Chairman Jensen called the meeting to order at 7:00 p.m.

Present:

G. Peter Jensen Chairman

Linda Riggi Planning Board member
Reed Antis Planning Board Member
John Arnold Planning Board member
Ron Zimmerman Planning Board Member
Erik Bergman Planning Board Member
Dave Paska Planning Board Member

Also present: Joe Patricke, Code Enforcement Officer; Stephanie Dilallo-Bitter, Attorney for the Town; and Tricia Andrews, Recording Secretary

The minutes of the September 16, 2013 meeting were reviewed. Mr. Arnold noted that Mr. Zimmerman was present for the meeting. On page 1605 2/3 way "there" is misspelled. Pg. 1606 1/3 way quote attributed to Mr. Jensen "you". 1607 halfway down "Is there a second access point." Perc tests "one that we talked about." 1609 6 ft. chain link fence not pond. Are all of them one acre lots? Not here to object to this. 1610 Mr. Darrow 7 lines from bottom property right next door. 1612 Arnold 5 lines down what you are presenting "that that." 1615 Mr. Robinson 4 lines down. H "to ask" Mr. Patricke for distant lots "an issue" an extra o. Mr. Miller "being maintained." Mr. Arnold motioned to approve the minutes of the September 16, 2013 meeting with these corrections and Mr. Bergman seconded. Motion carried unanimously.

#1 Congdon, Gardner Deer Park Subdivision Final Review

Chairman Jensen: Planning Board, are you comfortable with everything you have received to date on

Deer Park?

Mr. Arnold: Mr. Patricke, you were going to make a little hike out there?

Mr. Patricke: Years ago there was landscaping things, etc. out there, I found nothing, Mr. Congdon had

cleaned it up.

Chairman Jensen: Did you receive a response from Saratoga County?

Mr. Patricke: I did, and it said no impact.

Chairman Jensen: Board, do you need anything? Mr. Zimmerman: I am satisfied, Mr. Chairman.

Mr. Antis: Did we resolve the drainage ditch easement issue?

Chairman Jensen: Yes.

Mr. Arnold: I wanted that designated on the map.

Chairman Jensen: If you want to approve you can put that condition on it.

Mr. Arnold: Motion to grant final approval on Deer Park Subdivision with the condition that the plans are annotated to show that Lot #36 has a deed restriction allowing access to maintain the stormwater drainage traveling through that lot.

Chairman Jensen: Second?

Ms. Riggi: Second.

Mr. Patricke: I have one thing I would like to clarify, from the last minutes there was a question raised about 2 story homes and the answer was that the law for zoning applies. I would like to clarify because a man looking to clarify came in about that because it's ambiguous. When you were reviewing the EAF Ms. Riggi asked a question about height of buildings. The height limit is 38 ft. in that district, and he can build whatever he wants in that zone that complies. The issue came up in the meeting but the answer from Mr. Rourke was erroneous.

Chairman Jensen: A person can do anything on the lot consistent with the zoning in the Town.

Mr. Congdon: I just got the minutes this afternoon. What do you mean by this: page 1611 3rd line-"since you brought up that property, in case you didn't notice, there's an ugly chunk of land..." What do you mean?

Mr. Arnold: Not the looks of the land. It's a little slip of property between you and Barody there on the map.

Mr. Congdon: Isn't that an unfortunate way to describe a chunk of land next to my son's house? You should be more careful in your choice of words.

Mr. Arnold: I wasn't talking about the land, I was talking about the map.

Mr. Congdon: It's been brought to my attention that real estate agents are telling people who are buying property that there's a water problem in Deer Park. An individual was told in the Town hall that there's a water problem and he asked me what it's about. I would appreciate it if since you approved Woodscape, you revisit happenings from 2005 to this time.

Chairman Jensen: The object before this Board is approval of this subdivision.

Mr. Congdon: I appreciate all that but other problems have developed that affect my subdivision and people who have bought and built in my subdivision, and I want to bring it up because you on this Board were not present when the mistakes were made. I would like it on the record established that Woodscape put in a big drain after ponds flooded our subdivision for 26 hours, an engineer was hired and came up with a million dollar plan to de-water my subdivision but the people living there wanted no

part of that water plan. The water table has dropped below what it was before Woodscape was filled by Michaels Group. No water showed to 8 ft, I dug to 9 and got to water. All the houses that dug in the cellar

and pumped them have no more problem. Phase 2 was approved with Phase 3 clearly on the map, and I had to show the drainage for the proposal we're talking about. Joe couldn't find it last time I asked for it, it shows Phase 3 elevations and a drainage ditch, and I was asked to enlarge the pond. There's been no water overflowing that pond for two years. In the spring when the water table was high, it took a few years for that sand to let the water out because the drain line was north of Deer Park. Nobody is interested in litigation relevant to the problems that were created but I do not like the continued conversation about water problems in Deer Park.

Chairman Jensen: What you have addressed or identified is something this Board cannot do. You want us to tell someone to stop making comments, we have no authority.

Mr. Congdon: It was in the minutes of this process, Mr. Arnold brought it up.

Mr. Arnold: I brought it up that there was a high water problem in Deer Park?

Mr. Congdon: It said that about the test pits and fill etc.

Mr. Arnold: Mr. Rourke brought it up that there were lots you didn't build because of the water table.

Mr. Congdon: That was 20 years ago and we felt an obligation to tell the Planning Board that that had been scalped, I spent \$30,000 bringing it back up. That drainage pipe was put in 50 some years ago and worked to 2 years ago. We have lowered the water table now due to Michaels Group putting in that drain line, people are grateful for it. We are asking the Planning Board to revisit and understand the history and that the pond is capable without water leaving the area. I haven't seen the engineer's new report. Have I made myself clear to the new members? I had to hire two engineers to show what's been done and you have the stuff and now a new engineer has been hired, I don't know what he did, review the two others' work. No one has come up with a statement that the water problem was caused by the ponds, which clearly it was because the water is now going east and my properties are high and dry. It probably isn't in your purview for this process but isn't it reasonable for me to come in now, I waited 5 years, to not have to put up with statements that Deer Park has got high groundwater? I don't know who said it, but a person was showing interest in the lot and isn't buying now.

Mr. Patricke: Have that person come in a see us.

Mr. Congdon: I would like to rethink the 6 ft. chain link fence because I can't find in the ordinance chapter and verse. Reed, you were going to show me, you told me it was there. That's what I mean about revisiting, if there was a problem and if water was flowing out, you've got a new plan you can see in the narrative that the ditch might need cleaning out in 25 years. Don't you think you are setting a precedent of making me, keep that clean forever? How's that going to work? You've got elevations that show if the pond and the ditch did come up, the only ones affected would be the Lewis Chases, who are

the ones who filled it before. You're making my children clean that ditch when there's no water flowing through it and neighbors who live next to it who will tell you there's no water, it doesn't happen anymore. I appreciate everything you've done, it's been a long process and I've lost the building season now.

To the motion, roll call vote proceeded as follows: Mrs. Riggi, Yes; Mr. Antis, Yes; Mr. Arnold, Yes; Mr. Zimmerman, Yes; Mr. Bergman, Yes; Mr. Paska, Yes; Chairman Jensen, Yes.

Mr. Zimmerman motioned that the Chairman and one other member sign the mylars when they become available and was seconded by Mrs. Riggi. Measure passed unanimously with no roll call.

The Chairman reminded Mr. Congdon to file with Saratoga County within 61 days.

Mr. Congdon: I have my checkbook.

Chairman Jensen: We don't take money.

Mr. Congdon: You mean I have to give it to Joe?

Mr. Patricke: Kathy will take it.

Mr. Congdon: Is there an engineering fee?

Mr. Patricke: Come in tomorrow.

Joe Darrow: I live next to the pond and the water level has dropped, but I would appreciate an alternative

to the chain link, I don't want to look at it.

#2 Toadflax Nursery, LLC

Route 9

Public Hearing

Site Plan Review

Rich Morris: Toadflax Nursery with a proposed new garage to house our equipment on the NW boundary of our property. We're proposing the 80x100 building to be constructed on that site.

Chairman Jensen stated the ground rules for public hearings.

Mrs. Riggi: On the North side of the property where it says driveway, is that going to where your new

building is going to be?

Mr. Morse: It's an existing driveway. Mrs. Riggi: What's that about the sign?

Mr. Morse: It's a proposed sign. We are trying to relocate people and traffic flow.

Mrs. Riggi: So it's an indication that it's not a customer entrance?

Mr. Morse: Yes.

Mr. Zimmerman: Do your landscape customers need to go in there?

Mr. Morse: No, they meet in our studio across the street.

Mr. Antis: This is North of Burt's property and you are trying to make a better entrance, correct?

Mr. Morse: We are trying to make it just for our trailers.

Mr. Antis: What kind of trucks? Will there be dump trucks?

Mr. Morse: Several sizes of dump truck.

Mr. Antis: That sight line is terrible.

Mr. Morse: We will cut down a hedgerow and some vegetation. It's in the driveway and needs to be relocated. It's been a driveway for small vehicles and the tree branches need some pruning and maintenance.

Mr. Antis: It's an existing curb cut? It looks hard to get out.

Mr. Morse: I am going to clean it up considerably, mailbox needs to be moved, and we are opening it up.

Mr. Antis: Will Mr. Burt's fence be in your sight line?

Mr. Morse: It's been driven through by a car, it's dilapidated, it's a low fence. I am not sure which part you are talking about. The tall fence in the back is falling down, the short one in front doesn't affect sight. Two junipers in the front on the line are getting big and will be pulled and on the side line.

Mr. Antis: Continues as a dirt road?

Mr. Morse: It's crushed stone.

Mr. Antis: Can two cars get through at the same time?

Mr. Morse: In places, but not next to the buildings. There's a gas line and some ballards, it would be snug there. Off the road, you have 60 ft. to pull off and get over.

Mr. Arnold: I heard you mention 80 by 100 building but not the other two.

Mr. Morse: Connection greenhouse to connect 2 to 3 & 4 to let customers stay out of weather. Those are phased, not for this year, and the other is a 30 by 30 potting shed with machines and flats to fill, etc.

Mr. Arnold: Is there a purpose for the 1.5 story house?

Mr. Morse: It's a vacant rental unit, we use the garage for dry storage. The other portion we haven't decided what we will do with it, we might have office space for a few foremen. Currently they do that in the middle of the nursery.

Mr. Arnold: I was just wondering why there are 6 parking spaces there.

Mr. Morse: It's proposed for the future.

Mr. Arnold: How do you plan to handle runoff from 80 by 100?

Mr. Morse: We have a storm every day from watering. We have detention basins where the nursery stock and trees are, drywells are all designed to clean and maintain and overflow to this detention basin.

Mr. Arnold: How do you propose to move the water that flows off that roof?

Mr. Morse: On the back side, it flows into this ditch and down.

Mr. Zimmerman: Garry have to you looked at it?

Mr. Robinson: I am not sure we are not over an acre, if we're not or if there's plans to be, we would need a swppp.

Mr. Zimmerman: If you tally up the impervious, to know where he's headed.

Mr. Robinson: There are things proposed not in the area of disturbance.

Chairman Jensen: EAF ultimately says 1.25 acres.

Mr. Robinson: That makes it a commercial prop that needs a swppp.

Mr. Patricke: I think that was prepared for the last meeting and disturbance has been revised.

Mr. Morse: Amber did update the area of impact, it's 31,051.

Mr. Patricke: It's a tight margin.

Mr. Robinson: On the other plan, it says proposed, not in that area you are saying a disturbance. A drywell, a building.

Mr. Morse: That's an existing drywell.

Mr. Robinson: It says proposed, it's in the back. There's a little building there, the extension of greenhouse 6.

Mr. Morse: That looks like a typo. There's, in the middle of the mum field, there's a basin. I don't know why that's on there. That's a high spot, you wouldn't put a drywell there.

Chairman Jensen: Is it opinion of consultant that there will or won't be a swppp?

Mr. Patricke: I think we ought to visit the site, and if engineer signs off on it, he could make that determination and not hold them up another month or two.

Mr. Morse: In the visit he could see where the drywells and connections are. The proposed I think is a typo.

Mr. Arnold: I found 4 so far, upper left had corner, 5 inches down, one in front of the house...

Mr. Morse: Two of them I see a need of, Garry can look when he comes out, I don't see the need for the two in the back.

Mr. Arnold: Does the roof on the 80 by 100 ft building pitch both ways?

Mr. Morse: No, one way right to the detention basin. Gutters along the side in the ground with stone in it.

Mr. Arnold: That's what I wanted to hear earlier when I asked, I thought you would say French drain.

Mr. Morse: We try not to deal with gutters, we use drip edges with cobblestone and 6 inch pipe.

Mr. Antis: I have my doubts on that being a good entrance on Route 9. It looks dicey for the size of vehicles you'll be using.

Mr. Zimmerman: Could we ask Mr. Robinson to look at it?

Mr. Arnold: Tractor trailers?

Mr. Morse: No, they come through the center, but I am opening it up.

Mr. Arnold: You said dump trucks?

Mr. Morse: I currently drive a dump truck through there and what I don't like is it scratched the exhaust pipe on my Peterbilt. It just needs cleaning up.

Mr. Arnold: How far between your property and the gas meter guards?

Mr. Morse: About 27 ft.

Mrs. Riggi: If you are making changes can you stick a north arrow on the second map? I can't find it.

Mr. Antis: Is DOT involved in this?

Mr. Patricke: No new entrance ways or traffic flow?

Mr. Antis: Increasing the traffic flow.

Mr. Morse: Just changing.

Mr. Arnold: Increasing flow to that driveway.

Mr. Patricke: I would not expect DOT involved, but you can ask for it if you want.

Chairman Jensen: We are not asking for anything that would involve them.

Mr. Zimmerman: Did it go to the County?

Mr. Patricke: It did, and it came back no County-wide impact.

Chairman Jensen: Let us turn to the EAF, which is an expansion. Public hearing closed 7:54pm. Board what would you like to do?

Mr. Arnold: Motion for negative declaration for Toadflax Nursery LLC. Mr. Zimmerman: Second Roll call vote proceeded as follows: Mrs. Riggi, Yes; Mr. Antis, Yes; Mr. Arnold, Yes; Mr. Zimmerman, Yes; Mr. Bergman, Yes; Mr. Paska, Yes; Chairman Jensen, Yes. Motion carries 7-0.

Mr. Zimmerman: Motion final contingent site review by Town Engineer tentatively scheduled for Oct. 22 validating stormwater requirements are met and firsthand review of proposed modifications to the north entrance to the site.

Mr. Antis: Second.

Roll call vote proceeded as follows: Mrs. Riggi, Yes; Mr. Antis, Yes; Mr. Arnold, Yes; Mr. Zimmerman, Yes; Mr. Bergman, Yes; Mr. Paska, Yes; Chairman Jensen, Yes.

Mr. Bergman motioned for the Chairman and one other member to sign the mylars when they become available and Mrs. Riggi seconded. Motion passed unanimously with no roll call.

#3Schermerhorn Real Estate Holdings, LLC Bluebird Trace- Harrison Quarry Site Plan-PUD

Travis Mitchell: Presented the project. Three parts make up the property, divided by power lines. It has M-1 zoning. R-2 zoning is to the North and UR in blue. Presented map of conceptual site plan. Wetlands are shaded. 25 acres on western side townhouse style similar to Bluebird Village, 116 units, 1500 sq. ft. with amenities and 24 hour maintenance and garage with each. Center of site plans a 70-unit senior building. Schermerhorn has 3 others large buildings 70 units, 1150 sq ft. Caters to seniors with elevator access, fitness center, etc. Forced main sewer from industrial park and from Bluebird Central. We would add forced main down Harrison Ave. with one or two pumping stations. Existing water lines are shown Town Board asked for a loop to be added and that is how to make the connection to Harrison Ave. It is M-1 so we are asking for a PUD to change the Zoning. Models after UR zoning, base density of 1 unit per

5000 sq ft. with 4 acres wetland gives us 21.8 acres so a max. density of 186 units. Used the UR setbacks, 12 ft. side yard setbacks.

We have contacted State Parks, Recreation and Historic Preservation and they have asked us to do a Phase 1, field delineated study. Wetlands are Army Corp but not DEC, we need a permit to cross in two locations, anticipate no problems.

We got a unanimous positive referral from the Town Board, surrounding land use mix is favorable. Rich is no stranger to the apartment scene. We have made application to the Town Board and we are here for recommendation that we can take back to the Town Board. We would have a public hearing and the Town Board would establish the Zoning and we would come back for detailed site plan Review.

Mr. Zimmerman: What are soils like?

Mr. Mitchell: Sandy, good drainage. We are planning concrete slabs.

Mr. Zimmerman: Town water and sewer?

Mr. Mitchell: Yes. As we investigate there will be test pits and monitoring wells so that we know exactly where the groundwater is and can design appropriate features.

Mr. Arnold: Aside from traffic, what's the difference between this and manufacturing use?

Mr. Mitchell: Potential for school age children, minimal because of apartments, but enrollments are down so I don't think it's significant, land use is different.

Mr. Arnold: What is the point of 70 units senior housing that far away from shopping, bus routes, etc.? Mr. Schermerhorn: I just completed at Exit 20 a senior facility and there's no shopping except major retail, and I am finding what is most important is affordability, it's not subsidized but it is affordable. In Queensbury they wanted 55 +, Hudson Falls wanted 60+ but the average person is in their 70's. I have

people living independently up into their 70s and the people are active and still driving. I personally don't find the location a problem.

Mr. Zimmerman: How many stories are you looking at?

Mr. Schermerhorn: I propose three for the seniors, first floor is community room, game room etc., and they are used constantly. I put tvs in there, they are watching baseball and playing cards. I have hit on something much needed, facilities are built today with either very low income or very high, and a lot of people are looking for affordable, Waters Edge in Hudson Falls has 50 units with 9 left to rent opened Sept. 1. I think 790 or 800 price range, those are 750. It depends on the land and development costs. Hudson Falls had a lot of infrastructure already available and I could pass the savings on. In order to fill it, I keep it reasonable. Once they get in, they don't want to move. They hate the idea of assisted living. They like the adult community and their kids come to visit and stay but don't reside there.

Mr. Zimmerman: Were going to want the height specific. What does the code allow now?

Mr. Patricke: 30 ft.

Mr. Arnold: 30 ft. in Manufacturing zone?

Mr. Patricke: Think so.

Mr. Zimmerman: Max density is 186, you are proposing?

Mr. Antis: Should we look at the impact on the Moreau Community Center?

Mr. Patricke: I don't know that that's an issue but we could get input from them and Rich would like to hear their comments, we can give them a package for input and they can come to our next meeting.

Mrs. Riggi: How many bedrooms are the apts.?

Mr. Schermerhorn: 3 bed like I just completed in Bluebird Village. I am completing a bunch of 2 bedrooms but people are looking for larger footprints, 3 bedrooms with garages. That is a price range, 1100 I take care of lawn and trash and that's a price that's affordable.

Mr. Antis: How many residents do you get?

Mr. Schermerhorn: I get some singles even, or married with 2 kids, rarely three. Honestly, Bluebird with 240 units I don't see a huge impact with children, according to the school enrollments declining. I don't see many kids at bus stops or cars waiting for kids. It's difficult to say, but it's on a lower side, I don't see the kids I'd expect to see.

Chairman Jensen: Counsel, since this is a PUD, Planning Board doesn't have approval authority, EAF has to be by someone with authority to be Lead Agency, so the EAF review for this action rests with Town Board?

Mrs. Dilallo-Bitter: Yes, you are doing a recommendation.

Chairman Jensen: What is your exceptional justification for exceeding density?

Mr. Mitchell: Are we exceeding density?

Chairman Jensen: Yes, for PUDs you are. Code 127-C-2a (2e) "For a one-family dwelling, (attached townhouse or multi-family dwelling), innovative uses of land will be considered but a density of more than 8 dwellings per net acre will require exceptional justification." Town Board will pick up on that.

Mr. Patricke: Senior housing is less of an impact per density than other residential.

Mr. Mitchell: It's 172 vs. 186, so it's high, but...

Chairman Jensen: I think it's 8.65 for your net. Look at the Codes, be aware of stumbling blocks.

Mr. Mitchell: It is 70 units of seniors, impact in services is lower.

Chairman Jensen: Are you considering decent screening on Bluebird Road?

Mr. Mitchell: We will get into that when we get to detailed site plan but yeah we would landscape it.

Chairman Jensen: You do have an Industrial park, and it may do something someday you will want screening for yourself.

Mr. Arnold: Units proposed 186 buildings 15 proposed apartment buildings. 4 per building 29 buildings, what's that 15?

Mr. Mitchell: I think that carried over from the plan we based this one on.

Mr. Arnold: Any outside recreation areas for the seniors complex?

Mr. Schermerhorn: In Bluebird Village I did a paved walking path, I wouldn't be opposed to put one around the shoulders of the road. Or we can do a gravel trail behind the units, it's very popular to be pet friendly and have trails where they can walk dogs is good for that.

Mr. Paska: Why is the the entrance on the higher traffic road?

Mr. Mitchell: It just worked out that way, with the layout of the site but this is very conceptual at this point.

Mr. Zimmerman: Looking at a traffic study, we've had a lot of activity, and I think we might be faced with that.

Mr. Mitchell: We will need trip counts and sight distances, they are working on that now, and we can add intersection studies.

Mr. Antis: Isn't that 55 mph? Mr. Mitchell: I don't know.

Mr. Antis: It is 55 mph.

Mr. Mitchell: Traffic engineers will report back on that.

Mr. Arnold: It makes sense to split up where you direct that traffic to. Seniors will not as often go left. Speed limit is 55 and it is straight and flat.

Chairman Jensen: Assuming you get approval and come back, we will ask for comments from engineer, will look at another public hearing, traffic studies, place to put your snow, number of parking spaces, all that we have to go through.

Chairman Jensen: Board, do you feel that you have enough information at this time to schedule a public hearing on this proposal? We make a recommendation to the Town Board on the creation of the PUD, and as part of our regulations we are required to hold a public hearing before we make that recommendation. Do you have enough info to move forward? Need a motion or a request for further info for us to make a learned decision.

Mr. Zimmerman: Do you know how long it will be before we can have the studies?

Mr. Mitchell: This site, unlike many, is not in a shaded area just proximate to it. We should have it but we are going through process.

Mr. Arnold: You are asking if we have info. We are having a public hearing to get input on making a rec. Chairman Jensen: Yes, or to tell the Town why not.

Mr. Arnold: And when it's approved we get it back to manage the site planning.

Chairman Jensen: Yes, we pass info so they can make an informed decision on the creation of the PUD.

Mr. Arnold: Environmental studies, traffic etc. it's more about remediating than disapproving, same thing with other issues. It can be approved this way, but leave room for adjustment.

Chairman Jensen: Technical issues brought forth he will address with help of consultants.

Mr. Arnold: So we're approving of the idea of this type of settlement in this area?

Chairman Jensen: Yes.

Mr. Antis: And the Town Board also has to have a public hearing?

Chairman Jensen: Yes.

Mr. Arnold: I would say we can schedule a public hearing on Nov. 18th. So moved.

Mr. Paska: Second.

Motioned passed unanimously with no roll call.

Chairman Jensen: Any questions of us?

Mrs. Dilallo-Bitter: The bulk calculations proposed, I saw them briefly, we want to incorporate.

Mr. Mitchell: We'll put together a summary.

Mr. Arnold: I don't consider a garage a parking space. Please don't count the garage.

Mr. Patricke: I think on that subject he puts in more than we require, his other sites are more than

adequate. That map is different from the one I have.

Mr. Mitchell: Just the labels.

Mrs. Dilallo-Bitter: It's from April 12th.

Mr. Mitchell: That is the old layout, I will get you an updated one.

Mr. Patricke: About 5 copies of that.

Mr. Mitchell: Sure.

Tressa Jackson: Regards to the wetland that runs through, is that disturbance covered under 401 permit

for Army Corp, or DEC wetlands regs?

Mr. Mitchell: Army Corp, and it is under the tenth of an acre threshold.

Ms. Jackson: Will that be in the EAF? Chairman Jensen: Yes, Town Board.

Mr. Patricke: I want to introduce Charlene Endal, alternate.

Mr. Antis: We were all notified about January meeting planning conference, how soon do we need to

notify?

Mr. Patricke: Let my office know and fill out the form.

Chairman Jensen: The email you received from Saratoga County is that the paperwork will follow but reserve the time. That will all come out later. The face of that form gives dates for fees, get requests in proper to the first date.

Mr. Patricke: Town Board wants everyone to go.

Chairman Jensen: Includes alternates. Please make sure Charlene gets a copy.

Mr. Arnold motioned to adjourn, and was seconded by Mrs. Riggi. All in favor, meeting was adjourned at 8:40 p.m.

Respectfully Submitted,

Tricia S. Andrews