

**Town of Halfmoon Planning Board
July 24, 2023**

Those present at the July 24, 2023, Planning Board meeting were:

Planning Board Members:

Don Roberts –Chairman
Marcel Nadeau- Vice Chairman - absent
Tom Koval
Rich Berkowitz
Thomas Werner
Mike Ziobrowski-absent
Charlie Lucia

Planning Board Alternates:

Alison Pingelski
Laurie Barton

Coordinator- Building, Planning and Development:

Richard Harris

Senior Planner / Stormwater Management Technician:

Paul Marlow

Town Attorney:

Lyn Murphy

Deputy Town Attorney:

Cathy Drobny

Town Board Liaison(s):

John Wasielewski
Eric Catricala

Town Engineers:

Joel Bianchi

The Chairman opened The Planning Board Meeting at 7:00 pm

Don Roberts: Good evening, I would like to call the Town Planning Board meeting to order please. Have the Board members had a chance to review the minutes from the last meeting? Could I have a motion?

Rich Berkowitz: I make a motion to approve.

Allison Pingelski: I'll second it.

Don Roberts: I have a motion and a second all in favor Aye? (All were in favor) Opposed? (None were opposed) Motion carried.

Public Hearing:

Geleta Subdivision, 199 Farm to Market Road- Minor Subdivision (23.100)

Jacob Keasbey: Good evening my name is Jacob Keasbey I'm a land surveyor and engineer, I work for Brian Holbritter, here to represent our clients the Geleta's and McBrides in the subdivision of their property at 199 Farm to Market Road. The intent of the project is to break up the property per the Will of Mona McBride. On the map shown behind you there will be 31+ acres added to Kathleen's property on the south side of Farm to Market, there will be 15 acres added on the south side to Louis McBrides property as well as 20 acres on the north side that will be added to his property and then there will be 35+ acres added to Jacklyn Hoyts property on the north side and the remaining property 2.5 acres around Mona's house will be conveyed to a family member.

Don Roberts: That's it?

Jacob Keasbey: That's all I've got.

Don Roberts: At this time, we will open the public hearing would anyone from the public wish to speak? (No comments) once again would anyone from the public wish to speak please come up and say your name and address and any comment you may have?

Christine Mathews: Yes my name is Christine Mathews I live in Old Dater Farm at 5 Cinnamon Lane, just a question on this project I noticed there is a significant curve on that portion of Farm to Market road so I would be interested in having the engineering team address how the access will change at all on the proposed subdivision and how many are going to be on that and how much traffic will be disrupted or generated by this subdivision.

Jacob Keasbey: So, the intent is only to break up the property among the existing family members that are there, there will be no added entrances or exits as well as no added use, it's for dwelling, so. It's just an inheritance break up of the property between the family members.

Christine Mathews: So, there is no intent to further subdivide past this point.

Jacob Keasbey: At this point no

Don Roberts: Okay thank you, would anyone else wish to speak? (No comments) Anyone online wish to speak? (No comments) Okay since no one wants to speak we'll close the public hearing, comments by the Board members?

Rich Berkowitz: I make a motion to make a negative declaration for SEQR

Tom Koval: Ill second

Don Roberts: All in favor Aye? (All were in favor) Opposed? (None were opposed) Motion carried.

Rich Berkowitz: I make a motion to approve the minor subdivision

Tom Koval: Ill second.

Don Roberts: All in favor Aye? (All were in favor) Opposed? (None were opposed) Motion carried, all set.

Geleta Subdivision- Minor Subdivision

APPROVED. A Public Hearing was held and the Board approved a Minor Subdivision involving 199 Farm to Market Road and adjacent properties.

ELP Halfmoon Solar, 48 Smith Rd – Site Plan & Special Use Permit (23.047 & 23.048)

Richard Harris: I do just want to note for the record that there was a typo in the public hearing notice, the public hearing notice had incorrectly said that the project was 4000 megawatts, its 4 megawatts, significantly less so I'll just clarify the project is proposed at 4 megawatts, not 4000.

Jamie Fordyce: Good evening I'm Jamie Fordyce here with Will Bliss speaking tonight on behalf of Halfmoon Solar to present our proposed community solar project on Smith Road. We've been in front of the Board a number of times but for benefit of the public here tonight I'll just speak a little bit about what Community Solar is and then describe the project and the path we've been to, to be here tonight. In terms of Community Solar what we're talking about is a centralized location of solar to which those who cannot afford to or do not wish to put solar on their roofs can subscribe and benefit, play a part in the renewable energy transition and while reducing their utility bills. In terms of why we do it, we typically think about three benefits, the first of course is environmental, I think most of us need to change how we generate our power in addition to being emissions free. Solar is a low impact land use which essentially allows energy generation to co-exist with grassland and with minimal impact to storm water and supportive habitat with pollinators and other small wildlife. We also think about community benefits as I mentioned these projects allow local residents and businesses to subscribe to them and benefit from utility savings, they also support local services via pilot payments to taxing jurisdictions, supporting schools, municipal budgets without drawing on them with the same level of resources that other types of development do. And lastly there are benefits to local infrastructure, and that's because particularly in areas with a lot of residential growth, like we have here the electricity grids are under strain, and as they reach their capacity to meet demand this is relieved by local generation, provided by these projects which actually coincide with peak energy demand times in effect that's (*unintelligible*)so that's what we're talking about I'll speak specifically about the project. Now and its path to be here tonight as many of you guys know we're in front of the Board with a larger project about a year ago, we withdrew the application last summer and refocused on our efforts on working with the most affected abutters on a revised design that would better fit the setting of the property. We hosted several community open house meetings here in this room, first of which was held last August

and focused on gathering feedback on the then current design, we had a number of residents come out, some back and forth I think a productive discussion and out of that meeting a plan to meet at the property with some residents and walk the site and evaluate the proposed setbacks as well as certain elements of drainage near the northern property line. The first site walk was held in September, we collectively determined that a 150 foot screen provided leaf on conditions, a pretty effective screen visually from the north border of the site but we also agreed at that time to do another walk in leaf off conditions in the dead of Winter to make sure that we had an effective screen, and which we did we met again twice, once in November and then again December trying to maximize folks who could make it. We took the feedback gathered on the site visits to make additional modifications to the design and we then presented an updated design in another community meeting here in this room in January. So, the design we've presented tonight incorporates a lot of this back and forth I can't say we've satisfied everybody, but we've really tried to do as much as we can to come forward with a design that really reflects and respects this engagement. The new design is significantly smaller its 20 % reduced from the initial project size and both in terms of the capacity and the fenced in area and the buffers, the no cut buffers, and the added visual mitigation has been significantly increased from our initial application by factor 4 so I'll let Will speak to some of the other specifics in the design.

Will Bliss: Thanks Jamie and so just really quickly you'll notice there is kind of an interesting shape to the array, the idea behind there is we quite literally walked every corner of the property, evaluated the density of the vegetation in those locations like Jamie said there are many areas at 150 feet adequately made it so you could not see through to the other side of the property and actually observe any sort of visual impact there were a few areas that there were requests from residents who also proposed additional plantings and screenings and you'll notice those in the north eastern corner and the northwestern corner and then there is a few areas where we have additional setbacks that range between 200 feet and increasing beyond that, those are either due to lower vegetation where we felt there was an additional set back was appropriate to meet the same level of buffer or in other areas there are other environmental constraints that actually create a larger buffer so in total roughly around the exterior of the site there is about 15 acres of preserved green space that's going to remain in place and then everything else would be located interior to that. The last thing I'll just mention is we did also adjust the fencing to include a privacy mesh so you'll have the existing buffer in place in many areas additional plantings and the privacy mesh that will all sit between the property line and the proposed project, I'm happy to speak to any other aspects of the design but those are the main ones I just wanted to highlight.

Don Roberts: That's it?

Will Bliss: Yup

Don Roberts: Okay, at this time we'll open the public hearing, first thing we received a number of written correspondence we would like to add into the record, right Rich?

Richard Harris: Yes, we received emails and letters back in January and 3 or 4 when the notice went out a couple weeks ago the Boards received paper copies of all of them, electronic up to the one I received at 5:30 today that way everybody has a copy of the letters we received d

Don Roberts: And the applicant has it as well.

Richard Harris: Yea, correct they have copies too.

Don Roberts: Okay so I guess the public hearing is opened if anyone wishes to speak, please come up and say your name and address and any comment you may have. One at a time please, Ma'am you go first

Sharon DeChiro: Good evening my name is Sharon DeChiro, I live at 32 Moreland Drive, I am directly on the west side of this project I was one of those people that sent in an email with a lot of attachments to it so you can all view those attachments. I've been at a lot of these meetings where these gentlemen have been here trying to get the project started. So, while we appreciate ELP's dedication to this project we still feel it's not right for this area. We've attached photos of other sizeable solar farms in upstate New York to this document. Please note that in all of these photos not one single home is in the picture, all of these solar farms are located in open space areas where zero homes are in site. Compared to the aerial photo of the proposed ELP project, look at all the homes it impacts, how many registered letters did the Town have to send out again to let people know that they would be directly impacted. Again, I just don't feel like it's a fit for this particular area. According to an article that I just read March 24 of energy theory, what are the health risks of living near a solar farm. Authorities advise relocating at least 2 kilometers which is roughly 1.2 miles from a solar field, then you would be extremely likely to suffer any bad health effects or other problems at this distance. Solar farms are fairly new studies and regarding the long-term effects are not readily available until someone can guarantee that me and my family will not suffer any health effects from this solar farm I am strongly opposed. We truly believe in clean energy and the need for it, we also understand the numerous financial opportunities it would give the Town of Halfmoon. The Town of Halfmoon has plenty of open space where solar farms could operate successfully without impacting taxpayers' homes. In the notes from the March 22nd meeting Will Bliss the representative from ELP stated that this land lease was in agreement for 20 years, with a possibility of 2 -5-year extensions for a total of 30 years, if I stay in my home, I will be looking at these solar panels for the rest of my life, this is not acceptable to us.

Don Roberts: Okay thank you. I think we will let everyone speak and then we'll have the applicant respond at the end okay thank you Ma'am. Yes Sir.

Antonio Simoni: Good evening, Board my name is Antonio Simoni, I'm with the Labors International Union of North America, Laborers Local 190. I just wanted to go on record stating that we worked with ELP in the past, we have a great relationship with ELP, we've worked with them on a Stillwater project, we have many members that live in this area, that will love to have a chance to work in their own back yards, these are great paying jobs and I believe that there is something strongly we're going to push for it.

Don Roberts: Thanks

Vinnie Torriano: Good evening my name is Vinnie Torriano I'm also with the NYS Labors, so we are in support of ELP, East Light Partners and we feel that they will generate many jobs for the local community that we have here, especially good working paying jobs. Our experience with them has always been terrific and they have a great asset for the community.

Don Roberts: Thank you.

Duane Farkenson: Good evening my name is Duane Farkenson, I'm also with the NYS Labors Organize and Fund. The job creation and economic growth that solar industrial has the potential to create jobs and stimulate economic growth as the demand for solar technology increases more employment opportunities arise and manufacturing, installation and maintenance and research and everybody has families so the families that live in the neighborhood or in the area which are the local 190 can benefit from being on these jobs an know exactly what takes place on these jobs and the family could benefit from it and it can grow.

Don Roberts: Thank you, alright anyone else wish to speak? Yes Ma'am

Eileen Pickett Kivlen: Good evening my name is Eileen Pickett Kivlen I live at 32 Misty Meadow Way and my, I live with my husband and our property borders 600 feet of this property where the proposed solar farm is going. When I look out my kitchen window, when I sit on my patio I see trees, I see deer I see all kinds of animals and birds. The land slopes upward so that when these solar panels are installed, they are going to be visible from my back yard, from my patio, from my kitchen table. That's a big concern to me and the concerns that Sharon brought up are also concerns to me. I am also concerned about my health; I know I've been told that there's no health risks with solar farms, but I've done a lot of reading and on this topic and I'm concerned about the electromagnetic field and the effects that it will have on my health. One article I read said that people who are super sensitive to environment can be affected by fatigue, by headaches, by their eyes can be affected by the light from the solar panels. I'm one of those people who is super sensitive to the environment. I work with an allergist and I'm super sensitive, so I'm very concerned about my health if this goes through. Aesthetically I'm very concerned, I have a beautiful back yard, when we walk the property to look at that land before we built our house, we picked the land because of where it was and how it looked. Had it had a solar farm next door there's no way we would have bought that piece of property. It's going to take away all of the habitat for the wildlife that walks through our back yard. The birds the owls the hawks, the foxes the deer. We were told at the first meeting it would have absolutely no effect on the wildlife, I don't believe that you can't fence in 19 acres of land and say it's not going to take away a habitat for animals. I'm passionate about wildlife, I'm a wildlife photographer and this really bothers me, I've lost sleep over it. It's very, very upsetting to me. I asked Jamie today what kind of solar panels are they using for this and I was told they are mono crystalline solar panels. What I've read is that it's recommended that a monocrystalline solar farm be at least 1000 meters from any homes. That's 3280. Feet. This project is proposing the set back of 150 to possibly 200 feet, I don't feel that's enough, I appreciate that they have revised, they've met with us they've walked the land together but in my opinion this project does not belong next to our neighborhood and I think I speak on behalf of the residents of Harvest Bend, the 61 homes in there, it's going to affect our property value, an article I read in USA Today said that property value will be reduced by 2.3 % if the solar farm is within a ¼ of a mile to homes. This one is, it's going to be 200 feet from my property line and my home is very close to my property line, so I want to say again which I said at the very first meeting, I'm not against solar energy, I'm not against solar farms, the Town of Halfmoon has a lot of open space where the trees are already cut down, its farmland it's clear to put this solar project in you have to cut down all of the trees, that means all the nests for all the birds will be gone, a its going to affect the wildlife. Solar farms are a great way to reduce the reliance on traditional

energy, and I understand that and I'm not against that, I'm not against solar energy but I am against having it in my back yard. I want you all to think would you want a solar farm next door to your house? I don't know if anybody would so this is just it's upsetting, I don't believe it belongs there as Sharon said, we're not against solar energy we're just against it being where it is, it's a residential area it doesn't belong there in my opinion. Thank you for your time.

Don Roberts: Thank you, anyone else wish to speak?

Christine Mathews: Yes, so again my name is Christine Mathews I live at 5 Cinnamon Lane, right here in Halfmoon. The Town Planning group is moving forward with updating the Comprehensive Plan so when you look at what communities are doing to bring solar into their communities, their bringing solar projects into lowest desirable land areas. The types of things might be brown fields, it might be areas that can't be used for other purposes along transportation corridors etc. so Halfmoon has an opportunity here this Planning Board has an opportunity here to do the right thing to site solar projects in our community where they belong in less desirable land locations, not in prime locations where there are valuable homes are, we have beautiful residential communities here in Halfmoon that have been, communities that you have endorsed and you have helped grow and develop, Halfmoon is a rapidly growing and desirable place to live but if you bring this kind of project into valuable homes and you start to erode the value of the community that you have built it makes no common sense at all, so there are other places in Halfmoon I would encourage you to look further than this particular site which is so close to some of the beautiful communities that you've build out here.

Don Roberts: Anyone else wish to speak? Yes Sir.

David Dunsic: My name is David Dunsic, some of the folks here who are McBrides may remember me, we went to school together, and we lived on Smith Road, and it was a farm, and it was open space folks. One of the things that people forget in this.

Don Roberts: Sorry Sir what's your address for the record.

David Dunsic: Oh, Wineberry Lane, Malta, and we grew up on that farm, open space, agriculture. The folks who are commenting about some of the future of what this may look like perhaps forget that in 20 years 25, 30 years this will be open space again. Open space as it was 30 years ago. And in the comprehensive plan you just mentioned one of the challenges in Halfmoon is open space, so the property owner in this space is faced with continually rising property taxes this is a fact of life, in fact this in a way preserves open space for the future, because its being if you think about it rationally and installation is going to be there for 20, 25 years it basically opens up that area so that you have breathable open space, as for wildlife etc. we certainly know that I live up in Luther Forest and there are deer coming into our areas of Luther's Forest because habitat all over Saratoga County is being developed. I mean it's a fact of life. I think the important parts about this solar project development is again when me and the McBrides grew up in this area Halfmoon prided itself on being the Solar town, and we talk about our history and our roots, I don't it's surprises me that we forget about this, the solar project over by Pruyn Hill, these are projects that have a direct impact on not just people who have half a million, ¾ million dollar homes but on folks who maybe have a more

modest home because it allows them a low cost energy at less perhaps than they might be paying otherwise because if anything I believe the folks from ELP that is one of the options that they will offer to folks living in the immediate area of the project, I may be wrong on that. I just want to suggest to folks that you give serious consideration to the positive sides of this, and again I hear about the woods and the forests, and again if you're in agricultural and I think this Board has seen it, if you're an agricultural or mixed agricultural use and the farm land is then not turned into something but then all of the sudden another housing development and who knows there since the time when we've grown up there has been tons of housing developments along Farm to Market Road. Many, many and as this Board knows there's probably more down the pipeline that are eventually going to come through, so here's a possibility for 20, 25, 30 years to in a sense preserve an open space for the future, a different perspective Sir, thank you.

Don Roberts: Thank you, would anyone wish to speak, Ma'am you spoke twice already let's give someone else a chance, one second please, would anyone else wish to speak? Yes Sir?

John Camp: Hi my name is John Camp.

Don Roberts: Your address please.

John Camp: John Camp, 14 Eleanor Court. Way back when Rich gave us a copy of the original site plan, the site statistics say that our houses in agriculture, residential property. The proposed use for this project is a public utility, that's what it says, the solar panels just generate electricity, the public utility which I have a definition of, so they went, project is a public utility, and a public utility is a company that operates as a public service corporation and provides essential services to the public such as electricity, telephone service, natural gas etc. Now they have to meet the requirements of the special use permits, I would like to read a paragraph from the special use permits section 165.82 purpose. "The purpose of the special use approval is to allow the proper integration of uses into the community and zoning districts which are only suitable in such areas so that they may be properly located with respect to the effect on surrounding properties." So, in effect what's going on is this project is deciding whether they are going to put a public utility in our back yards, and I thought the special use approval had built in interests in residential properties, I think it will be tough to put up a special use utility in our back yards, thank you.

Don Roberts: Thank you Sir, anyone else? One more time, go ahead Sir.

Jack Neelan: Jack Neelan 20 Eleanor Court, I believe my neighbors pretty much said, what I wanted to say but everyone I have talked to nobody in these developments want this at all. They want no part of this, its affect the wildlife it's going to affect health, its going to affect your property value. That's pretty much all I wanted to say, I mean no one wants it, there is nobody that I know wants it. Thank you.

Don Roberts: Anyone else? You've got to come up its all recorded I'm sorry, last time, right? Name and address again please.

Christine Mathews: Christine Mathews 5 Cinnamon Lane, in Halfmoon. Question that when I listened to the representatives from Labor, which is great that you are here supporting our community and the growth within our community. It struck me that we are not looking at manufacturing here for solar panels. I was

under the impression they might be out of US, made out of US, so when the team comes back to discuss that if they could address where the panels are made and how many jobs this would actually bring to Halfmoon in the construction phase and in operations, I'd appreciate it thank you.

Don Roberts: Okay, thank you, okay anyone else? Anybody online wish to speak? (No comments) Anyone online wish to speak, Ma'am did you have you had up? Ma'am did you have your hand up or no? No, okay, okay at this time we will close the public hearing, before we get comments from the Board, I would like to turn it over to Town Engineer Joel for a SEQR process.

Joel Bianchi: Sure, so to give the Board just a refresher, this application last year that was previously withdrawn this Board when they were given the opportunity to take action on SEQR, they issued a positive declaration with a draft positive declaration issued. Since that time the applicant withdrew the application and then came back with the current application that you have before you which is a smaller scale project, smaller footprint, but when the Board did the SEQR positive dec, you know we worked with the Board and there's basically 18 broad scale categories under SEQR that any lead agency is to look at, and the way the part 2 breaks it out into these 18 categories where a lead agency can determine whether there is a potential adverse impact. For those items if there is a potential then there are sub questions underneath those impacts that you further evaluate and say is the impact not going to occur or is it a small impact or is it going to be a moderate to large impact so the Board went through that and of the 18 we found 4 categories that had a potential for impact, after further evaluating we found 2 of those potentially large impacts to be of concern and that was the basis for this Board to issue a positive dec and I will just re read to the Board what the pos dec the draft one that was going to be issued but did not get issued because the applicant withdrew the application. So, the first item was- 1)The proposed actions land use components are different from and in sharp contrast to the current surroundings land use patterns- 2) The proposed action is inconsistent with architectural scaling character of the area -3) The proposed action is inconsistent with the character of the natural landscape. So, if you want, we can go back through the EAF part 2 and I won't review those items which the Board found had no impact, potential impacts simply because the current application is smaller in scale, smaller footprint so all of those impacts that you found did not exist would not get any different under the current application. So, the 4 items in which you found to have a potential impact were impacts on Land that was one of the items though as you went through the subsequent questions you determined that the impacts wouldn't exist or were small, so we said that was no longer an impact. The next one was impact on agricultural resources, but again that one as you went down through the sub-questions the Board at that time found that in fact there was no impact to agricultural resources. The items in which the Board majority found has a potential impact and found through subsequent questions those impacts were moderate to large was, consistency with community plans, the one item that this Board found was a moderate to large impact was the proposed action land use components may be different from or in large contrast to current surrounding land use patterns as I recited in the draft pos dec. The second one was consistency with community character again the Board found in a majority vote that that was a potential impact, and the impact was moderate to large under 2 criteria. The proposed action is inconsistent with our towns architectural scale and character and the proposed action isn't consistent with the character of the existing natural landscape. So I think the Board now based on those 3 questions of those 2 categories you have to make a determination whether the current submission addresses those and sort of moves those impacts from

moderate to large to no to small impact and then Don if you want to do it the way the Board did it last time the Board basically voted on those criteria which then led to the pos dec, or the draft pos dec.

Don Roberts: I want to do this now because now I want the applicant to respond to the comments from the public and your comments as well all at one time, so gentleman go ahead please.

Jamie Fordyce: Thank you, I was hoping you would say that, so we've jotted a couple of notes and if the Board feels we have missed anything please let us know. The first speaker Mrs. DeChiro if I have it correct. In her correspondence made a note that there's in other projects she's shown homes near the projects I think you know in our earlier Board presentation when we first re-introduced this project we showed in the very Town of Halfmoon the Pruyn Hill Road project has abutting residences some of which have transacted pre and post the projects construction which are closer indeed closer than the 200 foot buffer that we allowed for here, so I think that's important to keep in mind. Health risks, we did provide in our initial application the solar basics package from NYSERDA which speaks with peer reviewed literature and references to health impacts of solar or lack thereof. It's tough in this information age to discuss this when you can just go onto the internet and get anything you can, we have algorithms writing text so that you click on them, so you see advertisements, so I just encourage you to check your source and be sure that its peer reviewed and rigorous. There is a comment that its new technology, its old technology the solar farms have been operation for decades now. In plenty of other locations for this project it's actually quite limited if you think about the great capacity this is a site that has been selected for very particular reasons in terms of its history as open land it's a sectional forest it just like Harvest Bend was once forest and then cleared and this is an impact that is much less than many of the impervious surfaces that you see in that subdivision. There was a discussion about wildlife, we're happy to accept if the Board should have it, implanting wildlife friendly fence, many towns request that of us and a condition of a special use permit, that allows small wildlife as you could see, fox , rabbits all manner of wildlife to pass through the barrier provided by the fence. Visual impacts we heard from Mrs. Kivlen, we walked your property with you and certainly respect your concerns, we understand that from your property the land rises and we've went to great extent to not put anything on that rise and up to the top of the berm, so I really feel like your visual impacts are going to be limited. We've offered additional plantings as you can see, not on this sheet but on the overview sheet. To sit between your property and the first panel. And then there is the question of whether it fits in the zone, which I think we spoke about the Pruyn Hill Road example, I think it's important to apply the zoning regulations on a district broad basis as opposed to a neighborhood basis, we will just point out from the SEQR handbook the statement that, the SEQR handbook notes that the lead agency is encouraged to review its files on previous significant terminations involving similar projects or geographic locations. It's important that each determination of significance an agency makes may provide guidance for future determinations. To some degree these determinations set precedence and reflect community values. I'll leave it there.

Don Roberts: Thank you, one question that was asked that I didn't hear answered, where are the solar panels manufactured?

Jamie Fordyce: Yes, so like many of our electronics in our pockets and in our homes the panels themselves come from overseas. The labor comes here, right the jobs maybe. Will can speak to the specific number of

jobs that are likely to be employed onsite, their short-term job opportunities but those opportunities are key for local labor because that's what puts food on the table for them.

Will Bliss: Yea, I'll also just add the manufacturing is changing there's been a lot of major investments in this technology to build solar manufacturing in the United States, it's time for these plants to ramp up so over the next 2 or 3 years you're going to see a lot more of these panels being manufactured in the United States. Today we're in a transitional period where the vast majority are coming from other countries. As far as the construction jobs go this can vary a bit, job to job you're likely to see you know at points in time only 5 or 10 employees on the site and then it will probably ramp up at moments to 50 or 60 you're going to see a variety of trades that will predominately be a lot of laborers a lot of electricians out on the site but there's also civil work that's taking place. Landscaping work that's taking place fencing. There are a lot of local contractors that are going to be brought into the project so. I would say anywhere from 30 to 60 construction jobs will be created by this. Construction will likely last you know around 8 to 12 months.

Don Roberts: Okay, thank you. Comments by the Board?

Rich Berkowitz: Solar panels have evolved over how many years?

Will Bliss: I would say in the 70's probably is when they first manufactured

Rich Berkowitz: So, what generation solar panel are we on?

Will Bliss: I guess in terms of generation the efficiency and cost to glen has been very significant in the last 10 years so there iterating these panels such that pretty much every project that we install there is a new age panel that is being installed.

Rich Berkowitz: So, when do your solar panels become obsolete?

Will Bliss: It's not really like that you're seeing

Rich Berkowitz: To run yours versus replacing

Will Bliss: So, I mean the panes have a warranty that they guarantee an output of up to 80% of the original output of the panes for the first 20 years so you see a slight degradation throughout the life of the panel, but they are guaranteed to be good for 20 years. The majority that have been operational for that long are outliving that life span closer to 30 years.

Rich Berkowitz: So, you're not coming back here with this new generation of panels and changing out those panels?

Will Bliss: I'll clarify that its incremental, increases every year right so very marginal increases that over time make a big difference but you're not going to, it's not going to make a big difference it's not going to make any sense to replace these panels in 5 or 6 years, it's going to take another you know 10 or 15 years for us to want to invest the money to want to do that. The initial investment in the panels just for perspective

is a very large portion of the project so once you make the purchase of those panels, you're not going to want to swap them out any time soon

Rich Berkowitz: So how long does it take you to recoup your costs with the savings of energy?

Will Bliss: That's why the lease is 20-year term. It's made to be a 20-year term with a warranty life of the equipment and the financial life of the project.

Rich Berkowitz: So, you get your cost back after 20 years, that doesn't make sense.

Jamie Fordyce: Well I mean in terms of costs back you know likely 10 or 15 years it really is going to depend on where energy prices go over the period of time of the project, but you know at the moment the project is built you put down as Will said the capital expense that needs to be amortized over the entire life of the project.

Rich Berkowitz: And the government subsidizes some of this?

Jamie Fordyce: There is a tax credit that underscores the financial case but it's not the entire case

Rich Berkowitz: From County or Federal or State?

Jamie Fordyce: From Federal

Rich Berkowitz: Federal, so you are still paying taxes to the County and the State?

Jamie Fordyce: Absolutely, yea, it's typically under a pilot agreement so payment in lieu of taxes, that's going to go to the local school district, local County, and local Town.

Rich Berkowitz: Okay.

Don Roberts: Anyone else?

Tom Werner: Yes, one of the speakers earlier this evening referenced a study of the impact of home values within a quarter of a mile of a solar farm are you familiar with study?

Jamie Fordyce: We are, yes

Tom Werner: Its Lawrence Berkley National Laboratory, 1.8 million homes 6 states, what's your experience been?

Jamie Fordyce: That's the most robust study that's been done to date, as you noted they analyzed over a million home transactions which is a magnitude beyond any other study. As the speaker noted on a whole in states where they could identify an impact, they determined a 2% impact on home values. It's important to understand, read the numbers in that study. They evaluated 6 states, 3 of which they could not determine any significant impact, and I believe that was Colorado, Connecticut, and Massachusetts and of course Connecticut and Massachusetts are the closest analogs we have here. There is no specifically determinable impact found. The other thing I will say is that the study did not control for visual screening and mitigation

which of course would be the most effective thing you could do to mitigate impacts on property values, and so in my mind it's an important study it contextualizes the degree to which there is potential impact, we're talking about 2% of 20% from an appraisal point of view that's pretty bounded but I think the important take aways are that in you know half of the states they studies they couldn't determine impact and they didn't control for the type of mitigation measures we've proposed here to you to address the issue.

Tom Werner: Yea I believe in 3 of the states it was higher, the average was 2.3% across 6, and you are correct there are 3 where there was no discernable impact, but I think in a couple states it was up around 5 ½ %.

Jamie Fordyce: Okay, sure

Tom Werner: Not insignificant.

Jamie Fordyce: Again, I think the key in any statistical study you've got to look at control study variables, and there is no control for visual mitigation here and that's what we've been talking about for a year.

Rich Berkowitz: Are personal solar panels on someone's roof the same as the solar panels you are using?

Jamie Fordyce: Same technology, yes so, my roof for instance I have mono crystalline panels, their silicon, 90% , 90% glass I live underneath them millions of homes in America live underneath them.

Rich Berkowitz: Has there been any known studies of health effects on people's roofs versus solar arrays on private property?

Jamie Fordyce: I don't understand the question.

Rich Berkowitz: Has anybody done a study of personal solar panels on someone's roof, has anybody gotten sick or increase incidence of cancer or ..?

Jamie Fordyce: No, you can talk about the EMF's right and there's, I can't remember if it's the National Institute of Health but they've very

Rich Berkowitz: But has NIH ever done a study personal use solar array versus a large public use solar array surrounding a neighborhood or surrounding a home or...?

Jamie Fordyce: Not that I'm aware of a particular study but there are toxicity studies done all of the time on the prevailing technology.

Don Roberts: Anyone else? Okay then Joel, we will turn it back to you we will discuss part 2, right?

Joel Bianchi: Yea, so what I'll do is I'll go over all of the categories and explain why the Board made the decision that they did previously, Ill exercise brevity the best I can, but then I will focus on the questions the Board determined as being potentially moderate to large impacts and Don however you want to handle it with the Board to poll on those.

Don Roberts: As far as we'll vote on them.

Joel Bianchi: Yea, and ultimately what I think maybe, however the Board goes this evening I think it may be better off that the Board doesn't make a decision tonight but actually comes to a general consensus then we can go and prepare the drafts part 3 which would be the findings of non-significance and give it to the Board if maybe before the next meeting and then if you are going to vote positive or negative on that, if it was a negative then obviously you could vote on the action on the application but if you issue a positive declaration again the application stops, they would have to go through an EIS so that's just to sort of set the ground work.

Don Roberts: And for, save confusion for voting purposes I think we'll just start down the end with Tom Werner and go down.

Joel Bianchi: Sure, sure

Don Roberts: That way we get an accurate vote

Joel Bianchi: So, the first one, Impact on Land the Board thought yes there was a potential impact, however as you went through the subsequent questions having to do with water table, construction on steep slopes, potential erosion control, we found that because they had a very robust stormwater pollution prevention plan and any of those impacts would not exist or were small. I think the Board agreed with that again this project is smaller any of those impacts would continue to be no, to small. Next one was impact on geological features, there are no pronounced geological features on the sites, so we said no. Impacts on service water we said no. Again, that sub section question talks about earth work, impacts on wetlands, 2 things there again the stormwater plan that they have largely mitigates those impacts, plus they are working with DEC and Army Corps. on getting permits for work within the adjacent area for the State wetlands, so again we thought those impacts did not exist so there was no impacts. Impacts on ground water, again no, has to deal with depth of ground water construction activities, the(unintelligible)_ the stormwater plan addressed that, so we said there was no impact. Impact on flooding there are no designated floodways or flood zones on this property, so the impacts do not exist. Impact on air we said no, this is not a state permit, a title 5 permit, or no air emissions associated with the project. Impact on plants and animals, we said no, they have sign off from NYS DEC regarding there are no threatened endangered species on the project site. Impact on agricultural resources initially we did say yes, a potential impact, but as you go through the subsection questions ultimately there was no to small impact, primarily it is not an active agricultural use that's usually what those questions are surrounding. Impact on aesthetic resources, I know there was an extensive discussion when they were before the Board previously the Board was leaning to yes there is the visual impacts however the primary base is to go yes on that one is it near a designated view shed, something designated either by the Town or the State and in fact we determined it was not so the visual impacts were determined to be no. Impact on historic and archeological resources, there are sign offs from the State Office of Parks and Recreation saying that there are no cultural, historical or archeological resources on the project site. Impact on open space and recreation, we said no, it's not designated open space by the Town, Town of Halfmoon or any other State agency. Impacts on critical environmental areas, this is not what's considered a designated a critical environmental area. Impact on transportation, we said no, both in the construction phase and the operation phase there is virtually no construction or no vehicle

traffic. Impact on energy we said no because it actually doesn't have a draw on energy, it's actually putting energy back into the grid. Impact on noise, odor and light, we said no, any impacts would be small and only during the construction phase, again we said no. Impacts on human health, this has to do a lot with the prior uses, it was a hazardous waste site, are there hazardous materials going on during the construction phase, we said no. Consistency with community plan, now this is one of the ones that the Board believed there was an impact and then the one question where the Board thought there was a moderate to large impact again was the proposed actions land use components may be different from or in sharp contrast to current surrounding land use patterns. So, Don, do you want to sort of put that to the Board?

Don Roberts: I think we should

Joel Bianchi: Okay, do I call the roll?

Lyn Murphy: The question is will it have less of an impact as it relates to the, is it different enough from the surrounding area, although it is an approved use through special use, that you think this is unique enough that you think it would be detrimental to the environmental impact.

Joel Bianchi: Right and have the project changes overcome that impact, do the project changes that the applicant performed avoid, mitigate or

Lyn Murphy: I would even talk about the lessening of the scope.

Joel Bianchi: Right, lessening of the scope, giving them auditory and visual buffers, has that sort of overcome that issue that the Board had last time as a majority?

Don Roberts: A yes vote means?

Joel Bianchi: I would say a Yes vote says that, let's get this straight,

Don Roberts: That's what I mean

Joel Bianchi: A Yes says that you agree that the project changes have now made that a no impact or small impact. If you say No, you agree that it still has an impact that is moderate to large.

Lyn Murphy: Alright, I would not have interpreted it that way so I'm glad we clarified it.

Joel Bianchi: Yes, is good for the applicant, no is bad for the applicant.

Don Roberts: Tom how do you feel?

Tom Werner: I'm not sure

Alison Pingelski: Joel can you read the question one more time please?

Joel Bianchi: The proposed action land use components may be different from or in sharp contrast to current surrounding land use patterns.

Richard Harris: Can you give the options of the checklist categories?

Joel Bianchi: The categories, what as far as the options to answer it?

Richard Harris: Yea

Joel Bianchi: Its either No or small impact may occur, is one set of answers.

Don Roberts: That would be a Yes as far as we're concerned

Joel Bianchi: Right, yes

Don Roberts: Yes

Joel Bianchi: That would be a yes, that moves the needle back the other way. The other option is a moderate to large impact may occur, taking into consideration that they have changed the footprint of the project in an attempt to mitigate that, mitigate, minimize, or avoid that impact.

Rich Berkowitz: So, we're basically voting because last time we thought it was a moderate to significant impact and we're voting whether they've lowered that threshold to no or small impact?

Joel Bianchi: Correct, and a yes vote gets you there a no vote doesn't.

Don Roberts: Do you want to go last? I'll go first. Yes

Joel Bianchi: Okay

Tom Werner: Yes

Alison Pingelski: No

Tom Koval: Yes, to small impact, we have several solar farms in Town already that have the same situation, and more visibility so it's not affecting them at all.

Rich Berkowitz: Yes, I feel they've lowered the impact from what it was previously.

Laurie Barton: Yes, I feel they've lowered the impact.

Charlie Lucia: Yes

Joel Bianchi: Okay so you've moved it from a lot into large, and no impact to small impact. So, the next item is the last one which is consistent with community character, and the 2 items which the Board follows a moderate to large impact I'll recite them both and then I'll jump back to the first one. The proposed action is inconsistent with the predominant architectural scale and character, the proposed action is inconsistent with the character of the natural landscape. So again, back to the first question the proposed action is inconsistent with character a Yes vote moves it to small impact, a No keeps it at a moderate to a large impact.

Don Roberts: Tom?

Tom Werner: Yes

Don Roberts: Laurie?

Laurie Barton: No

Don Roberts: Tom?

Tom Koval: Yes

Don Roberts: Yes

Rich Berkowitz: No

Alison Pingelski: No

Charlie Lucia: Yes

Joel Bianchi: Okay so now onto the next question, the proposed action is inconsistent with the character of the existing natural landscape.

Tom Koval: I'm sorry can you read that one more time?

Lyn Murphy: Yea I was just going to say could you expand on that a bit because any time anything is developed in theory it's inconsistent with current.

Joel Bianchi: Absolutely, I'll give you an example, the question again, the proposed action is inconsistent with the character of the existing natural landscape. So, Lyn your absolutely right, untethered land that is just forest or farmland anything new there, houses, this , industrial warehousing is obviously different than the natural landscape. The Board should probably consider is okay whatever they put there are they being cognizant of buffers, can they preserve buffers to sort of shield I would say from adjacent uses. Are they trying to, is there a massive earth work operation going in here, where they are moving dirt and making caverns. I am trying to give you some good examples. It's virtually impossible to not put a project someplace and then change the natural landscape, but you have to think of the context of what they are doing. Is it visually can you see it from adjacent residence, is the applicant putting forth substantial mitigation to sort of set that aside, to minimize that impact, am I framing it for the Board?

Rich Berkowitz: So, we're voting whether they buffer this enough it will overcome the obstacles that were there before?

Joel Bianchi: Yes, so a yes would move it to a no impact to small, a No vote would still consider it a large, a moderate to large impact.

Tom Werner: Yes

Laurie Barton: No

Tom Koval: Yes

Don Roberts: Yes

Rich Berkowitz: Yes

Alison Pingelski: One second, Yes

Charlie Lucia: Yes

Joel Bianchi: Okay so based on the Boards dialogue here it would appear that the Board would support a negative declaration. So, in that I think, still going along with what I said earlier, allow us the opportunity to draft the findings and non-significant for the Board to review and then if you're in such a position at the next Board meeting you could take action on SEQR and then you would be positioned to act on site plan and the special use permit.

Don Roberts: Okay

Joel Bianchi: Alright

Don Roberts: Thank you Joe, we will wait until we hear back from you on this. Thanks everyone for coming, appreciate your comments, thank you.

Jamie Fordyce: Thank you.

ELP Halfmoon Solar– Site Plan & Special Use Permit

TABLED. The Board held a Public Hearing on the proposed 4MW solar farm and tabled the application for further technical review.

New Business:

U.S. Budokai Karate, 215 Guideboard Road – Sign (23.103)

Paul Marlow: (is speaking for Russ Hazen who was online to present his application but there was an issue with the audio, so they are communicating through chat)

Paul Marlow: Okay, since we are having a little technical difficulty here

Don Roberts: We don't usually do this, but this is out of the ordinary

Paul Marlow: US Budokai Karate they've expanded over at the Plaza on Guideboard Road, and they would like to do a panel swap to reflect their expansion into an existing structure on the building. The same size as what's already there, it's within the allowed limits of the Plaza. It will be wall mounted internally lit sign.

Don Roberts: Comments by the Board?

Rich Berkowitz: I make a motion to approve the sign

Tom Werner: Ill second

Don Roberts: All in favor Aye? (All were in favor) Opposed? (None were opposed) Motion carried, thank you Paul.

U.S. Budokai Karate – Sign

APPROVED. Board approved the new sign for U.S. Budokai Karate at 215 Guideboard Road.

Centrotherm, 428 Hudson River Road- Sign (23.112)

Joel Dzekciorius: My name is Joel Dzekciorius and I work for Centrotherm.

Don Roberts: Can you state what you want to do please.

Joel Dzekciorius: We took possession of 428 Hudson River Road we're a manufacturer of building products, the plumbing HVAC industry, we're relocating from down by the port in Albany. We are trying to add a sign to an existing sign post the prior tenant left. The sign was taken down when they vacated. So, it is using existing posts, putting a sign up that's the exact same size of the sign that was existing. We want a sign in case of an injured worker or something and you need emergency response or something and also for truck drivers or customers that are going to come in.

Don Roberts: Is it going to be lit?

Joel Dzekciorius: No

Don Roberts: Okay, comments by the Board?

Tom Koval: I make a motion to approve the new sign

Rich Berkowitz: Ill second

Don Roberts: All in favor Aye? (All were in favor) Opposed? (None were opposed) Motion carried

Joel Dzekciorius: Thank you

Don Roberts: That was easy

Centrotherm- Sign

APPROVED. Board approved the new sign for Centrotherm

Darn Good Yarn, 5 Executive Park Drive – Change of Use/Tenant (23.107)

Katherine Camerotta: Katherine Camerotta

Don Roberts: You're the owner?

Katherine Camerotta: I'm not the owner, Nicole Snow lives in Port Smith New Hampshire

Don Roberts: Oh, okay

Katherine Camerotta: She was previously in 11A Solar Drive they moved in April of this year to 5 Executive Park Drive same operations.

Don Roberts: Okay just say what you want to do go ahead.

Katherine Camerotta: Just move the office.

Don Roberts: Move the office?

Katherine Camerotta: Yea same operations, nothing changed, 11A had an attached 10,000 sq ft warehouse fulfillment for her business, the business has been moved to a party logistics company, so actually its just her office function. There is no warehouse or fulfillment.

Don Roberts: Okay, comments by the Board?

Tom Koval: Ill make a motion to approve the change of tenant

Alison Pingelski: Second

Don Roberts: All in favor Aye? (All were in favor) Opposed? (None were opposed) Motion carried.

Katherine Camerotta: Great thank you.

Don Roberts: You're welcome.

Darn Good Yarn– Change of Use/ Tenant

APPROVED. Board approved the use of vacant space at 5 Executive Park Drive for a yarn/craft related e-commerce business.

Edelman Financial Engines, 28 Corporate Drive – Change of Use/Tenant (23.108)

Jim Abele: Good evening, everybody, I'm Jim Abele with Abele Builders, I'm representing Edelman Financial they are our new tenant that we signed a lease with at 28 Corporate Drive. Currently the space is unoccupied, and they signed a 5-year lease for 1,946 sq ft. They're already currently they have a storefront location over by the Starbucks near the Chick-Fil -A in Clifton Park. They just informed us they were looking for more of an office space instead of a retail space. So, they'll have 3 full time employees, and they are hoping to move in by December.

Don Roberts: Parking is fine and everything?

Jim Abele: Parking is fine yup

Don Roberts: Questions by the Board?

Rich Berkowitz: I make a motion to approve the change of use and tenant

Alison Pingelski: I second.

Don Roberts: All in favor Aye? (All were in favor) Opposed? (None were opposed) Motion carried.

Jim Abele: Thank you.

Don Roberts: You're welcome

Edelman Financial Engines, 28 Corporate Drive – Change of Use/Tenant

APPROVED. Board approved the use of vacant space for a financial services office.

Boutique & Coffee Shop Made Simple, 1471 Rt.9, Ste.110 – Change of Use/Tenant & Sign (23.113 & 23.114)

Don Roberts: Lyn's off the next 2.

Rich Harris: I just wanted to let you know I do have everything you submitted but they're kind of mixed together because of both items.

Nicole Wilson: Ok.

Rich Harris: I got your layout, your signs and everything. Ok.

Nicole Wilson: I'm Nicole Wilson, thank you for having me.

Don Roberts: What do you want to do please.

Nicole Wilson: I want to open a boutique and coffee shop at 1471 Route 9 and a couple of doors down, my cleaning company will be moving, Life Maid Spotless & Simple.

Don Roberts: Ok. That's do the first one. Do the coffee shop first, that'd be easier.

Nicole Wilson: Thank you.

Don Roberts: And how many employees you going to have there?

Nicole Wilson: Probably myself, my daughter and maybe one more person.

Don Roberts: Hours of operation?

Nicole Wilson: We're thinking 7:00 a.m. till about 4:00 p.m. but that's probably going to extend, especially through the Christmas time or holiday season. We'll probably be open until about 6:00 p.m.

Don Roberts: Ok.

Rich Berkowitz: You wanna just make it permanent?

Nicole Wilson: Sure.

Don Roberts: It'd be easier if you do.

Nicole Wilson: Sure.

Rich Berkowitz: Do you want to make it past; you can have any hours that you want. If you want, 8:00, 9:00.

Nicole Wilson: Monday through Saturday, closed on Sundays, please, thank you.

Don Roberts: Any questions by the Board?

Tom Koval: 7 to 8 O'clock for the records?

Nicole Wilson: Thank you.

Rich Berkowitz: Or if you want to like you could have a party there like 11.

Nicole Wilson: 7:00 to 8:00 would be great. Thank you so much.

Don Roberts: Comments by the Board?

Tom Koval: I'd like to approve the Change of Tenant, but I didn't see the sign.

Rich Harris: Oh yeah, the sign, this will go on building

Don Roberts: This replacing what's there?

Rich Harris: Replacing the structures already there.

Don Roberts: Just replacing what's

Rich Harris: A panel swap, sorry.

Tom Koval: I'll make a motion to approve the sign as well.

Rich Berkowitz: I'll second.

Don Roberts: Ok. We have a motion to second for the Change of Use and Sign. All in favor aye? (All were in favor) opposed? (None were opposed) motion carried. Good luck on that one.

Nicole Wilson: Thank you.

Don Roberts: Next one.

Boutique & Coffee Shop Made Simple – Change of Use/Tenant & Sign

APPROVED. Board approved the use of vacant space for a boutique and coffee shop, with associated signage.

Life Maid Spotless & Simple, 1471 Rt.9, Ste.106 – Change of Use/Tenant & Sign (23.115 & 23.116)

Nicole Wilson: Life Maid Spotless & Simple. We've been doing residential and commercial cleaning for 17 years. We're in Burnt Hills currently and we can't wait to move to Halfmoon, and that's our logo so that's what would be on the signs, on the road and over our doors, so.

Don Roberts: Ok. And they just come and pickup the supplies and go, right?

Nicole Wilson: Exactly, yes.

Don Roberts: Thank you. Comments by the Board?

Alison Pingelski: I just have a question.

Nicole Wilson: Yeah.

Alison Pingelski: In your writeup it says you'll have representatives onsite working in the office for next door Monday through Fridays from 7:30 to 3:00. Do you mean in the other.

Nicole Wilson: Yeah, so essentially, I own both so just, ya know, God forbid someone called out in office we would be next door, but someone should be working in the office Monday through Friday from 7:00 a.m. to about 4:00 p.m.

Rich Berkowitz: Do you want it later or no?

Nicole Wilson: Probably not in that one.

Rich Harris: It's not as much fun.

Nicole Wilson: No.

Alison Pingelski: Alright. So, this one says 7:30 to 3:00 so you do want until 4:00?

Nicole Wilson: I would say probably until 4:00 just in case, yes, if that's ok.

Alison Pingelski: That's fine. We just want to make sure.

Nicole Wilson: Yes. Thank you.

Alison Pingelski: Nope. That's ok.

Rich Berkowitz: I make a motion to approve the Change in Use of Tenant and Sign.

Alison Pingelski: I'll second.

Don Roberts: All in favor aye? (All were in favor) opposed? (None were opposed) motion carried.

Nicole Wilson: Thank you so much for having me.

Don Roberts: You're welcome. Good luck.

Nicole Wilson: Thank you.

Life Maid Spotless & Simple – Change of Use/Tenant & Sign

APPROVED. Board approved the use of vacant space at 1471 Route 9 for a cleaning service, with associated signage.

Sysco Generator, 1 Liebich Lane- Site Plan Amendment (23.102)

Brian Painter: Hello, my name's Brian Painter. I am the owner of Amber Heritage Electric in Glenville, New York. I represent Sysco Foods. Currently, they have the garage which is about 800' from the main building and there's underground feed that has been compromised 2 or 3 times. It keeps burning up, we keep fixing it. We

want to put a new service and a new generator over at the truck shop to eliminate this underground feed that's unsafe and it's, every time we fix it, we're like, this can't be fixed again. It's underneath the building. It's underneath the parking lot. We've gone ahead and we got approval from NYSEG to bring the service in there. We're going to put a generator, a 350kw generator and we'll do some landscaping around that after we get it done.

Rich Harris: Just to confirm, you're going to put some landscaping around that of some sort?

Brian Painter: Yeah, yeah. It's got a sound package and it's completely enclosed but when it's done, we'll plant some trees around there or something.

Rich Harris: Are you, it's going to be partially visible from Liebich. We had person just call to ask that question and so I'd like to clarify.

Brian Painter: Oh yes, it will be hidden

Rich Harris: With some smaller bushes or some things to block most of it, the view? Do you have an idea?

Rich Harris: Yeah. Some type of evergreens that grow.

Don Roberts: Something that hides it.

Rich Harris: I mean, we don't expect it 100%.

Don Roberts: No, but you know.

Brian Painter: It's going to be on the customer side of the fence so we will definitely put some bollards on the side of it and then some shrubs around the other side.

Don Roberts: Okay, any comments by the Board?

Rich Berkowitz: I make a motion to approve the site plan amendment.

Tom Werner: I'll second it.

Don Roberts: All in favor aye? (All were in favor) opposed? (None were opposed) motion carried.

Painter: Thank you.

Don Roberts: Next item.

Sysco Generator- Site Plan Amendment

APPROVED. Board approved the proposed generator at the existing Sysco facility.

RISE Dispensary Generator, 1675 Rt. 9 – Site Plan Amendment (23.105)

Ann-Marie Zamba: Good evening. Ann-Marie Zamba. We are here this evening trying to size up our current 25kw generator to 60kw. We were back before you in March. We have an expanded tenant space that we are working to build out at the moment. We're just seeking to be compliance with the Office of Cannabis Management regulations which states that we provide backup power for the entire space that we occupy. The generator will be decibel compliant with the Town of Halfmoon Zoning code as well.

Don Roberts: Comments by the Board?

Rich Berkowitz: I make a motion to approve the Site Plan Amendment.

Laurie Barton: I'll second it.

Don Roberts: I have a second. All in favor aye? (All were in favor) opposed? (None were opposed) motion carried.

Ann-Marie Zamba: Thank you.

Don Roberts: You're welcome.

Don Roberts: The next item.

RISE Dispensary Generator – Site Plan Amendment

APPROVED. Board approved the proposed generator for the existing business

Town Auto, 441 Route 146- Site Plan Amendment (23.084)

Rob Murray: How are you? Robert Murray 164 Harris Road, Waterford New York. I have the property at 441 Route 146. We have a car lot. We're looking to add 7 additions, additional spots in the front. We were approached by the Town about the water runoff. I did manage to drop a letter off today that my Engineer did a, whatever they do, and we're ok.

Rich Harris: Yeah. They did an analysis

Don Roberts: First, we're going to refer this to our Town Engineer for review but, that being said, comments by the Board?

Tom Koval: I make a motion to approve with the condition that our Town Engineer signs off on it.

Charlie Lucia: I'll second.

Don Roberts: Ok we have a motion to second.

Don Roberts: All in favor aye? (All were in favor) opposed? (None were opposed) motion carried. Ok.

Rob Murray: Someone will contact me then?

Don Roberts: Yes.

Rob Murray: That's good. Thank you so much. Have a nice night.

Don Roberts: You too, take care.

Town Auto- Site Plan Amendment

APPROVED. Board approved the proposed parking addition with conditions related final review by the Town Engineer.

Norwood Terrace PDD, 268 Grooms Road – PDD Recommendation (23.106)

Wade Newman: Good evening my name is Wade Newman and I'm an engineer with Ivan Zdrahal Professional Engineers. The project engineer on this project here to talk about the Norwood Terrace Planned Development District project. So, the project consists of an 8,000 sq. ft. professional office building and 3 10-unit apartment buildings. The site is located on Grooms Road, I don't know if you can see the screen behind you. The parcel is 12.13 acres and currently consists of Bens Greenhouse, commercial land use that has been 2 years since it's been operational, about 2 years since it's been operating. So, I'll talk a little bit about the site design and then I'll turn over to Ken Worsted from Creighton Manning to talk about the traffic. Existing zoning along Grooms Road adjacent to the project site is a professional office-residential. The existing zoning of the project parcel is Residential 1, and we are proposing convert it to a Planned Development District. So, some statistics on the planned project, building area proposed it 3 or 4 buildings one professional office and 3 multi-family apartments. Total area about 0.5 acres. Pavement to service the site is approximately 1.5 acres, leaving a total greenspace of about 10.13 acres or about 83%.

Don Roberts: How much of that is useable?

Wade Newman: So, the site analysis to determine the buildable area that we have on the site, we determined 3.3 acres are buildable, 3.4. So, the project site to the west and to the east the topography drops down to some wetlands that are jurisdictional to NYS DEC and the Army Corps. of Engineers. DEC regulated waterbodies have a 100-foot buffer which is shown on our map, that's what was used to determine the buildable area of 3.4 acres. Proposed parking based on, one parking space for 200 sq. ft. for the professional office and 1.5 spaces per apartment results in 85 parking spaces. So, the balance of the land that's not part of the project will be placed in a permanent deed restriction that results in 8.8 acres or about 73%. Access to the site will be by a new entrance to Grooms Road. Currently there are 2 curb cuts 1 that services the existing single-family residence to the west and an existing residence that serves as the greenhouse, those will be eliminated and a new entrance serving both the proposed project and the existing single family to the west will be accessed using the same entrance. As part of the application, we did a traffic study that Creighton Manning will talk about, we did endangered species review with DEC in US EPA Fish and Wildlife. DEC did not have any listed or endangered species or habitat neither did Fish and Wildlife,

however there was the potential for a candidate species of the Monarch butterfly not of which is supposed to be an issue for the project. The site will be serviced with public water and public sewer, there is an existing public sewer main in Grooms Road that connects across the street to the north to a sewer pump station. The project contacted Saratoga County Sewer District; they've indicated they've had capacity to service the project for sewer. Water supply will be provided by connection to the existing public water system, there is a 10-inch water main in Grooms Road which will service the site. The project is within the Town of Halfmoon Water district. Stormwater Management, we've done some preliminary calculations for it. The project will be able to meet the standards of the Town of Halfmoon and NYS Department of Environment Conservation. We're anticipating a combination of permeable sidewalks by retention and some sort of retention pond. It will be located in the grass area south of the site where there is a little space in between the wetland buffers. Did I miss anything onsite? I'll turn it over to Ken he can talk about the traffic and then we can answer any other questions you might have.

Don Roberts: Okay.

Ken Worsted: Good evening, Ken Worsted with Creighton Manning Engineering. We were approached to take a look at this project, and we focused in on the site driveway because it was already an existing use previously, we're redeveloping it, we pretty much focused on that. In addition to the traffic that was driving by on Grooms Road. Just given this location we are about a mile away from Northway Exit 8A, so that area of Grooms Road is very much a collector if you think about it as a water shed area you have traffic coming down Plant Road, Route 9 and 236. It's all kind of being funneled and this is the last mile to get to the Northway so it kind of gets concentrated in this area. On an average day that we accounted it was approximately I think 12,000 cars a day using that road, in the morning peak hour it was about just shy of 800 cars combination of both directions, and then in the afternoon that went up to about 1,150, one thousand one hundred fifty cars in that time frame. We had done an estimate of how much traffic this project would generate, both of the apartments in the back but also the commercial office up in front, and we had estimated about 25 trips in the morning obviously split up between coming and going and in the afternoon it was about 32 trip, so when I take those and I compare those to the volume of traffic on Grooms Road right now it's only about 3 % of that traffic that's out there. We had gotten a bunch of the comments from residents, and they were of the opinion that there is going to be more traffic coming and going, there is at least 2 people per apartment. We know just from our engineering experience that there may be more people who live there but they don't always travel to work at the same time, and to give you an example of that we are doing a project down at Albany in which we had done some actual counts of the Kensington in Halfmoon, over on Quarry Road, and we had just done those counts this year and we actually found that traffic being generated by those apartments is actually less than what we are using to estimate, so its anywhere from 12 to 25% less. So, when we are using these industry standard numbers, we have some actual numbers to reflect what's currently happening and it's actually a bit less than that. And that could be a number of reasons it could be people are still working from home, more often they have a hybrid schedule, there's options but in general even though you might have 30 apartments you're not going to have 2 people in each apartment leaving all at the same time, just as I think the Board and people from the audience don't all drive to work and back at exactly the same time. Therefore, regardless of how many units you have, you're going to have that traffic kind of spread out a little bit. The other interesting thing that I had noted it wasn't in my letter but in looking at some of the comments was we looked at the variation of traffic on Grooms Road and between Monday and Friday and work days, we in the morning we had a low of 650 cars driving by and we had a high of 955 cars driving by, so it's a couple hundred vehicle difference in the volume day to day. In the afternoon it was 950 all of the way up to over 1,200 cars a day. So, when we think about the amount of cars that we are adding to that road and the variation that occurs. If you go out

there tomorrow and then count it and then go out there on Wednesday and count it, you're going to see differences in them so as we worked on this project, we identify that this isn't going to be a significant change in the operations of Grooms Road. I don't think if people are driving through there they are going to be oh my gosh there's all of these cars coming in and out, they are going to notice that the driveway is being active again and they'll notice a car slowing down to turn in or turn out at times, but I don't think it is going to affect anybody that's on that road or in the neighborhood surrounding it in terms of them being able to get in and out throughout that. The other aspect that we looked at was site distance and that was identified pretty early on at the existing driveways that the green house has, its kind of down the hill it has a di, it's hard to see, you can see plenty looking back towards Route 9 but looking back towards the Northway there is a bit of a hill there, so we had talked to Ivan and they shifted the driveway furthest they shifted the driveway furthest to the west that they could so you could climb that hill and get a better view looking to the west. So, in a nutshell that's what we looked at for traffic and I would be happy to open up for questions on the site plan or my work.

Rich Berkowitz: When was the traffic study performed?

Ken Worsted: It was performed in February this year.

Rich Berkowitz: February

Ken Worsted: Yup, and we counted it for a week.

Rich Berkowitz: Which week?

Ken Worsted: February 15th through

Rich Berkowitz: You know that's vacation week? That's like Presidents week so that's a light count.

Ken Worsted: I'll take a look at that.

Rich Berkowitz: And when Ben's was in business, they were busy 2, 3 months out of the year.

Ken Worsted: Yes, certainly it seasonal, you've got spring planting, I worked at Sokolowski's Greenhouses for 4 years. We went in, in the Spring did our plantings, obviously as the weather warmed up, customers would start coming in and I would say through the end of June was our busy time, that's when they went on vacation, and I ran the place and then it picked up again in the Fall when the Mums were coming out.

Rich Berkowitz: Do you do your traffic counts based on what possibly could go into the commercial space?

Ken Worsted: We based it on just a general office, so there are some offices just down the road you have the State Farm Insurance agent, the Babcock Financial Advisors, and the Spine place that about 5,000 sq. ft. of office space, so in general because office is such a broad category our numbers are based on the research is based on that type of use.

Rich Berkowitz: But the chiropractors have a much different profile than State Farm and Babcock, Babcock no one goes in there, he goes in their homes. State Farm not a lot of people go in and out of there either. But the chiropractor you get a lot of people going in and out.

Ken Worsted: Even tonight there were people in the parking lot.

Tom Koval: How many bedrooms are you thinking per unit?

Wade Newman: It was going to be a mix of .

Richard Harris: At Town Board it was discussed at 1 to 2 bedrooms.

Wade Newman: It's a mix of studio, 1 bedroom and 2 bedroom. A total of 10 per building. 3 , 2-bedroom, 5 1-bedroom, 2 -studio.

Tom Werner: What kind of demographic will you be marketing to, what type of renters will be, young families, established families, empty nesters? Have you really thought on that?

Wade Newman: They are wondering what kind of people we are going to market it to. Young professionals, probably seniors.

Dean Tayler: There is not going to be families in them.

Wade Newman: No not a one bedroom.

Tom Werner: Young professionals who would expect there would be 2 wage earners per unit. ?

Dean Taylor: My name is Dean Taylor I'm a broker member with Continued Commercial Realty, I'm the Real Estate agent on this project, and generally these guys like the 1-bedroom units, they are the most popular ones out there. It usually goes to a couple, the 2 bedrooms can typically be with a divorced parent, that would have children over a number of days but they are basically going to go with what's out there, what they find a lot with these residential communities, is that you know kids leave go to school, want to come back, have to buy a house save money, they want to live next to their parents, parents want them to live next to them, and that's the part of the lore here, but these are high end apartments. These are going to have all very nice finishes; you know at this particular point I don't know what the design trend will be when they do it but it's all-stainless-steel appliances and granite countertops you know just high-end stuff.

Tom Koval: The price point for your rentals doesn't really represent a high-end apartment.

Dean Taylor: What are you showing for a high-end apartment price point?

Tom Koval: I thought I saw something in the

Richard Harris: Well, it was mentioned at the Town Board meeting, 1,700 to 2,000 plus per month

Dean Taylor: Yea the average rent will be in that, that's
Richard Harris: You actually said that at the Town Board

Dean Taylor: Yea its usually a \$1.50/ sq. ft.

Tom Koval: So, we're talking to have kids and we would have to have school busses turning in and out of this project too to pick people up.

Dean Taylor: Do the school busses won't come into that project they would be picking them up at Grooms Road.

Tom Koval: So now we have a school bus stopping on Grooms Road, the busiest section of Grooms Road.

Dean Taylor: Okay

Alison Pingelski: Right next to a daycare, there are a lot of busses coming in and out at peak times. He is right across from the American Legion west is Little Hands, Helping Hands, Pals

Dean Taylor: See basically this is why we are here, you know what we have is we have one piece of residential property that is stuck in a commercial zone, so you know it's not, it's highest and best use in my opinion based on what I'm seeing is not going to be residential is not going to work residential single family here. You know its highest and best use at this particular point would be to go to another green house and that's where, I mean I had a bunch of inquiries on a green house, didn't like the product they were looking to grow okay but you know that is, the family they're not really motivated by the end all dollar they want to do a nice project for the community and this is what we feel would be

Tom Koval: I'm more concerned about the density Dean, the number of units in there is what

Dean Taylor: Okay, I understand that, but I don't really understand why this would not create less traffic than a commercial retail greenhouse because now that they're closed Sokolowski's place is it. I've lived by that and that's a lot of traffic.

Tom Koval: Seasonal, very seasonal traffic

Dean Taylor: Okay but you're putting it on the roads when, you're talking about how February is a low traffic count and they're not open, so you're putting on during August and September when all of the traffic is going.

Tom Koval: School busses aren't in the summer which is a big part of the problem on that road is you know you've traveled it.

Dean Taylor: Right, I mean you can't put a school bus turn in this right?

Tom Werner: Did anybody look at that crash history at the driveway?

Dean Taylor: The engineer here is saying that he feels that you could put a school bus turn around if that if it takes those kinds of adjustments.

Tom Koval: It's not up to me it's up to Shenendehowa, it's a concern of mine.

Dean Taylor: Yea I can't imagine that there's

Ivan Zdrahal: Good evening my name is Ivan Zdrahal, as far as the site we will be designing in such a way that the fire apparatus can turn around on the property and also if the Shenendehowa school district want to have input would I want to have a bus turn around there we can also accommodate that since we have to have room for a fire truck we will have enough room for a school bus. Not a turnaround but like a hammer head

Tom Koval: For the Town Board members I see a cash public benefit we have a lot of other projects in Town that need to be done and they could be part of the public benefit or the public benefit of this we just talked about at the last meeting, the water line extension, it's a small water line extension I would like to put that bug in your ear.

Don Roberts: Okay, anyone else?

Tom Werner: Yes , I have a question regarding when it was Bens Greenhouse the traffic was probably heavier back then, than with this proposal will generate did you look at that crash history back there at that driveway there's a concern looking to and from the west, right its problematic as mentioned in the traffic analysis.

Ken Wersted: Correct at those existing driveways that Ben's had

Tom Werner: Is there a crash history back then that you would have looked at?

Ken Wersted: We have not looked at that.

Tom Werner: Probably something that we should check because I think one of the letters that were written in reference accidents, crashes, just check it out.

Ken Wersted: Yea we could look at that and look back when Bens was open and go back from that direction.

Don Roberts: I just find it hard to believe that Ben's generated more traffic than this is going to generate, that's just me, sorry

Tom Koval: I agree.

Ken Wersted: And that's what the analysis is suggesting but using engineering judgement and personal experience I don't think that to be true, we noted that, that we think it's an overestimate you know based on those numbers, but I wouldn't say that it is, that this project is significantly higher than you know a green house. I know over time things can fall away, go in dis repair and business is not as good as it once was but I would put these pretty equal obviously there is a seasonality factor there, so Bens isn't generating anything in February whereas this project would continue to generate throughout the year. So that's recognized.

Rich Berkowitz: If you look back in February just check what the weather was like, ice, snow.

Tom Werner: That's a good point

Ken Wersted: Yea I'm sure there wasn't anything that I mean the biggest concern was when we put those tubes out is them getting ripped up and these weren't ripped up, we got a really good week but that is always on the top of our mind, dodging the storms because plows don't care they just drive right through it.

Rich Berkowitz: And there is never going to be any connection to Shelbourne?

Ken Wersted: I don't think it's possible, I mean you've got the streams down below the steep slope and the wetland that kind of create this little pocket, and this little pocket is wedged even more by those wetland buffers. I don't want to speak out of turn, but your buildable area went from this big down to this kind of sliver and all of the buildable area is up on the road.

Rich Berkowitz: What's the distance between the nearest resident and the back of this project? Up there at Shelbourne

Ken Wersted: So, it's to the left,

Rich Berkowitz: That would be west I think, west seems like it's closer

Ken Wersted: It's probably about 250 feet

Rich Berkowitz: And that's going to be a no cut buffer?

Ken Wersted: Yea, on the project parcel it will be.

Alison Pingelski: And there is not concern with the driveway next door and across the way with the American Legion?

Tom Koval: Not being lined up?

Alison Pingelski: Not being lined up, yea because they are going to be offset between the two driveways it looks like.

Richard Harris: Let me clarify just so I know, I'm meeting the Board. You're proposing to get rid of this one and this one and consolidate into one here right across from the American Legion so that one will be gone? I'm sorry on the opposite side not directly across.

Ken Worsted: Correct

Richard Harris: Okay, so that one is going to be gone and that one's gone.

Tom Koval: So that's going to create another problem, it's too close, if they have a wedding or whatever at the Legion you have cars coming in and out and you have another driveway just a couple of feet down with a bunch of cars coming in and out, especially on the weekend.

Ken Wersted: To answer the last question it was 300 feet scaled off of the map

Richard Harris: The closest house?

Ken Worsted: Yes

Don Roberts: Well, we are going to refer this to our Town engineer for review anyway, along with Saratoga County Planning Board and fire district for review also, so they'll take care of some of these concerns hopefully, that being said, anyone else got anything to say?

Alison Pingelski: I just want to confirm so the plan for the single-family house that is on the property now is that coming down with this construction?

Ken Worsted: Yes.

Don Roberts: Anybody else? Okay so we will refer to our Town Engineer, Saratoga County Planning Board, fire department and get back to you, okay thank you very much.

Ken Worsted: Thank you

Norwood Terrace PDD – PDD Recommendation

***TABLED.** A presentation was made for a proposed mixed use PDD (professional office and apartments), the Board tabled the application and referred it to various agencies for review.*

GT Toyz Boat & Trailer Sales & Display, 1534 Rt. 9 – Change of Use/Tenant (23.117)

John Montagne: Good evening, everyone, John Montagne with Greenman Pedersen Engineers. I'm here to represent Greg Goldstein, who is standing right next to me. The purpose of this project, we're looking to obviously get some relief on the main parcel across the street to do display and sales while the other piece of property is being evaluated and improvements are being completed on that. The next item on this agenda actually is that project and this is really a way for us to take some of the pressure off of the existing site. What we're looking at is an area of the parking lot that's already paved that Sandra utilized, the dog sitting operation in the front really doesn't have very many cars during the day. They come and they drop off, then they leave and the automotive facility, every one of their spaces is currently, are the ones that are shown in there. They have that white fence that divides the darker gray, black where the posts would be. And what Greg's looking to do here is stage boats there for show. The way that the lots are set up or the spaces are set up is larger boats would be on a double space and smaller boats would be able to stack. The boats really don't do much. Once they're parked there, they're there until they're sold. The nice thing about it is that it's right across the street from the existing facility so it's easy to manage and that's why we're looking to try to get this allowed as an additional use on that for the tenants.

Don Roberts: How many boats are you proposing to store there?

John Montagne: So, right now what's shown there would be between 20 and 30. Depending on if it's large or small.

Don Roberts: And how are they going to be delivered there?

John Montagne: They'll be driven there the way that they come to the other facility across the street.

Don Roberts: Ok. One concern I have about across the street. I'm glad you're doing well, however, usually it's Thursday or Fridays, track, I mentioned this to you before, tractor trailers do block all four lanes of Route 9 and back into your site. That's not safe. We don't want to see that happen over here. How do propose not doing that?

Greg Goldstein: They'll be no tractor trailers going in there, one of the first we have addressed that since the last visit that we had by multiple members of the Board. There is a truck entrance sign there is truck route painted on the driveway and the back half of the northern most side of our parking lot is hashed off from, we don't use this for trucks to turnaround. I would tell you we're probably 99% of the way to getting them all to stop other than an occasional rogue one that hasn't been there before or hasn't been coached yet.

Don Roberts: Ok.

Greg Goldstein: If the boat's going in this side are going to be pickup truck driven over, parked, displayed there's no tractor trailers.

Don Roberts: So, that won't be an issue on this isle. Ok, thank you. Anyone else?

Alison Pingelski: I just have a question, right now the A Time for Paws Place, up front, they use that parking lot where you have delineated for additional parking as they're waiting area, so, people drive in, drop their pets off and pull out so what will that do to the traffic pattern for them?

Greg Goldstein: There is still, I believe the measurement's 43 feet worth of space in between the front of the boats and the front parking, so, it'll function the same, it may not be 90 feet deep, which is what it currently is, I believe the numbers 90 or 100 feet deep which is excessive for drop-off, but you still have drop-off.

Charlie Lucia: So, just curious in looking at that and looking at their full color representation, the 20 spaces shown in the front along Route 9

Greg Goldstein: Those aren't along Route 9; the white ones are along Route 9.

John Montagne: The white ones along Route 9 are the existing parking spaces.

Greg Goldstein: They're existing parking spaces for Time for Paws. We're coming off the white fence. There's a white fence behind the 20 spots.

Charlie Lucia: Right, and then along the sides, there's 43 feet about four parking spots?

Greg Goldstein: That is part of the lease of the people in the back. They're from the fence back and six parking spots up front.

Rich Harris: Yea, the Board had approved fast lane, I think it was a year or two ago to sell cars and display them out there. I do have to just mention something that Paul actually caught, and I didn't have a chance to mention it to you. Our Town Code requires 22-foot aisle widths.

Greg Goldstein: Ok.

Rich Harris: So, you're short. I think you're going to have to lose that one or readjust.

Greg Goldstein: Ok.

Rich Harris: To make that swing there.

John Montagne: Ok. The other thing too is we made those spaces wide. They're about 15 feet

Rich Harris: Ok. How much are they? Sorry, it's hard to hear you.

John Montagne: They're about 15 feet. Actually, I don't know. The dimension might be on there. I think they're 11 feet. Is that what I drew on there? Right? 11 feet wide?

Alison Pingelski: It doesn't show how wide the space is, but it does show 121 is the length so it would be about 11.

John Montagne: So, roughly 11.

Don Roberts: Anyone else?

Rich Berkowitz: Sorry, I wasn't paying attention before I was doing something else, I'm sorry. I admit it. This is just for storage

Rich Berkowitz: Display. So, if somebody wants to go over and they have to cross Route 9 and then a salesperson has to cross Route 9 with them?

Greg Goldstein: We're gonna drive.

Rich Berkowitz: You're gonna drive across.

Greg Goldstein: We're gonna drive across.

Rich Berkowitz: Good luck on some days.

Greg Goldstein: We had a temporary permit for an event there, so we experienced that. Yeah, we're not walking across there.

Rich Berkowitz: Ok.

Lyn Murphy: And this at this point is a temporary approval

Lyn Murphy: I mean, the Board would do it. You're not going to do this forever?

Greg Goldstein: Not at this time, but by temporary based on what the next project is. Temporary being three years.

Lyn Murphy: That long, okay.

Rich Harris: Yeah, we treated this like, since he's not constructing anything and it was semi-temporary, I'll call it, like a Change of Use for the parking lot which is how we treated most other types of parking requests. We didn't, you know, but I think we should have a, you know, at least a final plan to go with for future reference if there's issues. That's why I requested they readily provided a site plan with it. But it's typically, you've done this with some of the boat marine people. We just required a sketch to have for future, whether it's enforcement or clarification to make sure we're all aware what we agree to, or you agree to or you agree to with them if you do that.

Rich Berkowitz: So, is this permanent or temporary?

Rich Harris: We said about three years, you thought?

Rich Berkowitz: So, we've been temporary for three years?

Rich Harris: I think that was, that was probably work

Rich Berkowitz: Okay I make a motion for approval for a Change of Use and Tenant.

Tom Koval: I'll second.

Don Roberts: Can I have a motion to second. All in favor aye? (All were in favor) opposed? (None were opposed) motion carried.

Greg Goldstein: Thank you. Thank you very much.

GT Toyz Boat & Trailer Sales & Display – Change of Use/Tenant

APPROVED. Board approved the Change of Use/Tenant to allow for sales and display of boats.

GT Toyz Parking Expansion, 1537 Rt. 9 – Site Plan Amendment (22.010)

Don Roberts: Haven't seen you in a long time.

Dan Hershberger: Dan Hershberger, representing GT Toyz and Greg Goldstein's with me. This plan resulted in a capability of expanding the parking on the side significantly by piping the stream course. There was a deep valley in there that prevented us from grading a whole bunch of the site. Pretty much starting where the yellow trailers are. All the way to the, where the orange bolts are at the end. That, by piping that

stream, we're able to increase it to a total of 165 vehicles which includes 11 employees, 20 parking spaces, some trailers, some boats, some miscellaneous RVs, and stuff like that. The total count of loads is 165 and there's some space set out for things in progress. Things that are working out of shop where they could park there. This process, hopefully, would have been done by now but we're, the Army Corps of Engineers has a say in us piping that stream and it also needs the New York State DEC (NYSDEC) water quality certification. We don't think either is a problem. As a matter of fact, the Army Corps of Engineers says they will issue the permit as soon as we can tie up the replacement wetlands. The is being covered is Greg's going to buy credits in, in a place called TWT, The Wetlands Trust which is areas that are more sustainable for good quality wetlands that are being created. Unfortunately, we thought it'd all be approved by now, but there's a delay in the Army Corps end so they still have not approved that. But we're assured that we'll get the letter from the Army Corps and reasonably certain that NYSDEC will issue the water quality certification. So, our proposal here is to ask you folks to approve the site plan amendment with a condition that we obtain the necessary permits from Army Corps of Engineers and NYSDEC with this project to go forward.

Don Roberts: In addition to that condition, we also will condition it on a signoff by our Town Engineer as well.

Dan Hershberger: Oh yeah. Okay yeah, I understand that always.

Don Roberts: Ok. Thank you, comments by the Board?

Tom Koval: Yeah. I was just concerned about Joe's that you guys looked at, does that mean the other surrounding properties empty into this area that they're going to be direct piping them?

Greg Goldstein: There's a couple of areas, I believe, to the north a little bit but they have a stormwater model that we didn't take issue with. What stopped them last time was when the Board was ready to act there was an indication that they had impacts to wetlands when they were looking to mitigate and that sort of halted them. That's what they've been doing for the last year. So, at this point I think there's just some minor engineering comments they have to address. But if the Board was going to act, as Don indicated, address our comments, get the Core permit and we can move forward.

Tom Koval: And this area isn't a holding area when there's a large rain event.

Greg Goldstein: In the back there is, but it's part of the DOT isn't it, Dan?

Dan Hershberger: Yeah, we put our basin at the back a portion of drainage was stored in the valley around that stream course we would price it with the volume we're putting in on a basin at the rear of the site and there's another gap at the front. We stopped the pipe at the right-of-way line to leave some more storage between the end of that pipe and the culvert going underneath the highway. So again, both those areas total, total more storage than what was available, and the stream course had high water. So, we think that we've resolved the problem of drainage here.

Tom Koval: Did DOT approve that area?

Dan Hershberger: What's that?

Tom Koval: DOT approve that area out by Route 9 so it doesn't create an overflow if that pipe can't handle volume or gets clogged?

Dan Hershberger: Well, we submitted a, we submitted a drainage report that accompanied our application and then we're reasonably certain the Army Corps has no issue with them and will move forward.

Tom Koval: I don't know, I'm just asking.

Dan Hershberger: Yeah.

Rich Berkowitz: Who maintains that because what used to happen, it would back up to the property owner behind you, over Plant Road, into a retaining pond and then to the development behind there. So, it would drain from that development over Plant Road, through a property into there. So, if you're piping that how do you guarantee, or how do you, how often do you clean that out? Who's in charge of that? Do you clean it out when that property floods?

Dan Hershberger: No, the maintenance would be Greg's problem to maintain it.

Rich Berkowitz: Well, he still doesn't have a problem until it floods so how do you preventatively maintain that?

Dan Hershberger: Well again, if you want, we can, you can require us to do annual or biannual inspections that the pipe in the system to be certain it complies. We're acceptable to that sort of condition.

Rich Berkowitz: Yea, I think that would be a good idea because Plant Road used to flood.

Dan Hershberger: But right now, we're providing at least as much storage that was available before, it got down to Route 9.

Rich Berkowitz: Well, it's all good until you get rain like we're getting right now.

Dan Hershberger: Well again, everything's designed based upon, we carried this this to the 100-year storm.

Rich Berkowitz: Which we've had plenty of in the past year.

Dan Hershberger: Well, I know the 100-year storm was the worst, the worst definition anybody put on it. Like I've lived through 8- or 9-hundred-year storms in my life.

Rich Berkowitz: Right.

Dan Hershberger: And probably 6 of them in the last 20 years but

Rich Berkowitz: But the way it stands now Plant Road hasn't flooded since all those changes have been made. And now we're going to put this in. It's, I know you engineer it properly but what happens between theoretical engineering and what really happens in real life could be two different things.

Dan Hershberger: Well number one, by cleaning out that valley first of all, if you, take a look at that valley now.

Rich Berkowitz: Oh yeah, I know, it's full of trees.

Dan Hershberger: It's completely overgrown.

Rich Berkowitz: Right.

Dan Hershberger: By cleaning it out and providing a clean pipe with enough capacity to carry it, we're actually going to be improving the drainage situation upstream from us. We firmly believe, and then downstream from us. We think that in both cases we are not going to cause any drainage problems at all by providing the pipe size that we did and the storage we're providing on-site.

Tom Koval: What size pipe did you propose?

Dan Hershberger: Pardon.

Tom Koval: What diameter pipe did you propose?

Dan Hershberger: I think it's 36".

Tom Koval: 36.

Rich Berkowitz: What size pipe is under Route 9 also?

Dan Hershberger: I think that's a 24 and we

Rich Berkowitz: So, you're going 36 to 24?

Dan Hershberger: We have 36.

Board Chatter

Tom Koval: It's all of 36, your 4 and four feet.

Rich Berkowitz: Under Route 9?

Tom Koval: Under Route 9.

Rich Berkowitz: Ok. So, it's both large and small?

Dan Hershberger: No.

Rich Berkowitz: Ok.

Don Roberts: Don't worry. Don't worry about it. It's alright.

Tom Koval: A curiosity question.

Don Roberts: Comments by the Board?

Rich Berkowitz: Joel, you're good with this?

Joel Bianchi: No, there are minor comments left that they have to address, so in general so far there has been no substantial issues to deal with.

Charlie Lucia: Alright and Joel just forgive me for not knowing, but the area up by Route 9, and I know I'm beating a dead horse again on this. That's state purview

Joel Bianchi: Yes.

Charlie Lucia: By moving the water bringing it up from the back forward, does that need any, any scrutiny by the state before we just say okay fine a big storm, the water is going to end up on Route 9

Joel Bianchi: decided by this Board has that covered by conditioning that you address our comment letter.

Charlie Lucia: Sure

Joel Bianchi: Would clearly say any work in the DOT right-of-way, they have to get DOT approval for that.

Charlie Lucia: Okay

Rich Berkowitz: Can you put in your comment letter they need to inspect that annually.

Joel Bianchi: Which pipe?

Rich Berkowitz: The one that, the one they're putting in.

Joel Bianchi: You could as a conditional approval actually do that; I'm trying to think of the other SWPPP for this, but I don't think that they did it. I don't see it, is that an undue condition to place on them, no.

Rich Berkowitz: Could be that, could that be part of their building inspection?

Don Roberts: You understand that right?

Dan Hershberger: Yup

Rich Harris: When you get an annual fire inspection, we would tie it to that.

Dan Hershberger: Yep.

Richard Harris: Certify once a year that it's functioning per the plans

Dan Hershberger: We're good, I don't crawl through any pipes any more luckily, I used to not anymore.

Rich Berkowitz: I'll make a motion to approve the site plan amendment contingent on yearly inspections of the piping and contingent on MJ's approval.

Tom Koval: I'll second.

Don Roberts: All in favor aye? (All were in favor) opposed? (None were opposed) motion carried. Good luck.

GT Toyz Parking Expansion– Site Plan Amendment

APPROVED. Board approved the proposed parking expansion at the existing facility with conditions related to final review by the Town Engineer and requiring an annual stormwater inspection report to be submitted to the Town.

Alison Pingelski: I make a motion to close the meeting.

Charlie Lucia: I'll second that.

Don Roberts: Okay we've got a motion and a second, all in favor aye? (All were in favor) opposed? (None were opposed) motion carried, good night, be safe.