who built those houses told about that future road. Where that future road is, you have a house directly across from it so whoever coming out of that road those headlights are going right into that home, and when they make a turn right to get in and out of Ridgewood their lights are going to go into this other house.

**Joe Dannible:** I don't know what went into the sale and the real-estate sales of these properties I was not involved in that sub division I do know that this road was planned as part of a future connections thought about by this board and by the town for future access.

**Rich Berkowitz:** Who was that future access supposed to be along Angle road, Ridgewood rd. or the future road, what was supposed to be the main entrance into there?

**Joe Dannible:** I'm confused now.

**Rich Berkowitz:** originally this was supposed to connect to Angel Road or am I mixing up my subdivisions?

**Joe Dannible:** This project was not to be connected to angle road.

**Marcel Nadeau:** No Rich I think your confused with the Clearsy subdivision, I think we gave them like 6 houses off of Angle rd. which was part of Clearsy, I had the same problem I couldn't find out how that was getting in there. So I think that's what your confused with, I was any way.

**Ken Vanwert:** If I may, I live at 39 Angle rd its called a misnomer, calling it Angle Road Subdivision, because the property is at 39 Angle road, however Angle rd is not sufficient for two way traffic. So it was never entered as an entranceway to this project. And if I may I believe that the town stipulated that one road had to be built to support the water tower.

**Joe Dannible:** There is a water tower for the Halfmoon water dept right here.

**Rich Berkowitz:** But I'm just wondering because that stub road goes right across the street from a home. And if you were the owner of that home you wouldn't be happy.

**Joe Dannible:** It's something we can consider, headlight mitigation, we would be willing to at the owners consent put on some landscaping or fencing in the front yard that would mitigate those headlights.

**Rich Berkowitz:** That's between you and the homeowner but you might want to approach them.

**John Ouimet:** So in the initial build out Joe lot 22 will be a cul-de-sac. Lot 22 won't be developed as a building lot until the cul de sac is removed?

**Joe Dannible:** That is correct, I guess what we could do just so, I don't want to restrict that lot from being developed, we could develop that lot as a town road and have that property set back at 50 ft. from that right of way that in the event Clearsy subdivision is built. The owner would then gain back that frontage of the parcel, sorry the cull de sac would be abandoned and that land would revert back to that owner so they just build their initial house further back if that lot was lot they wanted to build on right away.

**John Ouimet:** Any other questions? (No comments) if not we refer this to Clough ok

**Joe Dannible:** Ok, thank you very much.

*The application for the Angle Road Residential Subdivision was tabled and will be referred to Clough Harbor for further review.*

**14.007**                    **Creek View Estates Residential Subdivision, Upper Newtown Road - Major Subdivision**

**Joel Bianchi:** With MJ Engineering, here this evening to talk about Creek View Estates Subdivision, the developers Beacon Development, two members of Beacon Development are here this evening Mr. Lou Licci and Jeff Gabriel. This project was before the board probably a little over 2 years ago I will get into discussion with the progress that we've made but I will give the board some background cause I sense there may be some new board members. So the current property is right on Upper Newtown Road, current land owners Dorothy Pingelski, the overall parcel size is just under 96 acres, the property is located in the towns AR -Agricultural Zoning District, and frontage is provided along Upper Newtown Road. So this shows you the current property its full extent its full boundary, with the frontage on Upper Newtown Road and the various land characteristics as it exists today. So that's just a birds eye view of the same property, so when we look at the environmental settings, we looked at the current coverage which is predominately fields and center and northern portions of the property with forests along some of the constrained land that you can see on the map that we showed previously. The soils range from B to D then slopes range anywhere from 2 - 20% the 2 being the I would say the former fields and the 20% is along the bed and bank of the existing stream that bi-sects the property. On wetlands there are Corps wetlands with in the overall parcel however upon creation of the subdivision those Corps. wetlands would stay on the undeveloped portions of the property and would be retained by the current landowner, same with the DEC wetlands are on the overall property but upon creation of the subdivision a lot of those constrained wetlands would be retained by the current land owner. We looked at floodways and flood plans basically along the boundary of the existing stream there is a 100 year flood plane, and the rest of the project is outside the flood plane which is termed zone x. Initial screening on historic culture resources it is located partially within an archeo

sensitive area so we will have to do some work on that once we get in the preliminary design, and then initial screening indicated there were no threatening or endangered species within the project boundaries. So again when we look at the environmental constraints we've put them on a single map showing steep slopes 15 % or greater we looked at corp. wetlands state wetlands and its associated buffer and we looked at the floodplains so you see a lot of those constraints sort of parallel the existing stream that sort of bisects the property. So we looked at the design considerations the bulk lot requirements for the AR district and then we looked at other considerations that would drive the development of the project. So the developed proposal is for 58 lots 55 of them for single-family homes, 2 lots are proposed for storm water management and one lot would be for sanitary pump station that would be turned over to the county. 50 acres of the overall parcel would be retained by the current landowner, the project does have no impact as to regulated wetlands that both corps and state wetlands. There is probably going to be minimal tree clearing just because the constrained lands are primarily within the wooded areas, whoever operated the Pingelski's knew where to develop and knew where not to develop. We do recognize that there are some lots on 50% slope but if we were to get into design we would have to vet those out and make sure those are build able. So the burden of proof is on us to make sure we can do something on those lots. So this is the original plan that was presented two years ago, had 1,2,3 6 more lots and through the comment letter that Clough had issued to us we had since reduced those lots or eliminated them so we effectively combined those lots with adjacent lots so we can combine those lots so we would create a 100 ft buffer from Upper Newtown Road. The way we would control that buffer from Upper Newtown Road would be one of two ways, we would have a special set back 100 ft so that no building could occur within a 100 ft of our right of way of Upper Newtown Road alternatively we could create an easement, some sort of a conservation easement. What we don't want to do at this juncture was create open space that has to sit in an HOA cause right now the way this project is laid out there is no need for HOA. So as far as public utilities, there is public water available at Upper Newtown Road, discussions with the town back two years ago indicated there would be no capacity issues, public sewer would be available from the adjacent Swatling Falls, storm water management would be on site management, we would incorporate green infrastructure requirements and then whatever provisions the town would mandate and then electric and natural gas is located approximate to the project, I believe that a lot of that was upgraded and extended to Swatling Falls that is southeast of us so we would be able to tie into those utilities as they went by us. So access and traffic I think that this is one of the items that has sort of held us up for two years. There are two points of access that are planned and they have been situated to provide for maximum site distance for people with ingress and egress from the project. We do provide for connectivity to an adjacent parcel to the east if there was ever development to occur. That was based on an initial assessment of that adjacent property as far as what may be viable. There is no potential of access to the south really or to the west because of constrained lands, the creek effectively creates a barrier to do anything in that direction. And then we know about traffic impacts, we do know that there are multiple projects that are occurring in this vicinity of the town and in November Clough Harbor had developed somewhat of a strategy that addresses cumulative impacts of multiple projects not just this project, so I think the town has recognized no singular project creates an issue but when you put 2,3,4 and in this case I think there was lumping together I think 6 and various processes of approvals or construction, and that there was a strategy to put together that hey if these developers can get together and say hey we recognize there is a cumulative impact on traffic and we would address impacts on rte 146 and Upper Newtown Road that it helps , it benefits a lot of people it benefits a lot of developers it also has a benefit to the town. Generally I believe this developer and a couple others would be benefited by this study um we would expect that this project would fall under that agreement I know its probably just in initial stages as far as what the monetary payment is to that or do the developers continue and actually front that money or actually do the improvements I think its conveyed to DOT or whoever the end user is. I know that's still in the early stages but again we would

attempt to fall under the per-view of that agreement however it falls out. So with that I think that's just the update just as far as where we are and the board has any questions of us.

**John Ouimet:** I can't speak for the rest of the board but for myself, I have no idea what you said about traffic, no idea at all.

**Joe Bianchi:** I was trying to paraphrase, it was in an November 5th letter

**John Ouimet:** No I'm familiar with that letter

**Joe Bianchi:** Yes so you know the letter basically says, hey developers of 5 projects 6 projects, if you guys can come to an agreement and develop or complete the improvements on 146 then you sort of satisfied the SEQR requirements under the improved projects which entailed a signal, there's 3 projects that have not been approved by this board that they would potentially be responsible for some lane widening.

**John Ouimet:** amongst other things

**Joe Bianchi:** Amongst other things. So this application was one of those applications that was sort of included in that mitigation strategy.

**John Ouimet:** Any questions from the board?

**John Higgins:** The 50.6 acres in the back that's going to be retained by the Pingelskis whets the access of that area?

**Joe Bianchi:** It still has frontage on Upper Newtown

**John Higgins:** I know its frontage but you also got an awful lot of steep slopes and wetlands so is it in essence is it unusable?

**Joe Bianchi:** There, ya know if the Pingelskis were choosing to develop that I believe that they would have to, if there was anything south of the creek corridor they would have to secure access to another piece of property, I believe on Betts Rd. to the south.

**John Higgins:** Well obviously this board has concerns of land locking a piece whether it has access or not, ,ya know obviously we want to look at the long term viability of that property being used for something other than just green space so, I for one would just like to see if you could take a look at that and see if there's any way that you could possibly put some future access stub or something so that land can be utilized cause I think that's pretty good land back there.

**Joe Bianchi:** would we do a stub access to a piece of property adjacent to us, cause that's the only, if we were to look at any viability of developing the lands to be developed by Pingelski here retained by Pingelski we would have to just put a stub road there but it would be dead ended on the adjacent piece of property.

**John Higgins:** Well I was looking more like on the lot 5,6 area I know there are some wetlands there but I wasn't sure what the mitigation would be for future road going in in that area.

**Joe Bianchi:** That would be to put in some sort of access to this project would probably be a little bit challenging, I mean you could do it but there would be collateral impacts, corps. Wetlands, deep slopes working in the floodplain and that's why we've been cognizant trying to stay away from that sensitive corridor.

**Rich Berkowitz:** And is it landlocked with or with this development going through?

**Joe Bianchi:** That's a good point that would be the condition of that southern piece on the south side of the stream corridor would, were not improving or making it any worse than it is today.

**Rich Berkowitz:** How about Lot 9 is that even a buildable lot because half of it's in that corridor?

**Joe Bianchi:** The half of it is in the steep with what the town considered steep slope 15%, so again those fall within one of the lots we have to prove out that it's buildable.

**Rich Berkowitz:** So you don't know if it's buildable yet?

**Joe Bianchi:** Well from a 15% slope that's not all that aggressive in the engineer world but we show it so if we have to prove it out it's buildable then that responsibility's on us.

**John Higgins:** Or possibly in the 16, 17 Lot area that might be another spot where you might be able to put an access over, we are just trying not to land lock 50 acres.

**Marcel Nadeau:** John, John I think your question also might be are the Pingelskis aware that they would have very little frontage or access to that remaining 50 acres? I guess that I think that's where John's headed.

**Joe Bianchi:** Yes they are fully aware of that.

**Rich Berkowitz:** you've told them that?

**Joe Bianchi:** They are right here.

**John Higgins:** Ok.

**Richard Harris:** Chris Able indicated when we spoke on Betts, below the pink area 50 acres has been swamp.

**John Higgins:** The light green area?

**Richard Harris:** Yea, and he had shown and advised to take out a lot per discussions with yourself and the Pingelskis, so that there would be access to that area from the south.

**John Higgins:** So there is access to that area eventually.

**Richard Harris:** If that access got approved it would have access to that area to that swamp.

**Marcel Nadeau:** My concern would be if that doesn't happen, if the Betts Farm doesn't happen they're restricting their properties access and that, but as long as you're aware of it, they have it but they have very poor access.



**Richard Berkowitz:** It seems like its restricted anywhere.

**Richard Harris:** (inaudible)

**Joe Bianchi:** Yea there, I mean exactly, I think the burden of getting across that ravine is pretty challenging.

**John Higgins:** And then the other piece up along Upper Newtown is just a brown piece is that also part of this?

**Joe Bianchi:** No that is another family member but not part of this operation.

**John Higgins:** Ok so it's a totally different operation, thank you those were the only questions I had.

**Rich Berkowitz:** Whats the yellow color signify in all of this including on the Pingelski part.

**Joe Bianchi:** The yellow that is sort of off the development lots that represents the hundred-year flood plain. It's sort of tough because you have so many environmental constraints right on top of each other so the yellow that has the red dash line is the hundred-year flood plain.

**Joe Bianchi:** Hundred year flood plain, the boundary.

**Rich Berkowitz:** Now we know what it looks like because the lot lines are all yellow and that's yellow.

**Joe Bianchi:** No the lot lines are just those are the lots, the actual the yellow with the red dash is the Hundred year flood plain boundary.

**Rich Berkowitz:** You might want to change the color next time.

**Tom Ruchlicki:** Could you explain to me and I probably should know but you're gonna help me out the lots that front on the road, why is there a 100 ft buffer there? And I understood the portion about the HOA and all of that, I got that but was that only to shield that property or that home from being viewed from the road?

**Joe Bianchi:** That was a response to one of Clough's comments, and I will.

**Tom Ruchlicki:** Help me out with that will ya, well I wasn't sure if it was GEIS or simply that we wanted to shield the roadway from the home.

**Joe Bianchi:** No what it was, was Cloughs comment letter made reference to the northern GEIS area which requires 100 ft buffer to maintain the view shed, even though this project is not in the northern Halfmoon GEIS we said we would offer up. We would give that 100 ft it's only a linear buffer there's no trees there today, it's just.

**Tom Ruchlicki:** Well I understand that and that's my point, and my point is if you left that 100 ft buffer there never to be touched again and its just personal opinion now you are going to have bushwhack growing there. Its not even structured there, the people that own that lot are not going to go out there and maintain that area, they are not gonna even put nice trees in that area so as to present to

the road what I would say would be a more appealing aspect of the development so, I guess its just my own opinion but I would think that, that would be detrimental to the overall view shed if you will from the roadway.

**Joe Bianchi:** So you would probably like to see something a little bit more enhanced and the ability to be maintained long term?

**Tom Ruchlicki:** Only because you mentioned the thing with the HOA. And I understand that that's not part of this and I don't even want to bring that into the picture, that would really be the one way that you could sort of guarantee that it would look presentable to the road other than to have just bushwhack grow in there and like I said its probably just personal opinion but I just didnt think it made much sense so I count on a little clarification.

**Joe Bianchi:** We could see how, what mechanism ya know I think we could put something there that would be visually appealing for a period of time like you said after a period of time

**Tom Ruchlicki:** Unless nobody maintains it its just gonna

**Joe Bianchi:** So we can look at other opportunities to see how we can possibly manage that and make it something controllable and manageable in the long term.

**Tom Ruchlicki:** Well you've already expanded the lots to the way you've changed the lot size. To accommodate that so just naturally to me it would just seem more logical that the homeowner would maintain that area, if they are not going to be able to maintain it its not gonna ever look nice.

**Joe Bianchi:** Well no they would still be, what we were only preserving was the, we were restricting building in there, that's all we were looking to restrict.

**Tom Ruchlicki:** Ok so if that house that's in that first lot on the left hand side of the road if they wanted to maintain that out to the highway they could

**Joe Bianchi:** they could, in actuality probably that those lots became larger they may turn into premium lots. Much larger.

**Tom Ruchlicki:** That makes way more sense.

**Tom Koval:** We are not trying to restrict what you did other than just don't build into that, that Zone

**Tom Ruchlicki:** Ok, that makes way more sense, thank you.

**Rich Berkowitz:** Whats the proposed easement between Swatling and you guys.

**Joe Bianchi:** That's the sanitary sewer

**Rich Berkowitz:** Sanitary sewer, also for the mitigating traffic and tax, three out of these six subdivisions have been approved. Where do the changes of those three and the three non-approved subdivisions getting together and agreeing on something.

**Joe Bianchi:** Well ill tell you the three that have been

**Tom Ruchlick:** That might be a good question for Rich or Paul I don't know. I could give my opinion.

**Joe Bianchi:** the three that I know that are approved in construction are Falcon Trace, Swatling Falls, Glen Meadows. All those three I believe in the SEQR findings which I believe are referenced in cloughs letter was there were items in their SEQR findings that they articulated that they had to build a signal or something to that affect, so they are obligated to do something to the traffic signal.

**Rich Berkowitz:** When?

**Joe Bianchi:** I cant speak to that but I'm assuming there's some trigger, there's either probably a building permit or some mechanism that triggers that that improvement gets done the town would have to speak to that.

**Rich Berkowitz:** But there's usually something.

**Joe Bianchi:** There's a trigger mechanism that does that.

**Marcel Nadeau:** I think I know where your headed with this, so now we approve all these projects, but we don't have a traffic sign and that was my question, when is this gonna get triggered into it?

**Joe Bianchi:** So I think I can reasonably answer

**Lyn Murphy:** Do you want me to clarify for the board, since I was part of it. At this point in time the applicants both the ones who have been approved and the who haven't been approved had made a commitment to work with our engineers to come up with a way to implement a plan that your talking about in the November letter, that occurred at a meeting I'm not quite sure how long ago, at least several months ago and our engineers haven't heard anything so right now that's pretty much we are at a stand still.

**Joe Bianchi:** I believe from the discussions from Mr. Licci I believe there is a dialogue between the applicants and DOT

**Rich Berkowitz:** In the three approved subdivisions is there a set amount of money that's been set aside by these developers to help out or no?

**Lyn Murphy:** No, what happened at both the SEQR findings and the approved documents themselves they say that they will be, responsible for the impact of the traffic into the area and will make the improvements as designated by the town in essence.

**Rich Berkowitz:** Now it's only these six or if somebody else comes along

**Lyn Murphy:** I think that's part of the discussion that DOT and the applicants are about to have with our engineers with regards to what may also be impacting these specific areas.

**Marcel Nadeau:** So like Sheldon hills I think it was build out or second phase was supposed to trigger the traffic, third phase however, what is the phase that is going to trigger this improvement?

**John Ouimet:** Don't know yet.

**Marcel Nadeau:** we are going to approve all this

**John Ouimet:** Not necessarily.

**Marcel Nadeau:** ok that's my question

**John Ouimet:** their all here and were all hopeful, they are working towards a solution, I don't know how far the approval process is gonna go. To be honest with you.

**Joe Bianchi:** for us, what we were seeking this evening was at least the board says we agree or disagree with the lot density or the lot lay out, absent the traffic, we would, if we were to proceed to a preliminary design obviously we are entirely at risk because there would become a stopping point that this board could not evaluate SEQR or take action on SEQR.

**John Ouimet:** Ok lets get back to some of the lots proposed on their you've submitted. Lots, 17, 18, 19, 20, 21, 22, 16 all show significant constraints are you saying that you need to do additional analysis to see if in fact they are build able?

**Joe Bianchi:** What we would do is through the preliminary design we would prove that these are build able lots and the slopes are not constraining and we would seek approval on those lots.

**John Ouimet:** I mentioned those because they have the more significant amount of constraint shown on this map anyway, there are others obviously if you go from lots 3 to 7 to some degree, how long is that cul de sac from Upper Newtown rd.?

**Joe Bianchi:** The road A that goes sort of east to west?

**John Ouimet:** it goes, it's the long cul de sac.

**Joe Bianchi:** its roughly I want to say 500 ft. 600 ft.

**Lyn Murphy:** No,

**Joe Bianchi:** Road C the one on the bottom that goes south?

**John Ouimet:** C, C

**Joe Bianchi:** That one is around 450 ft. long, you're talking about the one with the easement sort of breaks off the bottom?

**John Ouimet:** yes.

**Joe Bianchi:** its about 450 ft long

**John Ouimet:** 450ft from the cul-de-sac?

**Joe Bianchi:** That's from the intersection to the cull de sac.

**John Ouimet:** Which intersection?

**Joe Bianchi:** From the cul de sac to the first intersection going north

**John Ouimet:** Road B

**Joe Bianchi:** yes , about 450ft and the other one is probably a little over 500 , 550 and in an east to west direction, which would be road A , the road A cul de sac.

**John Higgins:** Road C from Upper Newtown to the cul de sac what's the total length of that?

**Joe Bianchi:** It's probably around 1200 - 1500 feet.

**John Higgins:** What percent of green space are we looking at on this?

**Joe Bianchi:** we would meet the minimum green space by on a per lot basis we would probably exceed it.

**John Higgins:** what do you mean on a per lot basis?

**Joe Bianchi:** well overall if I looked at what the green space

**John Higgins:** 20 % green space is what's required for the northern GEIS I know your not part of it

**Joe Bianchi:** We're not part of it; you're talking about set aside green space?

**John Higgins:** set aside green space

**Joe Bianchi:** there is nothing proposed as part of this project

**John Ouimet:** anyone else? Okay we refer to Clough. Thank you.

**Joe Bianchi:** Thank you

*The application for Creek View Estates was referred to Clough Harbor for further review.*

*Tom Ruchlicki made a motion to adjourn the meeting at 8:08 pm. Rich Berkowitz seconded. Meeting Adjourned.*