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**MINUTES MEETING
Town of Halfmoon Planning Board
April 26, 2021**

Those present at the April 26, 2021 Planning Board meeting were:

Planning Board Members:

Don Roberts –Chairman
Marcel Nadeau- Vice Chairman
John Higgins
Tom Koval
Rich Berkowitz
Thomas Werner
Mike Ziobrowski

Planning Board Alternates:

Charlie Lucia
Brendan Nielsen

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 Engineer:

Joel Bianchi

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

Don Roberts: Good evening, welcome to the April 12th Halfmoon Planning Board meeting. Board members, have you had a chance to review the minutes from the last meeting?

Rich Berkowitz: I make a motion to approve.

Mike Ziobrowski: I'll second.

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Don Roberts: All in favor aye? (All in favor) Opposed? (None were opposed) Motion carried, I abstain I wasn't here.

Public Hearing:

21.068 Jen's Hens, Odds & Ends, 57 Canal Road- In Home Occupation

Tom Koval recuses himself

Jennifer Fox: Hello how are you?

Don Roberts: How are you?

Jennifer Fox: Good, Jennifer Fox, 57 Canal road, Halfmoon, here representing Jenn's Hens, Odds & Ends it's a farm stand selling eggs, water bottles, odds and ends and antiques along the canal pathway with the kids.

Don Roberts: Hours of operation are?

Jennifer Fox: Just as varied throughout the summer, like I said it's just a hobby for me and the kids.

Don Roberts: Okay, at this time we will open the public hearing, would anyone from the public like to speak? Once again would anyone from the public like to speak, in the room here? Anybody online like to speak?

Richard Harris: You could either just put the hand up message or just start talking or type in the chat if anybody online wants to speak.

Don Roberts: Once again anybody online who wants to speak? Seeing no one wants to speak we will close the public hearing, comments by the Board members?

John Higgins: Is there any kind of Health Department approval that is required being that you are going to be selling water bottles?

Jennifer Fox: There is not, unless we are cooking in a kitchen there is nothing that we're making that needs to have any sort of approval from them.

John Higgins: What about the water bottles are they sealed water bottles?

Jennifer Fox: They are yup, it's all stuff that

John Higgins: So it's not something that you are filling on site?

Jennifer Fox: Correct

John Higgins: Okay thank you.

Don Roberts: Okay anyone else?

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Rich Berkowitz: Do we have a set day that is opening day or are we good with just

Don Roberts: Well, and the trail is open year round I believe right?

Jennifer Fox: It is

Richard Harris: There are no set dates

Jennifer Fox: We are going to do year round, yup.

Rich Berkowitz: I make a motion to approve the Home Occupation.

Marcel Nadeau: Ill second it.

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

Jennifer Fox: Thank you.

Jen’s Hens, Odds & Ends – Home Occupation
PUBLIC HEARING HELD & APPROVED. Board held a Public Hearing and approved a part-time retail stand.

19.145 Brookwood Road Subdivision, Phase II- Brookwood Road

Joe Dannible: Good evening, Joe Dannible with Environmental Design Partnership here on behalf of CGM Construction and their application for a 17 lot subdivision located on Brookwood Road. Brookwood Farms Phase II is what we are looking at, phase I was a 7 lot subdivision to the east of this property with 7 individual lots no new public road. So what we are looking at now is the western portion of the property west of the national grid power lines. 38 acre parcel, frontage on Brookwood road, we have miscellaneous wetlands scattered throughout the site , we came up with a unique design we are proposing a public road , 2 cull de sacs and a series of shared driveways to provide access to all of the individual lots on the property. Lots themselves will be serviced by public water and individual septic systems. Stormwater for the project will be managed onsite and a series of storm water management basins, certainly for the public road will have storm drain collection systems discharging again to an onsite basin. Traffic , we have looked at traffic , a traffic assessment was done and submitted to the Town for the 17 lot subdivision , the site distance is more than adequate where we enter Brookwood Drive , we also looked at the trip generated from the project , we are at 19 trips significantly below what thresholds would require off-site evaluation of any adjacent intersections. We do have some wetland impacts but again with the configuration of the lots that we have come up with and the location of the driveway, we have minimized those impacts. We are working with the army corps of engineers to obtain the appropriate wetland permitting. Archeology we’ve completed a phase IA, IB archeology study and received a letter of no effect from State Historic Preservation Organization. National Grid our entrance road where we connect to Brookwood road is within the lands of National Grid, we have been working with them, we’ve got a confirmation that they are not going to deny the access, we’ve just got to continue to go through the permitting process, part of that process is obtaining a preliminary approval from the Halfmoon Planning Board to be able to continue with them. We have looked at this with

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emergency services a few times over the past several years and I think we have provided the adequate driveway the turnarounds that are needed to accommodate, emergency vehicle access two of the flag lots and two of the lots on the shared driveway. We are here tonight looking for preliminary approval of the plans, and to address any comments the Board may have, Thank you.

Don Roberts: Thank you Joe, at this time we will open the public hearing, the first thing is we received some written correspondence from some Town residents, I would like to enter that into the record Rich alright.

Richard Harris: It's been distributed to all the Board Members

Don Roberts: Okay thank you , the public hearing is open would anyone in the room like to speak , please come up say your name address and any comment you may have.

Michael Herrand: My name is Michael Herrand, 212 Brookwood road. My property abuts the proposed project on two sides. It's directly adjacent to the access road and the access road is within about a 100 feet of my driveway so that parcel right on just to the left of the entrance road off of Brookwood. I want to thank Mr. Harris for responding to my emails and providing information that the Town had both a copy of the plans and a site distance evaluation that was done by Creighton Manning in 2016 for Phase I. I received that on Friday I had a little bit of time to look at it and not having maybe full context I pulled a couple of things out of that brief engineers report that I would like to comment on , first of all Brookwood road has a posted speed limit of 35 miles per hour, and that report included a speed study that said that the 85th percentile operating speed was measured as 45 miles per hour so I just wanted to point that out right away , that they are describing an operating speed of 45 but its posted 35, and it also included traffic counts from 2016 and hourly traffic counts which were interesting as a resident just the number of counts they described about 95 vehicles per hour during the morning peak hour of 8 am to 9 am and 105 vehicles per hour from 4 to 5 pm. So again they said the site distance evaluation met ASHTO guidelines for 45 miles per hour but again I want to re iterate the posted speed limit is 35. There is a couple additional attachments in there that included the hourly traffic counts and although I reference some numbers there were some individual counts of about 110 vehicles per hour in the morning from 6 am to 7 am and then throughout the day the traffic counts don't drop to less than 40 vehicles per hour until after about 7 pm and again if you looked at the traffic from 7am to 7 pm again on just this one day of the study it is about a thousand vehicles so my concern as a resident is the number of vehicles and the classification of vehicles because of the number of dump trucks 18 wheelers and again the speed on the road. There were individual speed statistics that have about 78 % of the traffic that exceeded 35 mile per hour and there was a max speed of 63 miles per hour in this one narrow data set. So again as a resident we see a lot of excessive speed and a heavy volume of trucks and Im not having any problem with the gravel pits or anything else but I think in light of the project and in light of the growth in the Town I think at some point Brookwood has to be looked at from the volume of trucks, the origin and destination of those truck trips and the intersection at Middletown, just the number of accidents we've personally been in an accident at that intersection. As again as residents it's a little bit difficult to live there at times with that volume and speed, so I have no objections to the project per se but I just wanted to point out these matters as probably something to consider long term for the Town. Thank you.

Don Roberts: Thank you sir, thank you for your comments. Would anyone else like to speak? Would anyone online like to speak?

Richard Harris: There is one person Amy Marie Palen you have your hand up did you want to speak?

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Amy Palin: Yes I have a question , I am curious how can I get a copy of this plan and it looks like there might be a house right on top of mine underneath the power lines , it doesn't seem logical.

Richard Harris: Sure I could email it to you, I've had a couple of people call me at the last few weeks and I could just email it to you tomorrow?

Amy Palin: That would be great thank you.

Richard Harris: This is if you want to offline send me an email its Rich Harris we have spoken before or call tomorrow and just get my email address and I'll send it back to you no problem.

Amy Palin: Great thank you.

Don Roberts: Anyone else online like to speak?

Richard Harris: Trish Neachom has her hand up.

Trish Neachom: Hi Im just going to agree with my neighbor regarding the traffic issues, the speed issues the increase in traffic coming through with the intersection of Brookwood and Middletown road. It needs to be looked at.

Don Roberts: Okay thank you, please remember if any approval is given tonight, its only preliminary it's not final approval so just keep that in mind, would anyone else like to speak?

Richard Harris: Trish or Any you still have your hand up but do you want to add anything else I just want to check before we consider before the Board considers the public hearing closed?

Trish Neachon: No I'm sorry, thank you

Richard Harris: No problem I just wanted to check

Don Roberts: Once again anyone online wish to speak? (No comments) Okay seeing no in the room or online wishes to speak we will close the public hearing. Joe Romano our Town Engineer for this project do you have any comments?

Joe Romano: No, I think Joe touched on all of the things related to the project, he touched on the national grid which is something that we have had in place the whole time for this final approval.

Don Roberts: Okay you're all set with it?

Joe Romano: Yes

Don Roberts: Thank you

Richard Harris: Joe Dannible do you expect to have that easement in place by final approval?

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Joe Dannible: Absolutely

Richard Harris: Okay

Don Roberts: Okay good thank you, comments by the Board members?

Tom Koval: I would like to address the two residents that spoke up about traffic I do agree that its heavy traffic , I travel that road multiple , multiple times a day myself because I live right around the corner, it's not the local traffic that's the problem there , it's the peak hours of everyone going to General Electric or Momentive that passes through there , that completely ignore the four way stop sign and the accidents at the intersection of both Middletown and Brookwood are also related to people, not the volume it's the people ignoring the traffic signal coming up Middletown or down Brookwood , it has absolutely nothing to do with the volume of traffic , it's a traffic enforcement problem it has nothing to do with volume so any solution that we could have with this would be a traffic enforcement not limiting the amount of cars at this time.

Don Roberts: Any other comments? Just keep in mind if the Board wishes to grant preliminary approval we need a SEQR declaration for phases I & II a negative declaration if we choose to go that route.

Rich Berkowitz: I make a motion to set a negative declaration pursuant to SEQR.

Tom Koval: For I & II?

Rich Berkowitz: Yes

Tom Werner: I second

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

Rich Berkowitz: I make a positive recommendation on the Brookwood subdivision.

Tom Koval: Ill second

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

Joe Dannible: Thank you.

Marcel Nadeau: Don that's a County road correct?

Don Roberts: Yes

Marcel Nadeau: Could we possibly send the County a questionnaire as to could they look at that intersection , it's not part of the development just maybe have them look at that because that lady brought up some good concerns there.

Don Roberts: Okay yes, good thinking Marcel Yes we could do that right.

Richard Harris: Yep, I'll make a note.

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Brookwood Road Subdivision, Phase II– Major Subdivision (Preliminary)

PUBLIC HEARING HELD & APPROVED. Board held a Public Hearing and granted Preliminary Approval for the proposed 17-lot single family home subdivision.

New Business:

21.049 Rise, 1675 Rt. 9 (JS Watkins Plaza) Sign

Darla Delsa: My name is Darla Delsa Im here for Ray's Sign we are applying for a sign permit for the Building and two tenant panels.

Don Roberts: And you are just going to replace what was there?

Darla Delsa: Yea, the sign we are putting up 2 foot by 3 foot 11 and it's substantially smaller than what was there before FP Wellness

Don Roberts: Okay any questions by the Board?

Rich Berkowitz: I make a motion to approve the sign.

Tom Koval: Ill second

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

Darla Delsa: Thank you.

Rise (JS Watkins Plaza) – Sign

APPROVED. Board approved the proposed new signage for the renamed medical marijuana dispensary

21.054 / 21.055 Phantom Fireworks, 1525 Rt. 9- Change of Use/Tenant & Sign

Vincent Szabo: Vincent Zaebo, Thank you everybody, I know we weren't there,

Richard Harris: When you say you weren't there you weren't at another site in Town?

Vincent Szabo: Correct, we haven't been in this Town since 2017. Basically we want to set up a tent for the fireworks season, the tent towards the front of the plaza, steel bullet to the back of the plaza, and we are going to be open from June 20th to July 4th and between the hours of 10 and 9. The site itself there is only one open store so there is plenty of parking.

Tom Koval: You're going to have security?

Vincent Szabo: Everything in the site is locked up every night.

Tom Koval: Storage containers?

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Vincent Szabo: Correct

Rich Berkowitz: Will the garbage be picked up every day?

Vincent Szabo: The garbage we take care of.

Rich Berkowitz: How do you take care of the garbage?

Vincent Szabo: Everything is stored in the container until the end of the season, then taken away.

Rich Berkowitz: Including garbage?

Vincent Szabo: Correct.

Mike Ziobrowski: Do you have a license from the State?

Vincent Szabo: Yes we do.

Tom Koval: I make a motion to approve

Rich Berkowitz: I second

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

Vincent Szabo: Thank you.

Phantom Fireworks– Change of Use/Tenant & Sign

APPROVED. Board approved the temporary sale of legalized fireworks and related signage.

**21.063/21.065 Keystone Novelties Distributors (fireworks), 1516 Rt. 9- Change of Use/
Tenant & Sign**

Ed McMahon: Good evening my name is Ed McMahon and Im from Cumberland Rhode Island. I'm the road manager, there is a proposal that we have, we have a tent, the fireworks would be open from 9 to 10 and if any questions, shoot em, and let's have em.

Don Roberts: What dates are you going to be open from?

Richard Harris: The application said June 24th until July 4th.

Ed McMahon: Yea

Don Roberts: Good, questions by the Board?

Tom Koval: Are you storing your fireworks in a shipping container as well?

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Ed McMahon: No they are going to be inside, they are going to have back up, and they are going to bring it in as they use it.

Tom Koval: Are you going to have 24 hour security onsite?

Ed McMahon: There is going to be somebody there yes.

Tom Koval: Trash

Ed McMahon: They take care of that themselves, they take it out with them every day, and the only trash they are going to have is if they buy a snack from McDonalds

Tom Koval: You're bringing in boxes of fireworks and taking them home?

Ed McMahon: We take the boxes back yea, we take all that stuff, yea

Tom Koval: We have had people in the past in the Town where they keep the garbage in the parking lot and it blows all over the place.

Ed McMahon: No, that's not going to happen.

Mike Ziobrowski: Did you receive your State license?

Ed McMahon: Yes, workman's comp and everything, and nothing gets done until it's approved by the Fire Marshal.

Richard Harris: You do have to apply to the Town for a building permit for the tent, but we are aware that the rest of the jurisdiction is with the State.

Rich Berkowitz: Joel I have a question for you, is that enough of a setback since that tent is right in the entrance and exit of the parking lot?

Joel Bianchi: 52 feet

Rich Berkowitz: For someone coming off of route 9

Richard Harris: The property lines are probably right around where that car is.

Rich Berkowitz: I mean is that enough for someone coming in there?

Joel Bianchi: Im thinking it is.

Richard Harris: Its this turn your worried about?

Rich Berkowitz: Well you're going to have people parking somewhere in that lot walking through that area getting to that tent, and if you have someone walking from Garden Gate over or if you have someone coming off route 9 trying to be traffic to get in there they might not be able to see that person or stop.

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Tom Koval: How big is that tent you've got in the picture it's as big as the building?

Richard Harris: He has got a 30 x 30

Rich Berkowitz: I know its different visuals but if you have someone

Tom Koval: No, I know what you're saying I agree, you need to keep the tent as far over to that property line, your entrance and exits to the property itself.

Richard Harris: Your saying to the north a little bit more.

Rich Berkowitz: If they can put it right up against the property line then they are out of the way.

Mike Ziobrowski: There are a couple of lanes of parking spots on the left hand side, which is the south. People coming off of Route 9....

Rich Berkowitz: Are you able to put this tent anywhere in this parking lot?

Ed McMahon: Pretty much

Rich Berkowitz: So why don't you put it all of the way to the south

Ed McMahon: That's what I've got down here

Rich Berkowitz: Then everybody is safe

Richard Harris: You mean over here Rich?

Rich Berkowitz: Yea

Richard Harris: Then you mean to the south corner

Ed McMahon: Then we won't be far enough away from the road, it has to be

Rich Berkowitz: The other applicant was only 20 feet off of the road.

Richard Harris: Who is requiring you to be, is that State department?

Ed McMahon: Im not sure who is requiring it, they have been here a couple years ago

Richard Harris: If it was a permanent building our set-backs typically is 50 feet from the property line not from the while shoulder so, the property line I know for a fact goes right around where these cars are for a temporary use like this we would typically require a 50 foot setback

Rich Berkowitz: My main worry is getting hit in that parking lot

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Mike Ziobrowski: If somebody is pulling in

Rich Berkowitz: Pulling in yea.

Tom Koval: If you scale that out you go to the north of that property the building is not even going, it's barely even going to touch where it says 10.

Richard Harris: If you figure that trucks what

Rich Berkowitz: I just want it away from the entrance, I don't care where it goes in the parking lot, as long as it's away from that area.

Richard Harris: As north to this property line as possible I think is what they are saying.

Ed McMahon: Right

Rich Berkowitz: Is that building by the X occupied?

Richard Harris: I don't believe it is

Ed McMahon: No

Rich Berkowitz: Can't we but it up against there?

Richard Harris: Garden Gate is in here, he relocated me think to Crew road, and he relocated from there.

Don Roberts: No, no one's there.

Rich Berkowitz: Yea I have no problem with it as long as

Ed McMahon: So you want us to just go to the left as much as we can up to the line?

Rich Berkowitz: Yea

Ed McMahon: Okay, we can do that, we should be able to do that.

Don Roberts: Okay anyone else?

Tom Koval: I make a motion to approve

Marcel Nadeau: Ill second it, contingent on moving it toward the property line.

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

Ed McMahon: Thank you.

Don Roberts: You're welcome.

Richard Harris: Those included signs both of those, correct?

Tom Koval: Yes.

Keystone Novelties Distributors– Change of Use/Tenant & Sign

APPROVED. Board approved the temporary sale of legalized fireworks and related signage, with the condition that the tent be located as close as possible to the northern property line.

21.069

Before U Trade, 1650 Route 9 – Change of Use/Tenant

Anthony Zappone: Hello everybody my name is Anthony Zappone I represent Before U Trade LLC. We will be operating as an E commerce based automotive buying platform, it allows customers to go to our website, put in information about their vehicle and sell it to us online. The goal is to make it 100 % digital, the transaction. What our location here in Halfmoon will be used for is an administrative office, mostly to finalize sales, go through titles, financials and what not. Everything else as far as transactions go, again the goal is to be 100% digital, there may be an occasional customer that comes to finalize that transaction in person which is more or less an inspection from there we just sign away paperwork if the vehicle is stored at our office it will not be there longer than 24 hours the goal is to get that vehicle off and liquidated as soon as possible , no vehicle will be out for sale by any means, we are going to be obtaining a whole sale license from new York state , from there that doesn't even allow us to retail any vehicles so again everything if there is a vehicle onsite its going to be moved within 24 hours and its simply going to be an office for us.

Tom Koval: So you're not having appraisals? You're not having customers come in for appraisals?

Anthony Zappone: If they would like to set up an appointment we are appointment only, if they would like to call us, set up the appointment to do it in person they can, the idea is to make the transaction digital they can go onto our website we make it a fairly seamless transaction, seamless experience for them and they can give us all the information they need and we are confident we can give them a fair offer.

Mike Ziobrowski: ***This portion of tape is inaudible***

Anthony Zappone: So, wholesale network just dealer to dealer so any vehicle that we look at will mostly be at auction houses either in digital or in physical auctions.

Marcel Nadeau: Were you formerly at the Miracle Shop on Plant road?

Anthony Zappone: Yes that's my father so they've been in the wholesale operation for many years

Marcel Nadeau: They are still there?

Anthony Zappone: Yes they are still there, they will still be operating there, and this is just a new entity that a few other partners are going to be involved with.

Don Roberts: Anyone else?

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

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Marcel Nadeau: Ill second.

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

Anthony Zappone: Thank you, guys

Before U Trade – Change of Use/Tenant

APPROVED. Board approved the use of office space for an e-commerce automotive sales business.

21.071 Fisher & Thompson, Inc 45 Route 146 – Change of Use/Tenant

Jason Loper: Hi this is Jason Loper representing Fisher & Thompson. We're applying for a change of tenancy here, we are an equipment business that services local dairies, very similar to like an HVAC type business. We house inventory in house, load up service trucks head out for the day, we will have a couple customers per week that they come buy something over the counter, or our typical business is done on their sites so we won't require a lot of parking or anything like that and our hours are 8 to 4 during normal business week Monday through Friday and some technicians may need to come in on weekends and grab some parts for emergency calls and things like that.

Don Roberts: Now no outside storage right?

Jason Loper: That is correct

Don Roberts: Thank you, questions by the Board?

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

Marcel Nadeau: Ill second

Don Roberts: All in favor aye? (All in favor) Opposed? (None were opposed) Motion carried, good luck.

Fisher & Thompson, Inc. – Change of Use/Tenant

APPROVED. Board approved the use of the site for retail sales and storage for a dairy equipment supply business

21.076/21.077 Capital Asphalt, LLC, 21 Solar Dr. = Change of Use/Tenant & Sign

Joel Spenciarie: Good evening my name is Joel Spenciarie Im purchasing the property at 21 Solar Drive, I own Capital Asphalt. It's a small paving company we primarily do residential driveways, fix driveways things of that nature. We are primarily going to be using the property really just as a pick up our equipment in the morning and drop it off at night. There is maybe four vehicles there during the day which are personal vehicles and then we will just be leaving our equipment in an orderly fashion on the property, we would like to place some crusher run which maybe probably about that much , this high for the next job on the next day.

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Brendan Nielsen: A couple yards?

Joel Spenciarie: I would say five to six yards it's really not that much, there primarily won't be anybody there during the day unless there is someone in our office taking calls and that's primarily it.

Richard Harris: I showed up there just now where you guys had marked your proposed storage

Joel Spenciarie: I would like to do it right to the left of where the garage is because it's out of the way and nobody can see it, and then our parking will be primarily right to the left in that area right over there, we have a couple trailers we line our dump trucks up, a pick-up truck and that's about it, and then a skid steer. At night but during the day it's all going to be gone

Don Roberts: Okay

Tom Koval: There is no residences?

Don Roberts: No, nothing

Richard Harris: No there is business just to the south behind them and then across its also light industrial

Tom Koval: So there won't be back up alarms annoying people.

Joe Spenciarie: No

Don Roberts: Any other questions?

Rich Berkowitz: I make a motion to approve.

Marcel Nadeau: I second

Joe Spenciarie: Just one more thing we just want to change that sign too, just to our name we won't have to change anything else

Richard Harris: Its right here, it's a little bleached out, and same posts.

Joe Spenciarie: Exactly

Don Roberts: Okay we've got a motion for the use and the sign, and a second. All in favor aye? (All in favor) Opposed? (None were opposed) Motion carried, good luck.

Joe Spenciarie: Thank you.

Capital Asphalt, LLC – Change of Use/Tenant & Sign

APPROVED. Board approved the use of the site and related signage for an asphalt paving company.

21.060 **McDonald's USA, LLC Renovations, 1487 Rt. 9 – Site Plan (Renewal)**

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Karen Bajenowski: Good evening, for the record Im Karen Bajenowski from Boehler Engineering and Im representing McDonalds this evening for the renovations proposed at 1487 Route 9 here in the Town. This is a fairly simple project to the existing facility that you are probably familiar with we are proposing to renovate both the exterior and interior of the building also to bring ADA parking up into compliance and we are also going to optimize the drive-thru lay out to get more stacking. As Im sure you are aware our drive-thru's are becoming more and more popular especially in the times that we are in so the configuration that we are proposing here would maximize the queuing for the drive-thru. This project was previously approved so we are hoping to re-new that here this evening since the project has not been completed since we received that initial approval. Basically the project is the same as it was when it was previously approved we are proposing to kind of square up the drive-thru window that is at an angle now off of the back corner of the building which is here , and in doing that , that allows the que to get longer around the back side of the building. Again pretty straight forward and with that I will turn it over to the Board.

Don Roberts: Questions by the Board?

Rich Berkowitz: Are they getting rid of the play area

Karen Bajenowski: They are not, that will stay

Rich Berkowitz: No increase in seats?

Karen Bajenowski: Correct

John Higgins: And the rear access in and out is going to remain?

Karen Bajenowski: Correct

Don Roberts: Anyone else?

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

Mike Ziobrowski: Ill second

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

Karen Bajenowski: Thank you.

Don Roberts: You're welcome

McDonald's USA, LLC Renovations – Site Plan (Renewal)

APPROVED. Board renewed the prior Site Plan approval of the proposed site renovations.

21.067/21.074

**Oakhill Drive Lot Line Adjustment, 14 & 16 Oakhill Dr. – Minor
Subdivision & Special Use Permit**

Duane Rabideau: Duane Rabideau from VanGuilder and Associates representing Carol Schnitzer before the Board for proposed lot line adjustment & special use permit. The project is located at 14 & 16 Oakhill Drive.

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The proposal is to adjust the lot line between 14 and 16, lot 14 now this is lot 14 here ,lot 14 is now this configuration , lot 16 is this configuration , what they are proposing to do is to annex this piece here from 14 to 16. The lot sizes go from 14 a little bit over 2 acres down to a little bit over one acre. And lot 16 from 1.3 to about 2.3 acres. We are also requesting to be granted a special use permit to allow a pre-existing residential use in a non-residential zone, this is a C-1 zone. We know we have to go before the ZBA to make lot 16 Oak hill drive a zoning compliant lot where we are going to be asking for 2 area variances. At this point in time the lot 16 which is this one right here does not have road frontage and also a variance for this shed here would end up being in front of a primary structure, and that is our request before the Board.

Don Roberts: Now Duane as you correctly stated as this is an expansion of a pre-existing non-conforming use this must be denied.

Duane Rabideau: Yes

Don Roberts: Okay Board? Could I have a motion to that effect please?

Mike Ziobrowski: I make a motion to deny the application.

Rich Berkowitz: I second

Richard Harris: Before you vote do you want to provide any feedback usually Paul will send minutes to the ZBA when they see something that got denied by the Planning Board so if there is any comments on it or thoughts they are welcome, if not that's fine.

Don Roberts: Okay we have a motion and a second, all in favor of denying this application aye? (All in favor) Opposed? (None were opposed) Motion carried, application denied.

Oakhill Drive Lot Line Adjustment– Minor Subdivision & Special Use Permit

DENIED. Board denied the propose lot line adjustment due to the non-conforming nature of 16 Oakhill Drive, a landlocked parcel.

Old Business:

21.058 Trader Joe's, 3 Halfmoon Crossing – Sign

Tom Koval recused himself.

Todd Fisher: Good evening everybody my name is Todd Fisher with Equinox Companies, Im here tonight with Carl Wheeler from A.J. Sign and in case you have any questions on the site distance , Karen agreed to stick around from Boehler Engineering. I think there were two things that the Board was concerned about last time and one was the square footage of the wall signage which Carl is going to address right now and then there was the site distance on the pylon sign. Also happy to tell you that we're turning over the building a little bit early to Trader Joe's on May 14th which is probably going to allow them to open sometime in September, I know that was a question that came up last time so I just wanted to let you know that .

Carl Wheeler: Carl Wheeler with A.J. Signs , upon further looking at the wall signs as we determined its 265 sq. ft. total, the two are identical they are 87 sq. ft. and the other one is 91.25.

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Don Roberts: That's it?

Carl Wheeler: That's it.

Don Roberts: Comments by the Board?

Rich Berkowitz: I make a motion to approve the sign

Mike Ziobrowski: I second

Don Roberts: All in favor aye? (All in favor) Opposed? (None were opposed) Motion carried, Todd I've got one more thing for you, and we talked about this in the past now you did convey Trader Joe's that they are in Halfmoon so they are going to advertise that they are in Halfmoon right?

Todd Fisher: You know I made that imminently aware of, I made them aware of it right from day one, they had called it Clifton Park and they have changed everything to Halfmoon so yes.

Don Roberts: Thank you very much, appreciate that.

Todd Fisher: Okay you're all set with the site distance and everything else?

Don Roberts: Should be yea, we're satisfied right?

Mike Ziobrowski: It looks acceptable.

Don Roberts: Okay thank you, good luck.

Trader Joe's, – Sign

APPROVED. Board approved the revised signage plan for the building and site.

21.062 Summit at Halfmoon, 1620 Rt. 9 – PDD Amendment Recommendation

Jason Dell: Ok. Good evening. My name is Jason Dell, Engineer with Lansing Engineering. I'm here on behalf of the applicant for the Summit at Halfmoon Senior Living facility. We were before this Board about two weeks ago to introduce the project to the Board. As you are aware, we're here at the Planning Board seeking a recommendation back to the Town Board for the PDD modifications that we are proposing and we will have to come back to this Board at a later date for the site plan approval process. So during the last meeting the Board had two specific concerns that they asked us to evaluate and report back to the Board. The first of which concerned and related to stormwater and the impact our project will have on the existing stormwater issues at Grecian Gardens and the stream that runs along Grecian Gardens. The second related to traffic and the traffic volumes along Sitterly Road. So, Wendy from VHB is here to discuss that. So, I'll start and go through the stormwater analysis that we had prepared and put together. So, we did put together a conceptual stormwater analysis and as this Board is aware, we have been before the Board on two previous times for different projects so, the stormwater analysis, we had a jump start on that so we were able to turn this around pretty quickly. But, what you see here is our existing conditions plans which shows the existing topography as it sets right now and with that, we developed drainage areas on that property and where drainage will flow off of the site based upon the existing topography.

So, the existing Grecian Gardens is located in this area. Here's the stream that you folks were concerned about, that runs behind Grecian Gardens. So, from our site, currently draining to that stream is about 4.4 acres and with the proposed site and with the proposed grading and stormwater management that will be constructed as part of that, the drainage area, Rich, if you could just switch to the next map below there.

Rich Harris: Oh, sure.

Jason Dell: The drainage area to the stream from our developed site is reduced down to about 1.7 acres. So, an overall reduction to this stream right here of about 2.72 acres. So, our project will not have any direct impacts on that stream, to answer that question. The drainage area for that stream is actually quite extensive. It begins up at Home Depot and Home Depot stormwater management area discharges to what is the beginning of this stream. It comes down, goes along Route 9 for a little while and comes back onto the site behind Grecian. It has a drainage area of about, very roughly estimated using aerial photos and USGS topo of about 35 acres of developed area which all funnels down into 124" pipe on the back side of Grecian Garden. So that is all off of this site and we won't be impacting that at all. We'll actually be pulling all of our drainage in the back here back to the stormwater management area that will be designed as an infiltration basis. The question came up as to whether or not we've provided sufficient enough room for that and the answer is yes. This current iteration actually has a little bit less impervious area than what we had before. So, what our analysis and the letter report that we put together, documents how the existing drainage works with proposed drainage and what that required storage volumes are. So, our proposed basin does provide enough storage to accommodate up to and including the 100 year storm events. That's all documented in that conceptual letter report that we submitted to both Rich and Joel for review. So, we are very confident that we will be able to mitigate stormwater and not adversely impact any of the offsite properties. I'll turn it over to Wendy and then I'll be available to answer any questions on that stormwater.

Wendy Holtzberger: Wendy Holtzberger VHB. So, as Jason had mentioned the last time we were here, we talked about the volumes that were presented in the report were 2016, so we did put a counter out but it went out on the same day that the crash occurred so, therefore, the roadway did not cooperate with us to find new data. But, what we did do is we went back and the Department of Transportation (NYSDOT) actually has a counter that was in the same vicinity and we provided a memo that has, that shows, NYSDOT data from 2015 and 2018 and 2019 and then compared to the 2016 volumes that we had, had presented and they're all very relatively consistent. So, I know there was some concerns that the volume has, had gone up, ya know, quite a bit and that's not what's showing in those volumes. The 2019 estimates that DOT had, ya know, would pretty much be the most recent beside if we went out and did it today, which is, ya know, we're unable to do. So, we were hoping that this information does show that the patterns haven't really changed and that is sufficient enough to not delay the project based on the current state of Sitterly Road, unfortunately.

Don Roberts: Questions by the Board?

Mike Ziobrowski: I guess my question would be, where did you collect the data?

Wendy Holtzberger: So, we collected the data from 2016 was just a little bit east but it was still on the west side of Corporate Drive. The NYSDOT data is just on the east side of Corporate Drive, so, I mean Corporate Drive's really the only anomaly in the data, but it's not showing that there's a big variation in the volumes.

Don Roberts: Anyone else? Now, we could, we could have a Public Information meeting, but since the Town Board's required to have a Public Hearing, I think we can bypass our Public Information Meeting and if we make a recommendation, it's got to be a PDD amendment recommendation to the Town Board.

Marcel Nadeau: ****This portion of tape is inaudible****

Don Roberts: The Town Board takes care of it.

Rich Harris: Yeah, Town Board Public Hearing has to do at least adjacent, yeah.

Rich Berkowitz: Does that include apartment buildings?

Rich Harris: Yeah, they would notify management at the apartment buildings, we'd be responsible for notifying tenants. Yeah because they do border it. The Town Board can't choose to expand it just like you guys do sometimes, I mean it would be logical to go at least to the corner, ya know, there's a few that don't border this.

Rich Berkowitz: So, I'll make a motion to have a positive recommendation for a PDD to the Town Board.

Marcel Nadeau: Ill second.

Don Roberts: Okay for the amendment, we have a motion and a second, all in favor aye? (All in favor)
Opposed? (None were opposed) Motion carried.

Jason Dell: Thank you.

Don Roberts: You're welcome.

Summit at Halfmoon- PDD Amendment Recommendation

POSITIVE RECOMMENDATION. Board issued a Positive Recommendation for the proposed PDD amendment to allow the construction of a 110 unit independent senior living facility.

20.121 113 Tabor Road Warehouse/Office Building, 113 Tabor Rd – Site Plan

Shawn Farrell: Good evening, I'm Shawn Farrell with Lansing Engineering and I'm also here with Elana Moran from BHB and Jackie Murray from the Murphy Law Firm. The project site encompasses 5 acres and is located on 113 Tabor Road in the Town of Halfmoon. The entirety of the property being considered for development is located in the light industrial LIC zone district in the Town of Halfmoon. The property surrounding the project site are all zoned Light Industrial Commercial (LIC). The proposed project will include the construction of a 43,250 sq. ft. warehouse office building with associated parking, associated parking lot. The current proposal provides 1,400 sq. ft. of office and 41,850 sq. ft. of warehouse space. Access to the site will be from one access point off of Tabor Road. The proposed building will have the potential to be used by multiple entities. We were last in front of the Board on 2/22/21. At that time, the Board requested an independent traffic review to be conducted. On 4/16/21 we received two review letters from MJ Engineering. The first letter was the independent traffic review letter. The second letter was comments related to the site plan. On 4/20/21 we prepared a response letter to the Planning Board addressing MJ's engineering comments related to the site plan and we're here tonight to discuss the independent traffic review letter with the Board and answer any questions that you may have. Thank you.

Don Roberts: Thank you Shawn, questions by the Board?

John Higgins: As far as the traffic exiting the site, we had concerns regarding traffic heading east on Tabor because of the residential nature of the rest of that road. Is there any way that you could limit the traffic exiting especially the tractor trailers and make them go to the right so that they can access out to Route 9 that way?

Shawn Farrell: It is anticipated with the applicant's use that most of his traffic is going to go to the Northway and he has current warehouse space and that's, that's his vision and he's 90% sure that, ya know, 90% of his traffic will go towards the Northway. I don't know if you want to limit us of somehow.

John Higgins: I know with the application across the road, they basically made it mandatory that all of their commercial tractor trailers and big trucks go that way. Anyone going the other way would be thrown off of the site and obviously because of the nature of the road, it's not really, ya know, a highway going the other way on Tabor.

Shawn Farrell: Sure.

John Higgins: I think if the applicant could be a little emphatic as far as telling people or putting a sign out for something and making sure that they're encouraged to go to Route 9 would definitely resolve a lot of the concerns that the neighbors have.

Shawn Farrell: Yeah, we can certainly do that. Whatever the request, we can put, ya know, signage or truck traffic to the Northway. He's very open to that, to do that, so whatever, whatever recommendations we would be willing to do.

John Higgins: Thank you.

Marcel Nadeau: John, I would agree with you on that. I mean we don't know what type of business is coming in there so to, to carte Blanche, ya know, give them a, either direction I think we need to do that.

John Higgins: I agree.

Don Roberts: Hey, Joel at this point would you like to give a brief summary of your traffic review?

Joel Bianchi: Sure.

Don Roberts: Thank you.

Rich Harris: Joel, I don't have it up there, but each Board member did get a copy.

Joel Bianchi: They have it. Ok.

Rich Harris: E-mailed to them at, today, I think.

Joel Bianchi: So the Board has the, the limited scope traffic study that MJ was asked to do and we've focused on two things. It was examining the trip generation for alternate uses at that site that are permitted as of right in the zoning district. Sort of a sensitivity analysis, which you presented those in tabular form, and then we also looked at a, the high level condition assessment of the existing road from the site out to Ushers Road. So, just to, in summary, ya know, we looked at plausible uses within, within that zoning district going all the way from a

warehouse, which the applicant is proposing up to varying uses. General office, government offices, car sales, supermarkets, furniture stores. There are other uses allowed in the zoning district, however the IT manual doesn't have prescribed trip generation. I looked at it to give me something. But I think the wide range of use gives you a representation of what could be there and then how many trips would be generated by those uses. The warehouse that the applicant is proposing actually generates the least and as a comparison, a supermarket or a car sales are on the higher end. So, that just shows you what could be there and what, what other uses would be allowed and those associated with trip generation would be peak hour a.m. peak., a.m. and p.m. peaks. We also looked at truck traffic and you can see those in another tabular form. I think the biggest focus would be the warehouse where we said daily truck traffic can vary, 9-24. Most of that in off peak hours with one or two occurring during the a.m. or p.m. peak hours, so generally I think that really coincides with the traffic study that VHB had done. The other, again, the other analysis we did was really looking at the condition of the road, of Tabor Road, focusing from the project site out to Ushers Road, generally because that's where most of the traffic will be coming to and from deliveries. The I-87 corridor. Generally found the road to be in reasonably good condition considering it's age. Clearly the Town has done routine maintenance to prolong its road surface. Some of the photographs we show of its cracked ceiling. Those are typical maintenance activities of the Highway Department to really prolong that road. Generally, when you compare the road geometry in comparison to, ya know, NYSDOT standards, it generally fits within their guidelines. There are some departures, most notably, the shoulder width. DOT for that type would typically recommend the 4' wide shoulder. We observe anything from 6" to 1 1/2'. But we would not consider that substandard or creating substantial travel issues for vehicles. The one things we do recommend, ya know, it's basically a wait and see. There is another use on the road that is, ya know, very close vicinity to this site. Has probably a higher traffic volume. Relative to this side I think it's a wait and see. Does the amount of heavy vehicle traffic really start to accelerate the derogation of the road bed? And again, that would be something you would look at maybe a year or two down the road. So, ya know, in general there are things that are mitigation strategies but at this point, we're not recommending that this project should be on the hook for a mitigation activity specifically. It's sort of let's see how it goes. One other point that I didn't highlight here, but I did say previously. We have experience with this similar type of use in Clifton Park and I think I talked about it last time. Clifton Park doesn't have the same processes your town does meaning Clifton Park, if a use comes in and there's changed uses, administratively they handle those, whereas this Board, you do a change of tenancy, change of use every time. So, I don't think the developer has uses or tenants lined up yet. So I think there may be an added checks and balances that this Board will have available to you. If a tenant comes in, you can sort of validate their uses, the type of vehicles, the type of delivery schedule and always look back on the study that VHB did, the study we did here and then a couple years down the road another tenant, changing tenant. I think the Board will have it as disposable enough check and balances to monitor this condition and sort of control it if you see something sort of veer from what was discussed this evening or what the Board is gonna relay on, in as far as the decisions and what the applicant is represented here and at other meetings.

Rich Berkowitz: Has any consideration been given if this is a 24 hour facility, because this is so close to a development?

Joel Bianchi: The IT manual doesn't specify, well, I understand that concern because there could be deliveries off hours.

Rich Berkowitz: Right. I know peak and off peak. But what do you consider peak? What do you consider off peak? Do you consider the middle of the night?

Joel Bianchi: No, peak hours are generally 7-9 a.m. in the morning, 4-6 p.m. in the afternoon.

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Rich Berkowitz: I understand that, but what do you consider off peak?

Joel Bianchi: Consider off....

Rich Berkowitz: Off peak hours? Are they during the daytime, nighttime?

Joel Bianchi: I don't follow.....

Rich Berkowitz: Well, I figured that it's a warehouse, what do you consider night, before 7 am?

Joel Bianchi: Yes. yes sorry. I didn't understand.

Lyn Murphy: They don't adjust it for the use.

Joel Bianchi: Yeah. The use is they only look at the peak hours of the road network, not the use, the use could have a peak operational period outside of the peak of the operational roads that it serves so

Rich Berkowitz: This is a 24 hour facility they have truck deliveries in the middle of the night and you have Neighborhood within a hundred yards of this building

Tom Koval: we have to approve any tenants that go in there

Rich Berkowitz: But once you know it's built they are going to put something there that has truck docks, loading docks on there, they could say they have a hardship

Joel Bianchi: I don't believe the applicant is represented to, anything that we've heard about a 24 hour operation. But, if that is, that is a valid question because that could trigger other potential impacts that you would seek to mitigate, i.e., noise, idling overnight and stuff of that nature.

Rich Berkowitz: I mean I think we should mitigate that prior to this building being built , because once you build loading docks , the corporation is going to look at the building, is going to have trucks.

Joel Bianchi: I don't disagree with you, so I think if that is a concern, that the Board should certainly should, there are means and methods to, I think, mitigate that circumstance. Limiting hours of operation, limiting delivery times, prohibiting idling for long periods of time. There are certain things that Board, I think, has

Don Roberts: And we can do that as each applicant comes also.

Lyn Murphy: I kinda think you're gonna have

Marcel Nadeau: You have to this is right on top of that

Don Roberts: Yea, we have to, we have to really, we can't do it now, and we have to see what comes in.

Rich Berkowitz: I understand Im just looking at the future

Don Roberts: Well, yeah, well, that's, that's what why we gotta be on our toes, ya know.

Lyn Murphy: And again, zoning is what it is, it's been that way for decades.

Rich Berkowitz: Was the zoning changed prior to those residence's being there of after they were built?

Lyn Murphy: I think for the most part.....

Rich Harris: This zoning's be redistricted for decades.

Lyn Murphy: For decades.

Don Roberts: Yeah.

Rich Berkowitz: So, the zoning was there before Northern Sites was even built?

Lyn Murphy: Correct.

Don Roberts: Yes.

Rich Berkowitz: So they knew eventually they would all be built.

Tom Koval: Weren't we going through the same scenario with Tabor Road and Ushers Road, that everybody , all the old timers loved this zoning change it made your property worth more but they all complain when it actually gets built.

Rich Berkowitz: ****This portion of tape is inaudible****

Don Roberts: Yeah, yup, yeah, but Rich we can control as each one comes in, we have control, don't worry about that ya know.

John Higgins: Do ya think it'd be advantageous for the applicant to know that up front so, ya know,

Don Roberts: I think Shawn just heard it.

John Higgins: Ok.

Sean Farrell: We're well aware that when tenants come in we have to come back in front of you and there might be stipulations put on it at that time

Rich Berkowitz: And after this building is built, can they put a noise, what is the word I'm looking for , put in something to dull that noise ,like a berm in the back or some sort of.....

Lyn Murphy: Yeah, as they come in if it, if this Board deems it appropriate as a condition of that particular occupant utilizing the space, you can always say, in order to do so, you need to mitigate sound or no, only turn one way, or delivery times.

Rich Berkowitz: Prior to this building being built, some sort of berm to mitigate noise.

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Lyn Murphy: But why would you do that if it's gonna be

Don Roberts: We don't know what's coming in.

Rich Berkowitz: Well, we don't know who's coming in though.

Don Roberts: And that's.....

Lyn Murphy: You can do it after.

Don Roberts: We can do it as

Rich Berkowitz: But if they built this building, there's not enough room to mitigate for the noise.

Lyn Murphy: Then you tell the tenant they cannot come in.

Don Roberts: We have a, we have a reason.

Rich Berkowitz: As long as they know that

Don Roberts: We have a reason at that point, right now we have no reason.

Marcel Nadeau: Right. As long as they're aware of that, and you're saying they are.

Lyn Murphy: They are, their attorney's here, they're aware.

Don Roberts: They're all hearing it Marcel, everyone's hearing it.

Marcel Nadeau: Right, I want to make sure they hear it.

Shawn Farrell: And, to also add to your concern, the south end of the building probably from here down, there is going to be an existing from, it'll range from 2' to 4' burm and then we're proposing 8-10' trees there, so, half of that is already going to be reduced some of that.

Rich Berkowitz: I understand that. I live 2 miles away from that Sitterly Road bridge and I heard that truck hit it I thought it was thunder but at the time I didn't know what it was but I heard it and I was 2 miles away and there is a lot of trees and buildings between my house and that bridge and that burm

Don Roberts: Well, Shawn, you're hearing all of these concerns. You may want to bring this back to the applicant now so he can take action beforehand. Additional action besides what you're doing.

Shawn Farrell: Certainly.

Don Roberts: All right.

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Marcel Nadeau: When we approved SYSCO, we had similar situations and as you recall, John, we could hear, ya know, noises throughout the whole night so they had to do some changes there

Don Roberts: Yeah.

Lyn Murphy: They did them right?

Marcel Nadeau: They did do it.

John Higgins: Yeah, but some of it they couldn't because of the law with backup alarms.

Don Roberts: Oh yeah, they got to have it, yeah, they have no choice. Yeah.

John Higgins: I had one question regarding the shoulders, would there potentially be a problem with snow buildup in the winter as far as 2 tractor trailers passing each other going opposite directions?

Joel Bianchi: I, I, this is completely speculation, I mean, I think, ya know

John Higgins: Yeah. No, I'm just It's something we might want to let the Highway

Joel Bianchi: Yeah. I think the Town would typically clear, whether it's, ya know, mostly the entire shoulder, only because you have to plan for the next snowstorm so you have stacking again and again. So, I would reasonably believe that the Town, at any given day would clear the full pavement width and not try to.....

Lyn Murphy: The road's been there for decades, there's light industrial uses there now.

Joel Bianchi: Yeah.

Lyn Murphy: The trucks go by and the road gets clear and has been for, again, decades, so, I don't think it's a concern.

John Higgins: No, he mentioned the shoulder in some areas is only.....

Lyn Murphy: But, it's been that shoulder the same, it's always been that way

John Higgins: So it's okay all I'm saying is I didn't know if something should be mentioned to the Highway Department that they need to make sure the full length, the full width is maintained because now we're gonna have more tractor trailer potentially.

Tom Koval: I think our Highway department does a good job keeping the shoulders back, you could land a 747 on most of the roads

John Higgins: I'm not arguing that I'm just saying potentially we could have tractor trailers passing each other, that's all.

Lyn Murphy: The Engineer was very clear that as we sit here today they are not substandard in any way. They are not a risk, so, once he says that, I'm comfortable with his determination.

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John Higgins: Thank you.

Don Roberts: Anyone else? Now, we did say that, awhile back that due to the concerns of the residents in the area, we're gonna have a Public Information Meeting, so, I think we're to that point and if we, in the, motion in a second, we could move along with that for next meeting, right?

Rich Harris: Did you want to do expanded notice like you've done before?

Don Roberts: Yes, I think we should, then, we're ok for next meeting on that, right?

Rich Harris: Yeah, yup, I've already prepared staff.

Don Roberts: Ok, can I have a motion and a second please.

Marcel Nadeau: I'll second.

Don Roberts: Can I have a motion.

Rich Berkowitz: I'll make a motion to have a Public Hearing with expanded notice set for May 10th

Marcel Nadeau: I'll second it.

Don Roberts: Okay we have a motion and a second, all in favor aye? (All in favor) Opposed? (None were opposed) Motion carried, see you next meeting

Shawn Farrell: Thank you.

Don Roberts: Thank you.

113 Tabor Road Warehouse/Office Building – Site Plan

PUBLIC INFORMATIONAL MEETING SET. Board discussed the findings of an independent traffic analysis and set a Public Informational Meeting date, with expanded notice, for May 10, 2021.

21.082 Shops Halfmoon Drive-Thru Restaurant, Route 146 – Site Plan & Special Use Permit

Rich Harris: What's that? Oh yeah, we do have Mark Nadolny from Creighton Manning here who did the traffic analysis for this site so I don't know at what point do you want to

Don Roberts: That's up to them.

Rich Harris: Present

Don Roberts: It's up to you guys. How do you want to do it?

Mark Nadolny: I think that was the big item last time was traffic so we can right into that.

Don Roberts: Ok, go ahead Mark.

Richard Harris: Mark, you're up, and all of the Board members were sent a copy last week of your analysis.

Don Roberts: Good, we can hear you better this way.

Mark Nadolny Good evening, Mark Nadoli from Creighton Manning Engineering. We have been contacted by the Town to conduct the traffic assessment for the proposed restaurant. With that being said, we went out and conducted some existing conditions assessments at the site driveways. First, being on Route 146 and the other being on Old Route 146. I would consider those the main driveways. There's also the sort of a secondary driveway on US Route 9 with not as much traffic would typically use that because of the sort of circuitous nature of the of the plaza. We also looked at the existing intersections of US Route 9 and NY Route 146, the large signalized intersection to the west and also the signalized intersection of Old Route 146 and NY Route 146. Now, we had counts at the two signalized intersections from 2018 so its pre pandemic conditions and we went out and counted the site driveways this year in March. We were able to take a look at the existing counts versus the counts from 2018 and determined that they were pretty close in terms of the thru traffic so we're confident that there was no factoring that really needed to be done to the 2021 traffic. The conditions have sort of normalized. We also contacted the Town about other developments in the area in order to add other known approved projects in order to get a future condition in the project area and then we also went out and did counts in, at an existing Popeye's location in Troy, New York to get an idea of how much traffic a similar sort of store would generate during peak times and those peak times would be, on a p.m. peak hour between 4-6 on a Saturday and mid-afternoon 11-1. So we have an understanding of how much traffic an existing Popeye's generates and we also observed the queuing associated with the drive-thru for the existing store so we have an idea of actual operations of a similar store. That being said, we used those trip generation rates from the existing store and determined that this store would generate approximately 108 p.m. peak hour trips and approximately 92 Saturday peak hour trips. Now, that being said, for a fast food type restaurant, about half of those trips are typically pass-by trips. They're only traffic that's on the network and they're maybe stopping for dinner on their way home from work. So, they're not new trips to the area but they are new turns in and out of that, out of the site driveways. So, in reality a site like this may actually generate 50, of that of maybe 50% of these are pass-by trips so during the p.m. peak you're looking at maybe 54 new trips to the area and during the Saturday peak maybe 46 new trips to the area, so you're not adding all those new trips to the existing area and, of course, since the plaza has multiple points of access, they're not all going to one, one site driveway. We distributed that traffic based on a review of the existing site driveways and their potential destinations and then did an analysis of the two signalized intersections and those two main site driveways, the one being on 146 and Old Route 146. As everyone in this building knows, US Route 9 and 146 does not operate well today. It's operating a level service E with some level service F's meaning that there are some failing movements out there. This proposed development would generate, would increase traffic at that intersection by approximately 1%, so we're not anticipating conditions being vastly impacted by this development. It's gonna continue to operate similar to existing conditions. Same thing with the other signalized intersection at Old Route 146 and 146. Again, it's not gonna add that much traffic where current operations are going to be impacted severely. The site driveway on Old Route 146, the un-signalized site driveway, we anticipate that operating at fairly good levels of service, meaning patrons existing and entering will not experience excessive delay. And the other un-signalized intersection, or the other un-signalized site driveway intersection on 146, that was the one intersection where we felt that there may be some problems if we left it as is. Right now traffic, there's approximately 15-25 vehicles exiting that un-signalized access during the peak times. That would increase to approximately 80-75 during the peak times and if that occurred under existing conditions that southbound site driveway approach would operate at levels service E's and F's during the peak times. Now, in order to mitigate that, we would recommend taking the hatched area on NY Route 146 and converting that to a two-way left turn

lane. That's very similar to some of the other sections of Route 146 where people use the two-way left turn lane in order to make it two stage left turn from the site, and if that's done adequate operation, we believe would be provided in the future. I do know that the Board want us to look an alternative access scenario. So, what we did look at was restricting left-turns existing the site from the Route 146 driveway and if those left turns are restricted, they would have to obviously use a different driveway, and if they're, any traffic that's destine to the east would most likely use the site driveway on Old Route 146, travel south to the signalized intersection, opposite Lowe's and make that left turn. Now, if all that traffic does that, that southbound left turn at that signalized intersection will start to degrade, and in order to mitigate that you would have to pull and reallocate green time from your main line from the east-west NY Route 146 phase to north-south, and while that can be accommodated, you're going to degrade operations on your main line. It's not gonna be excessive, but again, that's, those are your main, that's your main traffic flow so we would, we would guess the NYS DOT would try to minimize any, any impacts to your main line traffic on 146. So, that being said, it is our opinion that the recommended, or the preferred access alternative with full access on Route 146 would be, would be, and recommended with the restriping of the de-hatched area to a left-turn lane. As I noted, we also looked at the site, or the drive-thru window to ensure that stacking wouldn't occur back out onto Route 146. We observed the existing Popeye's drive-thru operations and the 95th percentile que was about 7 vehicles and the max que was 9 at that location. Now, they have one ordering location and one window pickup. This location has two ordering locations and one window pickup, and this location also has approximately 15, or 14 spaces of stacking between the pickup windows back towards the access plaza driveway. So, it provides more stacking than the, then the Popeye's in, in Troy and it has more efficient operation so we feel that there is adequate stacking on site to accommodate their operations. We also did some secondary research at other fast food restaurants and that also suggested that there would be adequate stacking on site for the, this type of a fast food restaurant so, that was the short summary of our traffic assessment. If I can answer any questions that you have.

Don Roberts: Mark, has the DOT commented on your communication plan?

Mark Nadolny We just sent this into the Town on Friday so that would be the next step and they would definitely need to review and signoff on this. Like I said, it is very similar to many of the two-way left turn lanes that they currently provide on NY Route 146, but again, that would definitely need to be reviewed by the Department.

Don Roberts: Thank you. Questions by the Board?

Mark Nadolny No.

Rich Berkowitz: So you will be open from 9 till 9 or 10 at night

Mark Nadoli: Right.

Rich Berkowitz: So it cuts down ****this portion of tape is inaudible****

Mark Nadolny Right

Mike Ziobrowski: When do you anticipate response from DOT?

Mark Nadolny It depends on their workload. They would typically get back to you within 6 weeks, but again, it just depends on how fast they can get to it and where you are on their pile.

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Rich Harris: Yeah, just so it's clear, Mark moved pretty quick on the level of detail provided in here. So, this, ya know, was the aim from the beginning to try to get this back for this meeting and given a year's from workload and other things going on, we haven't started the typical process of going to DOT yet but that would be obviously the next step, and this does require a Public Hearing because of the drive-thru aspects so, I would anticipate we could get this going.

Tom Koval: So, should we wait to do a Public Hearing until we DOT's accept this so we have information for the public?

Rich Harris: Regarding restriping of 146?

Tom Koval: Regarding the traffic. I still that access on 146 from that signal in front of the spots. It's still very unclear how that would work. That's the only intersection on this whole project that really scares me. That's where I think we could have potential problems.

Mark Nadolny and that's why, that was the only location where we had recommended mitigation which would be the two-way, left-turn lane. You would have that ability

Tom Koval: Two way left from where?

Mark Nadolny So, do you have the traffic study?

Rich Harris: I don't have it right there.

Mark Nadolny So, we do have a concept of it in the traffic study.

Rich Harris: I didn't.

Mark Nadolny Ok.

Rich Harris: They, I did not make copies for them.

Mark Nadolny So, I do have it on my computer if you wanted me to show it to you?

Tom Koval: ****This portion of tape is inaudible****

Rich Harris: It would be, it would be the eastbound lanes would have two left turn lanes, if Im correct.

Rich Harris: Correct.

Mark Nadolny Right, so, now, if someone is uncomfortable doing that, they do have other options during peak times. So,

Tom Koval: I understand, but people are comfortable doing and what people will do when the other entrances are stacked up, they will take a chance they will roll the dice and it doesn't always work out in their favor, especially if we've got two lanes at rush hour.

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Mark Nadolny Understood.

Tom Koval: Especially if people are racing. If that light in front of Lowe's is green, and the light at Route 9 is green, people are gonna go like hell to see if they can catch and not have to wait that intersection and not have to wait an extra ten minutes.

Mark Nadolny Understood.

Tom Koval: I do that

Mark Nadolny: So, we also did review accidents and there were no, like, no right angle accidents coming out of these driveways. The north or the south because there is the, the driveway in the south side of the road associated with the Advanced Auto Parts service driveway. Understood, there is gonna be more traffic there so there'd be more opportunity for collisions so, yes, but there's not an existing condition that exists that we, that we observed within the accidents that were provided by DOT.

Tom Koval: You can't put in speed bumps there makes it even less desirable to go out that way and generally with Advanced, you're cutting more people are going to make a right.

Mark Nadolny Sure.

Tom Koval: Whereas this is a much different situation so that's not a good example to use, in my opinion. Like I said have no problem with the project.

Mark Nadolny that's understood.

Don Roberts: Anyone else?

Rich Berkowitz: How many cars can be in that stack?

Mark Nadolny Internally? There's about 10 spots between the ordering windows and the

Rich Berkowitz: There is that many?

Mark Nadolny Yes there is an image that they included in their site plan that has about 10 spots that you can stack back from the ordering windows and about 4 from the pick-up window so there's 14 total.

Rich Berkowitz: Now once a couple times through there what people are going to do, they are going to go out Old 146 to get to 146 that's what I do, I actually go around one of the salons come out by Billy's and take a right or I'll go up to the main one by red lotus and comes out and that's what's going to hap-pen, people are going to be able to use that signalized light, you mentioned there is going to be two left hand turning lanes, at that intersection or?

Mark Nadolny No, southbound, no there would not be another southbound left turn lane no, so yea that's the issue

Marcel Nadeau: So you're coming out and you're coming in through the Lowe's red light?

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Mark Nadolny Yup

Marcel Nadeau: In the traffic going to Mechanicville

Mark Nadolny Right

Marcel Nadeau: They will stay in one lane?

Mark Nadolny They will stay in one lane yes, correct

Rich Berkowitz: Its two lanes

Mark Nadolny Its two lanes west bound and one lane east bound right

Tom Koval: Well is your talking 146 and their talking Old 146

Rich Berkowitz: Your talking Old 146 and the light goes you're going from 146 into Lowe's there is a left hand turn lane and then there is one that goes straight

Mark Nadolny Correct

Tom Koval: And when you have traffic at that Lowe's cause everybody uses that road as a cross route you can sit through two or three signals before you are able to make that left in front of Old 146

Rich Berkowitz: What DOT can do they can reconfigure the length on those signals and that will solve that.

Mark Nadolny Yes but it would impact your main line which DOT is, they are more worried about their main line than they are about

Rich Berkowitz: There is going to more, there is going to be another light going on that main line once this half opens up now what does that do to the gap, it's going to increase the gap.

Richard Harris: That about a mile to the east

Mark Nadolny Well they're also going to hit the signal at Old 146 so that's the one that's going to meter the traffic to this

Rich Berkowitz: But it clears up

Tom Koval: ****This portion of tape is inaudible**** change anything

Mark Nadolny Yea obviously that corner there is something going on in the corner when that redevelops the whole corner will redeveloped itself so.

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John Higgins: Did your report make any recommendations as far as internal signage for customers coming out of Popeye's saying that if you want to go east bound on 146 to go the other way or you don't recommend even signage?

Mark Nadolny We didn't recommend any signage I mean if that's something that the Board feels strongly about Im sure they could put some signage in there, this is going to be more local traffic so I think people are going to know which way to use, and how to use it so I think if people are going to use, they are going to go the way they feel most comfortable but if you felt strongly about signage

John Higgins: I just feel the same way Tom does that trying to sneak across two lanes to head east Im just really concerned about that.

Don Roberts: Anyone else? Okay we can still have the public hearing so can I get a motion for the public hearing the next meeting? The reason a public hearing is necessary is because of the drive-thru that's why we need the public hearing so we can still have it.

Tom Koval: We can have the public hearing but we are not going to approve anything until we hear from DOT.

Don Roberts: We don't need to take action if we don't want to but we can still have the public hearing

Tom Koval: I don't want to take action until we hear from DOT.

Don Roberts: Okay that's one opinion, that's fine but we can still have the public hearing

Richard Harris: Yea you've got Northern sites on the next on May 10th, and we also have Eastpointe which is a lot line adjustment

Rich Berkowitz: Can we keep it light on the next one?

Richard Harris Whatever you guys want to do I've been scoping out the schedule for the last few weeks to make sure we , we're in good shape if you want to do it the next meeting we've already printed up the notices for adjacent and we already have the Northern Sites based on expanded notice so

Rich Berkowitz: Who are you really notifying?

Richard Harris: It's all commercial tenants, many of them are owned by the same owner of this parcel

Lyn Murphy: A drive-thru is a special use so in order to get one you have to have a public hearing

Don Roberts: You have to, yea

Richard Harris: Burger King, Lowe's

Don Roberts: That's why I suggested we have it because, so who made the motion?

Rich Berkowitz: I did

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Don Roberts: Rich made the motion, Marcel seconded okay, we've got a motion and a second for a public hearing the next meeting, all in favor? (All were in favor) Opposed? (None were opposed) motion carried, see you next meeting, and thank you.

Shops of Halfmoon Drive-Thru Restaurant– Site Plan & Special Use Permit

PUBLIC HEARING SET. Board discussed the findings of an independent traffic analysis and set a Public Hearing date for May 10, 2021.

Mike Ziobrowski: I would like to make a motion to adjourn the meeting

John Higgins: Ill second that.

Don Roberts: All in favor aye? (All in favor) Opposed? (None were opposed) Motion carried, thank you, good night.