

Town of Halfmoon Planning Board

April 13, 2009 Minutes

Those present at the April 13, 2009 Planning Board meeting were:

Planning Board Members: Steve Watts – Chairman
Don Roberts – Vice Chairman
Rich Berkowitz
Marcel Nadeau
Tom Ruchlicki
John Higgins
John Ouimet

Planner: Lindsay Zepko

Town Attorney: Lyn Murphy

Town Board Liaisons: Paul Hotaling

CHA Representative: Mike Bianchino

Mr. Watts opened the April 13, 2009 Planning Board Meeting at 7:00 pm. Mr. Watts asked the Planning Board Members if they had reviewed the March 23, 2009 Planning Board Minutes. Mr. Roberts made a motion to approve the March 23, 2009 Planning Board Minutes. Mr. Ouimet seconded. Motion carried. Mr. Nadeau abstained due to his absence from the March 23, 2009 Planning Board Meeting.

Public Hearings:

08.020 PH Brookfield Place PDD, Guideboard Road & Harris Road – Major Subdivision/PDD

Mr. Watts opened the Public Hearing at 7:01 pm. Mr. Watts asked if anyone would like to have the public notice read. No one responded. Mr. Ivan Zdrahal, of Ivan Zdrahal Associates, PLLC, stated the following: Landmark Development is the applicant for this project. Because this proposal is for a Planned Development District (PDD) it required an approval of the legislation by the Town Board. Subsequent to the Town Board's approval of the legislation we have proceeded with the design of the final plans for this project and we have submitted those plans for review. We have filed applications for the approval to the Town of Halfmoon Planning Board, Saratoga County Sewer District, the New York State Department of Health (NYSDOH), the New York State Department of Environmental Conservation (NYSDEC), the United States Army Corp. of Engineers (ACOE) and Saratoga County Department of Public Works. This PDD is proposed for 81 single-family residential lots. Proposed Town roads would provide the access to those lots. The roads would be connected to two existing Town roads; Guideboard Road and Harris Road. The land within the 73-acre PDD would be utilized as follows: Approximately 41-acres would be utilized for the proposed residential lots. There would 3 parcels for the stormwater management facilities. There also would be a common open space parcel, which

would be owned by the Brookfield Place Homeowner's Association (HOA). There would be approximately 18-acres of common open space. The utilities would be provided for the project as follows: Water service would be provided from existing water mains located on Guideboard Road and Harris Road. Sanitary sewer service would be provided by a gravity line connected to Saratoga County Sewer District (SCSD) located on Guideboard Road and Harris Road. The stormwater system would be constructed mainly within the limits of the proposed Town right-of-ways and would be discharging to the predetermined locations into the stormwater management areas. The system would be designed in such a way as to comply with Town and NYSDEC standards. Approximately 44 percent of the property is subject to restrictive covenants, which would protect those parts of the project site as undisturbed and preserve the existing land in a natural condition. Those covenants would be filed in the Saratoga County Clerk's Office and would be part of a deed to each parcel. The minimum lot size would be 15,000 SF and the average lot size is 22,000 SF. Mr. Watts asked if anyone from the public wished to speak. Mr. Frank Sokolowski, 5 Locust Lane, stated the following: Could you tell me the impact of any utilities going through there, any access roads or any impact at all that is going to be through Locust Lane? Mr. Zdrahal stated the following: I met with Mrs. Sokolowski and the proposal is the same. The work that would be performed here on Locust lane would involve the connection to the existing water main and the connection to the existing sanitary sewer. Mr. Sokolowski stated you mentioned an emergency access and asked if they would be putting that in. Mr. Zdrahal stated the legislation calls for providing a right-of-way to connect to the Locust Lane right-of-way. However, it cannot be used for normal traffic, it would be used for emergency traffic only. There would be a gate constructed between the project side of the proposed right-of-way. Mr. Watts asked would all the traffic enter and exit off of Harris Road? Mr. Zdrahal stated all the traffic would be entering and exiting from either Guideboard Road or Harris Road and the emergency access on Locust Lane would be for emergencies only. Mr. Chris Law, 11 Oregon Trail, stated the following: If you extended this map out, Stage Run Plantation is all above this current development and you will see a creek running there also. There are 50 homes in Stage Run Plantation and all of these homes feed out through two direct stormwater outfalls that basically go directly onto our property. There is no stormwater management and no catch basins to delay that water from running directly through the center of our property. It doesn't go through the side of the property like many developments do but directly through our property, which is a designated wetland. My biggest concern is that I have heard that roughly 2/3rds of this development is going to flow toward that creek that also bisects our property and also 11 of our neighbors' within Stage Run Plantation. What we are looking at here is really extending the number of homes that would flow into this same creek and it simply does not have the capacity. I know the Town went to the effort and money to increase the size of the culvert under Harris Road, which was an original engineering, builder and development issue from 13 years ago. So, my biggest concern is that we're essentially compounding what is a known issue. Literally, the 50 homes in Stage Run Plantation directly feed into what I believe is, a classified stream, then all that water then goes underneath the culvert on Harris Road. If you look at the topography on the backside of the units, that is the steepest part of this development. There is about a 25% grade that goes down directly into this stream coming off of this hill. Again, there is no management of this and what is deceiving is that there is great deal of ponding that occurs in this area, thus the wetlands. So, not only are you going to compound this, you are going to have increased flow from an already existing condition in that area. I would ask if the Town could seriously consider that. Since the first plan, we've gone from I believe 66 to 81 proposed sites. The density has been increased where this large drop off is going to be into the creek. I would propose that we eliminate the homes in the back to

some degree because these are the ones that are really going to have the direct run off from the existing density that is being proposed at this point. If the Town could do anything in consideration of that, it would be greatly appreciated. I know we've talked already that we really can't resolve the issue at the intersection of Route 236 and Guideboard Road unless you somehow can find some stimulus money for all of us. That is an existing condition also that is going to be greatly compounded as we all know that the traffic backs up from that intersection at Route 236 and Guideboard Road onto Lape Road which is also another exit point out onto Guideboard Road. Mr. Zdrahal stated the following: This comment was made when we originally submitted the plan to the Planning Board before it was recommended to the Town Board and I believe we provided a response to the same issue at that time. That area of the stream, which Mr. Law is referring to, is an existing wetland complex and an existing floodway. We are fully aware of this and we have designed this project in such a way that this would not impact in any way the flow condition in this floodway. We have submitted a stormwater management report that addressed this issue and addresses the impact of the project. We would be comparing pre and post rates of flow and we are actually reducing the rate of flow from this site into the old condition as in predevelopment. Mrs. Henrietta O'Grady, Church Hill Road, stated the following: On this project I was wondering if we could have a discussion on the public benefit of the project. Mr. Watts stated the following: The public benefit really is a matter between the Town Board and the applicant rather than the Planning Board. There is a rather detailed description of the public benefit that is in our write-up as well as the PDD legislation. Again, the Town Board review the public benefits. Do you have anything specific that you are concerned about? Mrs. O'Grady stated I think there were some items that were suggested early on in this project and I don't know what has happened to them. I know there was some talk about extending some sewer service and then there was some talk about a traffic light on Harris Road and Middletown Road as a result of the impact of the added dwellings. Mr. Watts stated the following: Yes, a lot of this was discussed with the Town Board and the applicant. Since this is a PDD, it does require a public benefit and that was addressed with the Town Board. Mrs. O'Grady stated the following: Since this is a public hearing I would like to say something about the potential for a public benefit. I know we had asked for a walking lane between Harris Road and Middletown Road along that main road and apparently that hasn't been considered or it is not in the plan at this point. I thought that would have been a nice public benefit along the roadway, at least on one side. In addition to that, if the walking lane is not going to be considered, instead of a traffic light on the corner of Harris Road and Middletown Road, perhaps we should be thinking about a roundabout. The reason I suggest this is we have a fire station just up the road not too far from that intersection, there is a traffic light at the fire station then there is a traffic light at the intersection of Middletown Road and Halfmoon Drive. If we have another traffic light just down the road a little bit then the traffic isn't going to be able to move that well with the traffic light. During the daytime when there isn't a lot of traffic it doesn't make much sense to go through that intersection and stop and wait. Mr. Watts stated again, we have some indications here what the public benefit is but the actual authority rests with the Town Board. So, we may make suggestions but that is not part of the formal process. Mrs. Murphy stated the following: The issue of the traffic light was discussed with the applicant and was considered to be something that would benefit the community by the Town Board. In the interim, the County determined that because this was a County Road, they identified it as a need and they are proposing to put up the traffic light this year. So, the County took that off the table for the Town Board in that they would be paying for that to be completed. Mrs. O'Grady stated so that wouldn't be considered as a public benefit. Mrs. Murphy stated the following: That is correct. The local legislation has been

passed and has established what all of the public benefits are and the Town Board has already determined that. Mrs. O'Grady asked Mrs. Murphy if she could list the public benefits. Mrs. Murphy stated I don't have the local law in front of me but I can tell you that much of it was a monetary amount per unit to be put into an account to be utilized for future traffic improvements in that area. Mrs. O'Grady stated so there would be dollars for traffic improvements. Mrs. Murphy stated the following: Basically, yes. I'm sorry I can't be more specific but I don't have the legislation right in front of me. Ms. Judy Walker, 6 Locust Lane, stated the following: Mr. Zdrahal,, we appreciate you coming out to the house and showing us the water basins. Since you have done that, for the first time in 19 years I now have water in my basement and I am worried that the water will increase in my basement. Is there anything that can be done to stop that? Mr. Zdrahal stated the following: The way the basin is proposed we actually would be lowering the water and it would be controlled. If anything, I think that would have a positive effect on the conditions on your property because your house is quite a bit higher than the stormwater management basin. Ms. Walker stated the following: I am also concerned about the traffic on Guideboard Road because it is very heavy and where the new entrance is going to be, there is also a bend there and a slight hill. It scares me some days driving down Guideboard Road. I leave for work at 5:45 in the morning and quite frequently I have to stop and wait for traffic. I come home at 1:45pm and leave again at 3:45pm and it's the same thing; the traffic is constant. Now you are looking at putting in 81 more houses and I don't think the Town is ready for it. Ms. Kathy Suchocki, Harris Road, stated the following: We own the adjacent property to this project and we are going to be welcoming 18 new neighbors and we are fine with it. It is great that Mr. Zdrahal has come through and we have a nice no-cut buffer. The only issue that I have is with Lot #63. Lot #63 would be located at the entryway of Harris Road near a home there, on a wooded lot. It would be ideal to eliminate Lot #63 and leave that as open space because that is the one lot that is the most visible from Harris Road. I strongly suggest to the Planning Board that the applicant consider removing Lot #63. At what location would the construction begin? Mr. Zdrahal stated the following: The construction would start from Harris Road. As far as Ms. Suchocki's suggestion on removing Lot #63, I understand your comment but that lot is perfectly suitable for a proposed lot so I don't feel we have a reason to remove it from the proposal. Ms. Suchocki stated the following: I strongly suggest removing that one lot even though it is buildable. This project went from 66 homes to 81 homes and making it one less to 80 homes that would be enough to satisfy a person who is now getting 17 new neighbors. Ms. Joann Kehn, 75 Harris Road, asked when the construction would begin. Mr. Zdrahal stated at this time I anticipate the construction would start in the later part of the summer. Ms. Kehn stated my concern is that there is construction going on at this time at Farmview and Westbrook. When will the Farmview and Westbrook construction be concluding because I am looking at 81 houses and for all those foundations there would be at least 8 concrete trucks and several dump trucks. I don't know if the traffic is going to be going on Harris Road or Guideboard Road but when you stop in that valley there I am concerned about safety, how much construction traffic there is on Harris Road and I think the traffic light is well needed even though that is not part of this. I think a roundabout would have been a disaster. There have been people who have been killed at that intersection of Guideboard Road and Harris Road in serious car accidents. I am very concerned about the traffic in this area all together. I don't think our Town is ready for this project at the present time. Mr. Watts closed the Public Hearing at 7:27 pm. Mr. Higgins stated I noticed that there is a note regarding the extension of the water district and asked if the legislation for that has been completed. Mrs. Murphy stated it is not legislation, it is a contract, but it has not been completed to date. Mr. Bianchino stated the following: We don't do that until the

Planning Board grants preliminary approval and that is when we implement it in that process. We don't want to do anything premature to the Planning Board's action. Mr. Nadeau asked where the detention areas were in Stage Run and is there an issue there. Mr. Zdrahal stated there are two basins in Stage Run and I haven't heard of any issue there. Mr. Bianchino stated the following: I do recall the area that was discussed and there are wetlands and a stream corridor in that area that has always been there. When we did Farmview farther down stream, there was a discussion of the placement of that culvert that runs under Harris Road. There is no question; there is a lot of water that comes through that corridor which runs out to Route 236. Mr. Nadeau asked if Stage Run's stormwater system is working the way it was designed. Mr. Bianchino stated I don't recall the details of the design. I do believe at that time there was provisions for stormwater management in the regulations so I am sure stormwater management was part of the design. Mr. Nadeau stated the following: If one of the stormwater management areas is not working in Stage Run, we are only going to add to the situation if this one doesn't work. I know it looks good on paper and everything is supposed to work, but what if? Mr. Watts stated the following: I remember these comments from before and asked Mr. Bianchino if their engineering review has looked at this. Mr. Bianchino stated as we did with Farmview, when we reviewed this, we took into account the concerns we had farther down the stream. Mr. Zdrahal's design for Brookfield over detains, in other words it does more. To answer Mr. Watts' question, yes we did review this and we are comfortable with the design. This design is different from the stormwater management designed for Stage Run. Mr. Watts asked when was Stage Run built? Mr. Zdrahal stated 1995/1996. Mr. Watts stated the following: Relative to the issues of stormwater; the Town, the Planning Board and our Town Engineer's have made great strides in recent times in terms of making sure that we over design these properties. I can't speak for 1995/1996 because times change and the engineering changes. People get a little more concerned about engineering in any of these projects and our builders and developers can tell you that at this time we try to correct what we can of the previous issues and to make sure that those issues don't occur in our new designs. Our philosophy is if it drives the cost of the properties up to such a point that it can't be built, then so be it because we don't want people purchasing houses in Town that have drainage issues. Some projects haven't even been built and some of our recent projects have corrected some of the previous issues but they all can't be corrected.

Mr. Berkowitz made a motion to grant preliminary approval for the Brookfield Place PDD/Major Subdivision. Mr. Ouimet seconded. Motion carried. Vote: 7-0

09.022 PH Fronczek Subdivision, 66 Ushers Road – Minor Subdivision

Mr. Watts opened the Public Hearing at 7:33 pm. Mr. Watts asked if anyone would like to have the public notice read. No one responded. Mr. Stanely Fronczek, the applicant, stated the following: I own the property at 66 Ushers Road. I am proposing a subdivision of approximately 2-acres on the eastern part of my property. Mr. Watts asked if anyone from the public wished to speak. No one responded. Mr. Watts closed the Public Hearing at 7:35 pm. Mr. Berkowitz asked if there was any water or septic on that piece of property. Mr. Fronczek stated right now there is no septic and no well. Mr. Berkowitz asked if there was access to a well for that piece of property. Mr. Fronczek stated the following: There is access to water if you drill a well. I have a well on my property that is maybe 500 to 600 FT away. My well is 26 FT deep and gives me all the water I need. All of this land is gravel and there is water underneath all of it. Mr. Berkowitz asked is there an area in there to put a septic system if needed? Mr. Fronczek stated yes, there is 2-acres of land and you could put a septic anywhere

you want. Mr. Berkowitz stated the reason we are asking about this is because if you sell this piece of property, then the next owner would need access to water and septic to make it a legal lot. Mr. Fronczek stated like I said, there is no problem with water. Mr. Higgins asked if the ground would perc and would it be acceptable. Mr. Fronczek stated I had it perc tested on my property. Mrs. Murphy asked if Mr. Fronczek's existing well and septic system were on the piece of property where the house is located and if there was water or sewer on the lot that is being subdivided. Mr. Fronczek stated it is on the main lot and there is no water or septic on the lot that is being subdivided. Mr. Watts asked if the new tenant would be running a business on that piece of property that is being subdivided. Mr. Fronczek stated the tenant is going to run a sprinkling business. Mr. Watts asked if there would be an office with employees. Mr. Fronczek stated I don't believe so.

Mr. Nadeau made a motion to approve the Fronczek minor subdivision. Mr. Higgins seconded. Motion carried.

New Business:

09.015 NB Clifton Park Auto Body, 1627 Route 9 – Change of Tenant

This item was removed from the agenda per the applicant's request.

09.028 NB John Deere Landscapes, 1653 Route 9 – Sign

Mr. Higgins recused himself from this item. Mr. Tim Prescott, of Ray Sign, stated the following: I am here to represent John Deere Landscapes in their request for a sign. The applicant called my company to remove a 3 FT x 5 FT single-faced electric sign off of Ushers Road at their previous location. The applicant is moving behind Casale Rent-all on Route 9 and they would like to relocate their existing sign to their new site on Route 9. The sign is internally illuminated with high output fluorescent lamps and ballast and extruded aluminum box attached to the face of the building. The sign would be 15 SF and would be well under the parameters for the square footage allowed. The electric power is already there for hooking up.

Mr. Roberts made a motion to approve John Deere Landscapes sign application. Mr. Ouimet seconded. Motion carried.

09.029 NB Pan Am-Southern Railroad, Round Lake Ave – Commercial Site Plan (Intermodal & Automotive Railyard Facility)

Mr. Watts stated the following: I would like to welcome Mayor Sylvester and Supervisor Richardson from Mechanicville and Supervisor Connelly from Stillwater who are with us tonight for this presentation. We are working together with the other municipalities to have the railroad present this application. Our intent tonight is for the railroad to give us their presentation so the Planning Board members can ask any questions that they might have. Hopefully after this presentation we will have enough information to schedule a public informational meeting for our next scheduled Planning Board meeting in two weeks on Monday, April 27, 2009. Mr. David Becker, Assistant Chief Engineer of Design and Construction with Norfolk-Southern Railway Company, stated the following: Also present for tonight's meeting are Mr. Darryl Wilson our Governmental Affairs Assistant Vice-President and our counsel, Mr. Tom Fuccillo. Thank you for the opportunity to make this presentation. Our proposal is for the Capital District Intermodal and Automotive Facility to be constructed by Pan Am Southern, LLC. Pan Am Southern is a joint venture created by Norfolk-Southern Railway, who is my employer, and the Pan Am Railway to operate and improve the form of Guilford Railroad Network west of

Ayre, Massachusetts over to the Capital District. A significant component of this joint venture is the construction of a new intermodal and automotive facility here in the Capital District. To give you an update on the status of this transaction, the Federal Surface Transportation Board approved the creation of the Pan Am Southern, LLC on March 10, 2009. Prior to that, the Surface Transportation Board Section of Environmental Analysis reviewed the construction and operation of the proposed project, which included the proposed facility and issued the formal NEPA (National Environmental Policy Act) Environmental Assessment Document. This document contained the required Federal Environmental mitigations and this was issued on January 28, 2009. The proposed facility would be located on the northeast corner of the Town of Halfmoon. The Town lines are shown in yellow on the map. The proposed project would primarily be in the Town of Halfmoon, a small tail portion on the east end enters into the City of Mechanicville and the access road to the facility would be to the north in the Town of Stillwater. Intermodal is freight transportation that uses multiple forms of movement to get freight from origin to destination. Typically this is in a sealed container and the typical sequence is import/export traffic in an ocean-going container, which is then delivered at one of the ports in the nation, placed on a railcar and transported to final distribution points around the country. A railroad intermodal facility is the location where this containerized freight is transferred from the railcars for movement on the highway. The containers are placed on chassis and then carried over the road to final delivery at local distribution centers. The equipment that is typically used to load and unload these rail containers are cranes. The facilities in general consist of an unloading track with a crane and then a paved area adjacent to it. We have a facility in Columbus, Ohio, which is significantly larger than what we are proposing in the Halfmoon site. There would be an unloading area and then an area for staging containers. An automotive facility is a facility where autos that are manufactured or imported are transported to a distribution site by an enclosed railcar. Those new automobiles are then unloaded from the loaded railcars and staged in a large parking lot so that they can then be loaded onto auto carriers like you see at local dealerships being delivered. The project that we are proposing is currently in the detailed design and permitting phase. Although this project is being funded by the Pan Am Southern, LLC, Norfolk-Southern's engineering department is taking the lead on this project because we have built many of these sites across the country. The commercial site plan application has been submitted to the Planning Board as well as the State Environment Quality Review Act (SEQRA) Full Environmental Assessment Form (EAF). We are also in process with the New York State Department of Environmental Conservation (NYSDEC) and the Federal Army Corp. of Engineers (ACOE) for the environmental permit applications and those are in the final process of being submitted. The proposed facility would be located on the site of the former Mechanicville Railroad Classification Yard. This site encompasses about 207 total acres stretching from Coons Crossing Road on the west to Viall Avenue on the east. The northern boundary is generally the Anthony Kill and on the eastern portion Route 67. About 185-acres of this site are located in the Town of Halfmoon, which is the reason why we are coming to the Town of Halfmoon Planning Board for this project. A significant question that has been asked is "why locate at this site?" The main reason is that this is a site that is directly located on the proposed Pan Am Southern route from New York State to Massachusetts and provides us with the necessary site conditions to build a facility of this size. The property is owned and controlled by the railroads and very importantly this was a prior railroad usage site and what we are doing is an appropriate land re-use in our estimation. The length of the site allows for a 8,000 FT train, which is typically operated on these lines, and have the train be contained between the road crossing at Coons Crossing Road and Viall Avenue so that no train movements that would be using the yard would be blocking any road crossings during their

switching operation. The former yard site, because it was previously developed in the 1800's was raised up above the surrounding area and has a relatively minor amount of stream and wetland impacts compared to other sites that could conceivably be looked at in the vicinity. The site also has limited access afforded by the hillsides and the Anthony Kill that provides good natural buffers, which limits access to the site that would benefit security. Some of the main elements of the facility are an intermodal transfer facility that is proposed to be built that would consist of two 4,000 FT long unloading tracks and would have a parking area for 371 tractor-trailer and that would be a paved surface. The automobile portion of the facility would consist of 690 automobile parking spots and it would have two tracks, which would each be about 780 FT long and would have a capacity of 20 railcars total. Other key facility elements are; there would be three 4,000 FT long support tracks built along the southern parameter of the site. The current Canadian-Pacific Railway track, which bi-sects the site will be relocated to the southern parameter of the site along with a new passing track. We are proposing five single-story office buildings for a total square footage of 5,700 SF. The main access to the facility would be from Route 67 via a new private bridge over the Anthony Kill. This bridge would be constructed to New York State Department of Transportation (NYSDOT) standards but would be a private roadway. There will be secured gate areas on the roadways. There will be a secondary emergency access point from Railroad Street in Mechanicville, which would be a secured gated access point which would only be used in emergency situations. This facility would only be used to load or unload intermodal or automotive equipment. Train traffic will slightly increase, we hope if the economy recovers and hopefully this project will help it do that, from its current 2007 level to about 3.4 trains each way a day to an anticipated 4.7 trains each way a day in 2012. As far as the truck traffic that would use the facility; again, we are speaking about 2012 numbers, which were produced before the economy took its downturn, but we are estimating to have a total of 334 total trips by 2012. This equates to 167 trips or 334 roundtrips. The peak hour volumes for the morning would be 42 or 21 roundtrips and the afternoon peak would be 66 or 33 roundtrips. Direct facility employment during the construction phase is anticipated to be 40 to 60 and would probably take about 18 months. We would anticipate having 84 employees, more or less depending on traffic levels once the facility is up and running. Some of the key design things that we looked at in some of the preliminary discussions with the Town have been identified and we want to let you know what we are doing as we are working through the detailed design phase. Lighting is a key element of any large-scale development that is done. We have taken a very close look at this element of the project and a detailed lighting analysis has been performed and that information has been provided to staff. The average light range in the parking lot areas are rather minimum with 2 to 3 ½ FT candles for the storage areas, for the intermodal unloading zone and the automotive parking areas. We do have a little bit higher light levels of 6 FT candles at the gate area, which is our primary security point. One of the main things we are doing proactively in this design would be to use high mass towers that utilize downward cutoff fixtures. A cutoff fixture channels lights into pools of light at ground level verses an un-cutoff fixture that just disperses light in all directions. Also by using the large high mass towers we avoid needing to light from the side and avoid ending up in a football stadium or a ballpark effect where you are shooting light over what you are trying to illuminate. We think this would greatly reduce any light bleed and really keep the light in the areas we are trying to protect. We are also using high-pressure sodium, which is a soft yellow light used in street lighting, verses bright white light that you see at some sport arenas and such. Traffic is another key concern. A detailed traffic study was done as part of the Federal Study and was conducted by the local firm of GMB and it used NYSDOT analysis standards. The current vehicle levels and the anticipated 2012 traffic levels were

modeled.

Based on market information we have and anticipated business moves, we anticipate that at least 90% of the traffic from the site would be going to and from the Northway. As such, with our entrance we are routing the traffic and wanting it to go via State Route 67 over to the new Round Lake bypass and onto the Northway. Along that route which was modeled in the study, no significant level of service changes were identified and as a proactive thing we are going to include routing instruction signage at our exit gate areas. If trucks are headed to Interstate 87, truck drivers would be directed to use Route 67 west verses going through Mechanicville and using Route 146. Also, there would be a sign that would restrict drivers, unless they were destined for local delivery, not to turn right on Route 67. As with any significant development of an industrial nature on an industrial site, there would be some additional noise. However, what we anticipate based on the study that was done is that the level and volume of the noise would not be significantly different than what occurs today when train traffic goes by the site. Based on this, the Federal Environmental review found that it was not an adverse impact. But this is a significant community issue and we do want to address it in the most proactive way possible and we are planning to utilize natural buffers wherever possible. We have relocated the main track and the proposed siding to the southern side of the site to bring that traffic closer to the bottom of the hill verses being out in the main body of the parcel. We have designed the intermodal and auto ramp tracks so that they can be switched from the west end. What that is referring to is as we are putting cars in and out of the facility, the locomotives that would be doing that switching would be located at the west end of the train or the end of the train toward Coons Crossing Road. That would generally keep them farther away from the area of the most significant influence up the small valley to the south toward the Fairway Estates area. We also would use modern low noise lift equipment and we would also limit equipment idling wherever possible. We also would strive to limit the use of backup alarms on trucks, however, to some degree this is regulated by the Occupational Safety & Health Administration (OSHA) but we would certainly do what we can to eliminate that. One other key thing is that although a railroad facility by nature can be a 24-hour a day facility; through trains would operate on the line 24-hours a day and there may be some setting off of blocks of cars during the 24-hour period. The predominant activity within the facility, the unloading automobiles would generally be during normal business or work hours, which would be between 6:00am and 6:00pm. In fact the automobile unloading area does not even have lights for unloading those automobile racks at night. On all projects that are undertaken, as we just heard on a previous project, water quality is a great concern and we are doing a lot of detailed analysis to make sure that we're complying with all New York State and Federal regulations related to stormwater management and the New York State Stormwater Design Manual would be used. The streams and wetlands on the site have been fully delineated and we are actively working with the NYSDEC and the ACOE to review the delineations and come up with an appropriate mitigation for the areas of impact. Very significantly being located next to the Anthony Kill, we'll develop appropriate pollution control devices for both detention and retention as needed on site and in particularly the areas where we would service the equipment such as the crane would have special crane maintenance areas that would have specific areas where they would be fueled, serviced, washed and the runoff from those sites is collected and properly treated in accordance with regulations. Regarding security and safety; we haul a lot of high valued merchandise and we are extremely concerned about security in our facilities. Typically in the auto facilities we have parameter fencing, we have cameras and we have 24-hour controlled entry and exit. We also maintain a buffer around the facilities that would be fenced and a clear zone away from fence. The auto lots have a control building that typically has high mass

cameras so that we get a parameter view at all hours. Our entrance gates would be manned and the facilities would be patrolled by the Pan Am Railways Railway Police Department and the Canadian-Pacific Railroad Department. One other thing that is very important on safety is that Norfolk-Southern places strict limits on the commodities that are accepted as intermodal cargo to proactively minimize risk. We do not ship HAZMAT material in intermodal cars. In summary it is our belief that this project can be a positive economic driver for the involved communities, Saratoga County and the Capital Region as a whole. We also think that we can be proactive using design elements so that the project can be constructed in a manner that will reduce direct impacts. We certainly want to work with the Planning Board and the community to come up with mitigation strategies that are appropriate. We appreciate the opportunity to present this project tonight and I would be glad to take questions from the Planning Board but we would like to come back and would be prepared to have a public presentation on April 27, 2009. Mr. Watts thanked Mr. Becker for his presentation. Mr. Roberts asked what tracks would be used to get to the facility. Mr. Becker stated the main route that would be serving this facility is the line that comes from Scotia, NY, which are the Canadian-Pacific tracks which our company has operating rights on. The trains would be coming from the west. Ultimately the trains would be coming from Binghamton to the Scotia area and then over through Mechanicville and then going from Mechanicville to the Northeast across the Hudson River Bridge to Massachusetts. Mr. Roberts stated I am worried about the crossings and how it is going to affect the traffic. Mr. Becker stated we are doing some things specifically to address that. Mr. Roberts asked how many railroad cars are in 8,000 linear feet? Mr. Becker stated about 100 cars and that is the maximum length. Mr. Roberts stated I asked this question because I am worried about emergency vehicles. Mr. Becker stated the following: That is typically what trains can run today on that route so that is not a whole lot different than what is operated now. The site is being configured and the tracks that would lead into the facility would have what we call powered switches where a train can be routed into the facility without physically stopping. At both ends of the facility a train would be directly routed in without stopping and that is a key thing in this design. We have also positioned the facility and the unloading areas so that this train can be made up and added to with cars taken on and off in a way that would not block, in particular, Coons Crossing Road to the west. None of those would be blocked and very specifically in Mechanicville you would not be blocking the main streets in Mechanicville either. Mr. Watts asked would there be road blockage anywhere when these trains are inside your facility? Mr. Becker stated the following: No. The trains would be fully contained with the facility. Mr. Watts asked would the trains be coming from Massachusetts and from Glenville. Mr. Becker stated yes, that is correct. Mr. Watts stated I know on some of those routes that I just mentioned they do block if they stop for some reason and asked if the trains would be approximately the same length as the large trains that go through those areas anyway. Mr. Becker stated that is correct and I will add that some of the concerns that are in that area right now would be helped by this facility because this would provide an additional location where things can actively pass verses the need to stop and wait. Mr. Berkowitz asked if there was a guardhouse at the tracks also to allow the train in? Mr. Becker stated in the facility yes, particularly in the auto section where we have automatic gates with cameras. For the yard storage area, no that is unfenced but the facility itself is fenced in. Mr. Berkowitz asked how does the through traffic get through? Mr. Becker stated it just operates directly through. Mr. Berkowitz asked if the through traffic goes right through the facility or elsewhere? Mr. Becker stated the following: No, it goes on the main track that runs through the parameter of the facility and the facility does encompass the main track. On that site right now the main track runs through the center of the property and we are moving it to the lower side of the property.

Mr. Berkowitz asked how many through trains are going through now? Mr. Becker stated right now I believe it is about 7 trains a day on the Pan Am Railway and the Canadian-Pacific has about 2 to 3 trains a day. Mr. Berkowitz asked do you know the times of those trains? Mr. Becker stated the following: They're not on a schedule. The railroad is a 24-hour operation and it is not a scheduled operation. Mr. Berkowitz asked would your trains be scheduled. Mr. Becker stated no we cannot guarantee a schedule. Mr. Berkowitz stated you mentioned your operation is from 6:00am to 6:00pm. Mr. Becker stated the following: Typically that would be correct but what I was trying to convey is that although the railroad technically operates in a 24-hour day environment, we may have a train come in and drop off a block of cars any time during the day or night. But typically the facility would be operating during the primary workday. Mr. Berkowitz asked if a train comes in during the middle of the night would that be offloaded or would it just sit there until the morning when most of the employees come in? Mr. Becker stated unless there was some extraordinary circumstance it would probably remain there until the people came in during the morning during normal work hours. Mr. Berkowitz asked would the engine idle all night long or would they shut the engine down? Mr. Becker stated the following: In this operation there will not be locomotives that will be here. Trains would either be setting off a block of cars or picking them up and going on so there should not be locomotives that would be here idling. Modern locomotives do have the ability to shut off and both our railroad and Pan Am Railways have the specific operating instructions to shut down locomotives with the rare exception of certain temperature extremes down below zero. We do have shutoff policies. Mr. Ruchlicki stated from Coons Crossing west on the way into Scotia there is only one set of tracks and you would be crossing Route 9 and Pierce Road and asked if there was any plan to put two sets of tracks back in use? Mr. Becker stated the following: Right now with the current number of trains that are operated, we really don't have a need for that additional capacity. We do hope that volume and economic growth increases and that second track could be put in the future if the traffic warrants it, but it is not part of this plan. Mr. Ruchlicki stated those crossings that I mentioned are they up to current standards; being that there isn't as much train traffic, as there was years ago, in particular Ushers Road and Coons Crossing itself and asked if the existing gates would be improved? Mr. Becker stated those facilities, although they may not be modern, are all within standards that are acceptable and the NYSDOT and the Federal Railway Administration review those and they are inspected periodically. Mr. Ruchlicki stated the following: I am aware of the train traffic that goes through there because I live nearby and we do hear the train whistles and whatnot. If business improves to the point where you would put two sets of tracks in then we wouldn't expect anything different than we had years ago other than increased traffic over the railway itself. Mr. Becker stated that is correct and it would just be returning to the condition it was previously. Mr. Higgins asked how long is it from where you are splitting off going into the auto area to Coons Crossing? Mr. Becker stated the following: I don't have the detailed plan in front of me but it is approximately 5,000 FT and we designed that so that we can switch that auto area without going past that. Canadian-Pacific Railway owns the main track and they have required us to design it so that we do not block their main track. Mr. Higgins asked on a typical 150-car train, how many locomotives would there be. Mr. Becker stated there are typically 2 to 3 locomotives depending on the tonnage. Mr. Higgins stated I know what you said about modern locomotives and being able to shut them off but we all know that unfortunately with big engines like that they don't like to start up especially when it gets down to about 10 degrees. So when you are moving and putting everything in to do your unloading, you could have 3 or 4 engines sitting there as you are moving this equipment back and forth. Once they unhook, then typically would they leave that area or would they pick up another train and

leave? Mr. Becker stated the following: Typically the trains that would be operating will be picking up and setting off. A train would be coming in to drop a block of cars and then picking up a block of cars and going onward. We don't anticipate any locomotive standing or parking. In fact the facility doesn't even have an engine storage track designed into it. Mr. Higgins stated the following: That is a bowl down there and you have a lot of residences right up on top of that area so that is a major concern. The emissions permit that you alluded to; are they including a certain number of engines in your emissions permit or was that just strictly the yard equipment. Mr. Becker stated no that included the trains as well. Mr. Higgins stated the following: You are saying 2 to 3 FT candles in your unloading area and I feel that is pretty bright. A typical parking lot like a Lowe's or a Home Depot are at somewhere around 1 or 1-1/2 FT candles. Does it really need to be as bright as that if you are just unloading? Mr. Becker stated the following: I think that is an average of the range of the illumination in the unloading area and in much of the area it is 2 FT candles but it is in that range. There are some areas just by the spacing of lights that are a little bit higher but that is certainly something we would be willing to take a look at more closely. Mr. Higgins stated you mentioned about your cameras along the fence line. Are those cameras going to be set so that they can operate in total darkness or are you going to have the whole fence line illuminated? Mr. Becker stated the following: The cameras that we use are operable with the illumination that we have and there would be just a basic level of illumination. There is not going to be any specific spotlighting along a fence or anything like that. Mr. Higgins stated so the only illumination would be in the actual yard area and the gate and the whole fence would not be illuminated. Mr. Becker stated no it would just be what bled there to the fence area. Obviously we are going to light the parameter to some relative level but not as specific. Mr. Higgins stated the following: It doesn't show where the fence line goes so I am assuming that the fence line is going to go quite a bit away from your storage areas because it is not going to go right next to the storage areas. I am just asking as far as people driving along Route 67, is it going to look like a prison with lights all along the fence line? Mr. Becker stated the following: No, not at all. We would certainly be glad to bring more detail to the Planning Board. Obviously this is a large project with a lot of complexity and we certainly want to sit down and show you exactly what we are going to be doing. Mr. Higgins stated you mentioned about 150 tractor-trailer trucks per day going in and out of the facilities. Are the tractor-trailer car carriers going to be stored on site where a man drives his personal vehicle there, picks up the truck, such as they do down in Selkirk, or are those trucks going to be stored off site? Mr. Becker stated the following: I do not know the answer to that question. We'll have to find that out and get back to you. Mr. Wilson stated the ramps would be utilized to on load and off load automobiles from the rail car carriers and then the tractor-trailer car carriers will enter and exit the site to pick up or drop off the autos. Mr. Higgins stated I am talking about the tractor-trailer car carriers. Mr. Becker stated we don't have our contract in place yet. Mr. Higgins stated in Selkirk they have about 40 or 50 car carriers that domicile there. Mr. Becker stated we don't have a plan to do that, we don't have a facility designed specifically for that and I will have to get back to you with a firm answer on that. Mr. Higgins stated as far as bobtailing tractors coming in to pick up a container on an undercarriage, a lot of those would be just over-the-road truckers and is there any storage area or would they be instructed to only come when they are ready to pick up? I asked this because we have a similar situation at another facility in Town. Mr. Becker stated the anticipation is they would only be coming when there is a load to pick up. Mr. Watts stated the following: Mr. Higgins' has made a good point because in one of our warehouse operations we did have issues with the truckers coming in, arriving early and parking along Route 9 and trying to go to the Stewart's up there and there were traffic issues so that is a legitimate concern. In

some of our site plan approvals we have limited the times and said, "I don't know where you would go, but don't be waiting on our roads because that causes traffic issues". Mr. Becker stated the following: We can only control independent truckers to a certain degree. The rest is legislative and policed by communities. But we have designed the entrance to be significantly off of Route 67. There is significant vehicle cueing room to get into the facility. We use electronic gate check-in systems that expedite truckers getting in and out of our facility so we don't have cueing. We are conscience of that fact and we would certainly work with the community to do everything we can do within our power and call upon the community to help us out. Mr. Watts stated periodically we have the Sheriff's or Trooper's go up to take action and that seems to work. Mr. Becker stated we do work with the people that come in and as we said, it is our plan to post signage and we certainly would support any efforts of the community to do any policing. Mr. Higgins stated the containers that you are going to be bringing in, are they going to be just all dry goods or are they going to be refrigerated containers also? Mr. Becker stated the following: I believe they are all going to be dry goods. To my knowledge we do not have refrigerated containers on this corridor at this time and I don't know if Norfolk-Southern even has any corridors that have refrigerated containers. Mr. Higgins stated okay because obviously the refrigerated containers would have more emissions that we would have to be concerned about. Mr. Ruchlicki stated the following: I was surprised that you mentioned the new bypass off of Route 67 for the Northway. Is there anyway that you could give us a comparison to how the facility operated years ago and how many approximate trips were generated the way the facility ran to what you expect in the future? Mr. Becker stated one thing is that the facility that existed at what was the Mechanicville Yard was a totally different type of railroad use. Mr. Ruchlicki stated I understand that and that is why I want to get a feel of what it was and what it is going to be. Mr. Becker stated the former Mechanicville Yard, which was operated by the Boston & Maine Railroad and the Delaware & Hudson Railway was a freight classification yard where freight that was typically in boxcars, flatcars, gondola cars or loose freight was sorted and classified. Either coming from points in New England or points in the west being divided up and reshuffled. You can think of it as a deck of playing cards; the train would come in, they would shuffle the trains together and then send them on their way. It was a totally different kind of operation then what we are proposing for this site. They are both railroads but they are totally different operations. Mr. Higgins asked as far as this operation are you going to be taking any of the present operations that are down near Albany or Selkirk and moving them up here or is that a totally different railroad? Mr. Becker stated the following: The Norfolk-Southern currently leases some intermodal capacity from the Canadian-Pacific down at the Port of Albany and some of that operation will likely relocate up to this point on our route. We have an undersized facility for the market and the Capital District has a significant intermodal demand and that is the main driver for building an improved modern facility on-route. Mr. Higgins asked if they were going to take anything from the Selkirk Yard. Mr. Becker stated we don't have any facilities in Selkirk, that is CSX Transportation. Mr. Higgins stated then the Selkirk Yard would remain there. Mr. Becker stated that is right because we are a totally separate business entity from CSX. Mr. Nadeau asked is the majority of the train traffic coming from the west and would you have anything coming from Albany through Cohoes coming from the east? Mr. Becker stated the following: The Canadian-Pacific Railway is actually the owner of the line that comes up from Cohoes up through Watervliet and around. The Canadian-Pacific Railway owns the main track through the site and their traffic will really not change dramatically at all. Mr. Nadeau stated my question was will you use those tracks. Mr. Becker stated the following: Through the site, yes. Our trains currently use the Canadian-Pacific tracks for the same route. We are just building this facility adjacent to the route that is

currently operating. Mr. Nadeau asked are you saying that your largest percentage going to the facility would come from west? Mr. Becker stated it would be about the same from the east and from the west. Mr. Nadeau asked when this facility is loading and unloading do you have a number for the decibel noise? Mr. Becker stated the following: In the Environmental Assessment there are some figures for that and I don't have that available tonight. We would be glad to sit down and look at the detailed numbers that are in the noise studies that were done with the Board at any time. Mr. Nadeau stated the following: You talked about the idling trains and limiting it. How do you limit their time of idling? Does somebody police that? Mr. Becker stated the following: Yes that is the case. With fuel conservation being a key thing in modern locomotives they have the ability to be shutoff and turned back on. Our mechanical and transportation officers are able to monitor that and we know when a train is moving or not. Again, this is kind of like the issue with the truckers sitting out in front of the Stewart's. Our operation is only as good as our management of our employees. So it is not going to be a perfect system but we would work to do everything we can do to reduce idling. Mr. Nadeau stated the following: As Mr. Higgins' mentioned, you would be down at the lower section and we have a very nice housing development above. Has anybody determined the prevailing wind as when they are idling and would it come right through into the projects? Mr. Becker stated I don't believe a wind study of any kind was done. Mr. Nadeau stated the following: On Tabor Road we currently have a problem with the school buses crossing with the current trains. You say you don't know that the schedule is but how long does it take a 100-car train to travel through an area? Mr. Becker stated the following: At 25 mph it would be about 3 to 5 minutes. I don't know where Tabor Road is. Mr. Nadeau stated Tabor Road is west of Coons Crossing. Mr. Becker stated the typical track speed there is 40 mph so it would be somewhere in the neighborhood of a 3 to 5 minute duration. Mr. Nadeau asked on any of those crossings, would they be updated at all? Mr. Becker stated the following: Again the Canadian-Pacific Railway owns those and we are a tenant on their line. As far as being upgraded; crossing surface upgrades are usually done by the NYSDOT and the grade crossing warning devices are maintained by the railroads but they are inspected on a monthly basis by inspectors and the Federal Government regulates that along with the NYSDOT inspectors. Mr. Nadeau stated you said your trucks would be coming from Route 67 but obviously you would have some coming from Albany as well off of Interstate 787, coming up Routes 4 & 32 through the city or not? Mr. Becker stated the following: The plan is to direct traffic to come up the Northway to Route 67 to access this facility. Again, not knowing exactly the road that you just labeled, I'm assuming you are saying coming up through Cohoes and up along the river to Mechanicville. Mr. Nadeau stated that is the main corridor from Cohoes and Interstate 787. Mr. Becker stated the following: It is our intent to do everything within our power, with the exception of local deliveries, to route traffic westward and then down Interstate 87 and then down through Troy. We have specifically identified the City of Mechanicville and particularly Route 67 on the west end of Mechanicville as a type road neighborhood and it is not appropriate for heavy trucks. Mr. Watts asked what do you anticipate might be local deliveries? Mr. Becker stated the following: Some volume of traffic could be going to local distribution centers. I am not in the marketing end of our company. Mr. Watts asked so what is going to come out of your place would be all containers, trucks and cars? Mr. Becker stated that's correct. Mr. Watts stated I can envision some of the cars going to local dealers. Mr. Becker stated the following: You could have some volume of automobiles going to local dealers, although this is a Capital District regional facility, it is not aimed just toward automobile deliveries to dealerships in Halfmoon or Clifton Park. Again it is regional and it is literally the eastern half of New York State and into Vermont and Massachusetts and the same with the truck traffic. So, you are correct, some

volume of that auto business would probably end up at a local Capital District dealer and if there are businesses in a warehouse in the general Mechanicville area or the Town of Halfmoon, trucks could conceivably go that way. Mr. Watts stated the following: We have a couple of 600,000/700,000 SF light industrial parks where somebody might say gee this would be good spot to take up 300,000 SF where these containers perhaps would go. Then that kind of traffic would be coming through Mechanicville which would be the shortest point to get over there so that could affect traffic going that way. Mr. Becker stated the following: I guess the issue is that we are basing what we are looking at on our current business and our projected business. I think if economic development takes place in Halfmoon, then that would be something when that development takes place to address with the people building on how are they going to supply their business and where the traffic coming from. At this time we don't have any desire to have traffic go through Mechanicville. Mr. Watts stated so your basic stuff would then go to a Target Distribution Center, Wal-mart's Distribution Center, out near the NY State Thruway and all that stuff. Mr. Wilson stated 85% of the loads that are destined for this facility currently are going to the top eight drays. We know where those locations are and the quickest way for the trucker to get from there to us. So they would want to go the fastest safest route they can and that would be going to the NY State Thruway for those eight drays. When you start to look at the rest of the distribution of the freight that comes to the facility currently, looking back a couple of years, there is a lot a freight that comes onesy/twosy type conveyances and we never know where they are coming from or to. So there is a lot of these little ones where you would have just one load and that load may not come again for another six months. So you have a lot of that at the bottom of the distribution of this, 15% of it. But most of them are the Target's, the Lowe's or the large distribution facilities and that is 85% of the freight on the intermodal site. Mr. Watts stated I can imagine that the people who live along Route 67 will be concerned with the truck traffic because this would generate a lot of additional traffic on a road that wasn't built for that but that happens. Mr. Becker stated the following: The traffic study that was done investigated the proposed traffic load for that road and there were no significant level of service changes. Significantly the investment by the State for the Round Lake Bypass and some of the other improvements on Route 67, is a good route out of the site. Mr. Berkowitz stated the following: What happens if there are any accidents along Route 67 that closes down the road? Have you contacted any of the fire agencies in case of emergencies there and what would happened to the truck traffic that goes through? Mr. Becker stated the following: I guess it would be handled as any other significant traffic blockage. Notification typically would be informal or if there was a long-term blockage it would be handled by detour signage. Short-term probably by truckers letting each other know that the road is blocked. Mr. Berkowitz asked what about emergencies within the intermodal site? Mr. Becker stated the site would have 24-hour security but during the day we coordinate with all the local emergency response departments. Norfolk-Southern is a leader in training of emergency response for communities and certainly plan to bring that training to the site here. Mr. Berkowitz asked would you train the local fire departments? Mr. Becker stated yes. Mr. Watts stated the following: Part of your Halfmoon facility I believe is located in the Hillcrest Fire District, which is a fairly small department. I don't know what Hillcrest's ideas are but in terms of an emergency for them to get there it's a good trip and you might want to look at other fire companies in contracting or what availability there might be that may be better. As a Planning Board we want the best service for people on that facility that might get injured. Mr. Becker stated the following: We certainly want the best situation for our employees and contractors as well. That is something that we would certainly want to look in a proactive way both with the advice of the Planning Board and the other involved communities of Stillwater and

the City of Mechanicville to see what the best solution is. Mr. Watts stated until somebody looks at this, I'm not going to ignore it. Mr. Becker stated I absolutely agree. Mr. Watts stated we need to make sure that we let those fire companies and emergency services know about the public informational meeting. Mr. Becker stated it is good to have a plan in place and I will say that we are, as a company, one of the safest or the safest railroad operator in the country and our incident rate is extremely low but we certainly have to have a plan for this. Mr. Nadeau asked if there would be a refueling station to refuel the trains at this location? Mr. Becker stated the following: No that is not part of this. The only refueling that would go on on-site would be the refueling of the lift equipment and that would only be done in the dedicated crane maintenance pad that would have appropriate recovery equipment. Mr. Nadeau asked what type of service companies would be coming in and out for the facility itself; like large trucks? Mr. Becker stated the following: probably not much in the way of large trucks at all. This is a relatively small operation primarily focused on the product. We are not manufacturing or building anything. Mainly there would be support vehicles such as a Coca-Cola delivery truck for the crew room and some of those kind of vehicles and perhaps some equipment maintenance vehicles but no regular or large scale in and out traffic for the facility. Mr. Ouimet asked is it your intent to have the lights illuminated 24/7? Mr. Becker stated the following: That is something we typically do for security reasons and particularly in the auto lot portion of the site. As we look at the illumination levels, maybe we can take a look at a plan that might reduce some of it during certain periods. Mr. Ouimet asked but basically 24/7 the lights are on? Mr. Becker stated that is correct. Mr. Ouimet asked so would it look like that every minute of every day? Mr. Becker stated that is correct. Mr. Ouimet stated the following: I have a couple of questions on public safety and security. Do you have any intention to have an on-grounds medical station in your facility or place where you could stabilize someone who gets injured? Mr. Becker stated we would have first aid equipment, a defibrillator and things like that available on site but we would not have any type of a nurse's office or something like that. Mr. Ouimet asked would you have trained personnel to use it? Mr. Becker stated yes, our personnel are trained to use it. Mr. Ouimet stated other than the railroad police, who would be your main law enforcement agency in this site, do you have any other 24-hour staff that you would have here? Mr. Becker stated the following: There would be the operators of the facility, the contractors who operate the facility would have security personnel, commercial security personnel manning the guard gates and such. The railroad police are responsible for maintaining the security of the rail network and this is one component of that. Mr. Ouimet asked so technically it would not necessarily be 24 hours? Mr. Becker stated they would not be on-site necessarily 24 hours but it would be a regular part of their patrol routines and they coordinate very closely with the State and local agencies. Mr. Watts stated the following: I know the rail police are stretched pretty thin in terms of how many there are and they cover a lot of territory. There is the Mechanicville Police Department, the Sheriff's and then you would have some on-site security people to call. Mr. Becker stated the following: Right and we do keep a very tight lid on what goes on at the site. To answer your question yes, there would be somebody there. Mr. Ouimet asked would you have any on-site fire suppression equipment or personnel? Mr. Becker stated there would be what I would call appropriate fire suppression equipment for our crane maintenance areas or whatever is required by code for those types of facilities. Mr. Ouimet stated I would assume the automobiles that are being transported by train are fueled. Mr. Becker stated the transported automobiles have a very small amount of fuel; just literally enough to get them off of the assembly line onto the automobile carriers, park them and then get them to a dealer so there is a very small amount of fuel. Mr. Ouimet asked how many automobiles do you anticipate having parked there? Mr. Becker stated the following:

I believe the facility has a total of 680 parking spots. Not all of those parking spots would be used due to rotation of the automobiles coming in and out. So it could be several hundred vehicles. Mr. Ouimet stated so that is a significant amount of vehicles with a little bit of fuel in each one. Mr. Becker stated yes, that is a true statement. Mr. Ouimet asked do you operate other facilities around the country? Mr. Becker stated yes we do. Mr. Ouimet asked do you have safety response plans for each of those facilities? Mr. Becker stated yes we do. Mr. Ouimet asked would you have one for this facility also? Mr. Becker stated yes, correct. Mr. Ouimet asked is this something that you could share with us at some point? Mr. Becker stated the following: Yes. I don't see why we couldn't share a typical one for one of our facilities. Again, that is some of the details that we would be glad to work with the Planning Board on. Mr. Ouimet stated on the proposed design plan that you gave us, you have a number of areas that say "future auto ramp" and "future intermodal" and asked if the future intermodal was for truck containers? Mr. Becker stated the following: When we laid out the facility, we wanted to make sure that we positioned things so if and when future growth does occur, be it 10 years or 20 years down the road; that we would have room to layout additional areas and not impact the Anthony Kill or have to go back and rework major portions of the site. Those are future areas we have absolutely no immediate plans to do anything with. They are really just laid out so that we would locate infrastructure to work around those potential long-term future expansions. Mr. Ouimet stated so for instance; the future auto ramp appears to be equal to the size of the proposed one or to double the size? Mr. Becker stated the following: I don't think it quite does. I think it is about 300 more spaces as opposed to the 600 proposed spaces. We can get some exact numbers on that because I don't know that off the top of my head. Again, this is something that is not currently contemplated to have the need. Mr. Ouimet asked if you expand or when you expand or hopefully in the future you would expand; is there any thought being given to adding a secondary point of ingress and egress? Mr. Becker stated the following: What we are planning to design for the main access off Route 67 would be a State standard size bridge. We specifically do not have any secondary access through the City of Mechanicville because we don't want traffic going that way. Elsewhere along Anthony Kill is extremely difficult with the flood plains and the other wetland resources to locate an entranceway. That is how we ended up where we did. So to answer your question, no we probably plan on using the same gate that we have proposed. Mr. Watts asked what the applicant was intending to do for water and sewer supply. Mr. Becker stated that the intent is to utilize the existing sewer line that traverses the site along the Anthony Kill. There was an engineering study performed for the feasibility of accessing Town of Halfmoon municipal water that would have to come from the end of Camber Court. In the review, there were significant environmental hurdles that would have needed to be bridged to come from that site and it would have required a significant amount of property easements as well as crossing under active rail lines in the future. We are now planning on bringing water from the Town of Stillwater using the City of Mechanicville municipal water. Mr. Watts asked Mr. Bianchino if he had any questions or thoughts on this project as the Board would like to anticipate possible questions that may arise for the Public Informational Meeting as you never know how many residents may attend that meeting with the expansion of the notification area and the inclusion of both the Town of Stillwater and the City of Mechanicville. Mr. Higgins stated as far as the future, that Mr. Ouimet and Mr. Nadeau were talking about, will they come back to the Board for any expansion or is the approval for the total project buildout? Mrs. Murphy stated the following: This wouldn't have any change in the legislation. The Planning Board would approve the site plan however it is laid out and however the Board intends to approve it and normally what you would do is any major modifications; such as building a deck for cars would require

them to come back for an amendment to their existing site plan. Mr. Bianchino stated the Board has raised a lot of good questions and at this time we are currently in the review process for this application. Mr. Becker asked if the Board was going to declare themselves as the lead agency for the SEQRA process? Mrs. Murphy stated the following: It is my understanding that the Board, if they choose to go forward, will be acting on three separate resolutions as we sit here today; (1) would be the lead agency to send out the notices, (2) would be to expand the notification area with regards to who would be invited to the public informational meeting and (3) would be to actually set the public informational meeting.

Mr. Roberts made a motion to set a Public Informational Meeting for the April 27, 2009 Planning Board Meeting and expanding notification area south to Tabor Road and east to the Town border. The Planning Board declared lead agency for SEQRA. Mr. Nadeau seconded. Motion carried.

09.030 NB Curves, 15 Route 236 (Woods Plaza) – Change of Tenant

Mrs. Kim Sampson, the applicant, stated the following: Curves is currently located at 1471 Route 9 in the Rome Plaza. I propose to move to 15 Route 236 in the Woods Plaza. Curves is a 30-minute woman's fitness center. Mr. Roberts stated in your project narrative you said that it was possible that you could have as many as 20 people there at one time because parking at that plaza is a concern. Mrs. Sampson stated the following: That would be very rare. There are 57 parking spaces in the parking lot and there are 2 take-out restaurants in the plaza so there would be a lot of traffic going in and out. What I would like to propose is having my member's park on the side of the building allowing the front of the building for the 2 restaurants. From talking to the landlord, there is typically no more than 15 cars in that parking lot at any given time so I think we should be fine if we did our maximum of 20 people at a time. Mr. Higgins stated is the applicant aware that there is also a future cell tower that is proposed adjoining the parking area so during the construction of that it may affect where you want to park your people. Mrs. Sampson stated okay and asked when the construction would begin and end. Mr. Watts stated the following: It could be up to six months to a year and the construction could take up to 2 months. We need to make sure that the owner of the plaza improves the parking area and re-stripes it. Mrs. Zepko stated we have spoken with the owner of the plaza and mentioned that there was a dumpster covering a couple of the parking spaces and that needed to be moved, as well as an unregistered vehicles that was being parked in the lot that needed to be removed. Mr. Nadeau asked if the owner of the plaza was aware that there could be parking issues for the remainder of the tenants in the plaza? Mr. Watts stated I believe so. Mr. Higgins asked when do you plan on opening? Mrs. Sampson stated May 1, 2009. Mr. Higgins asked if the improvements to the parking are going to be done before the applicant opens or is there going to be a stipulation of time regarding the re-striping of the parking lot? Mr. Watts asked Mrs. Zepko if the parking lot was fully striped and visible? Mrs. Zepko stated there are lines but they are old and I am not aware whether there has been any conversation regarding the re-striping of the parking lot. Mr. Higgins stated the applicant mentioned there are 57 parking spaces and in Mr. Williams' write-up it says there are 40 existing parking spaces. Mrs. Sampson stated it is my understanding that the owner of the plaza did speak with Mr. Williams and that he was to re-stripe the parking lot by the summer. Mr. Berkowitz asked if a non-striped parking lot was in violation of the Building Codes? Mr. Watts stated yes. Mr. Berkowitz asked can we approve this application and then if the owner does not re-stripe the parking lot, then we can fine him. Mr. Watts asked if they submitted an updated site plan. Mrs. Zepko stated we do have a site plan and the parking spaces are there

but they need to be re-stripped. Mr. Watts stated the following: We could approve this application tonight and then tomorrow we need to contact the owner of the plaza and tell him that he would need to re-stripe the parking area by a certain date, the dumpsters need to be moved and the parked unregistered vehicle need to be removed. Mrs. Sampson stated the following: But with the average of 7 to 10 members at any time in the club and those times are 5:00am to 11:00am, then we close at lunchtime, which is the time when the 2 restaurants are at their busiest, then we reopen from 3:00pm to 7:30pm. My traffic pattern is pretty much different then the rest of the tenant's traffic patterns. I would really like the Board to give me clearance to move in because I will need to notify my members. There is someone buying the plaza that I'm in now so this is really a time sensitive thing for me so I have a place or a home come May 1st. I understand the owner of the plaza needs to do what he needs to do and he has verbally agreed to that to me but he needs to work with the Town on getting the parking lot re-stripped. I would really appreciate a definite answer today. Mr. Watts stated we also have to be concerned with people and the safety issues with cars coming in and out of that site. Mrs. Sampson stated I understand that.

Mr. Roberts made a motion to approve the change of tenant application for Curves contingent on the parking lot being re-stripped by June 1, 2009. Mr. Ouimet seconded. Motion carried.

09.031 NB Sabourin Subdivision, 29 & 33 Church Hill Road – Minor Subdivision/Lot Line Adjustment

Mr. Bob Wilkow, of Gilbert VanGuilder and Associates, stated the following: I am representing the Sabourin's who live on Church Hill Road. The project is on the north side of Church Hill Road approximately 850 FT west of the intersection of Harris Road. The parcel is zoned residential. The applicant's are proposing a land transfer. The property is all owned by the Sabourin's and in 1963 they created a smaller lot out of the larger parcel. The applicant's want to increase the lot size to 2.07-acres from .24-acres. From the original lot line, the house is over the property line along with the in-ground pool, a shed and a garage. The applicant's already have a spruce tree row and there is also a retaining wall which makes a nice natural boundary line through there. When the lot line adjustment is created, Lot #33 would be a little over 2-acres and Lot #29 would be 7-acres. The parcel has water and sewer and we are going to leave a 60 FT strip in case at some point they ever want to do something with that, they would have 60 FT strip but they have no intentions of doing anything with that lot at this point.

Mr. Nadeau made a motion to set a Public Hearing for the April 27, 2009 Planning Board Meeting. Mr. Ruchlicki seconded. Motion carried.

09.033 NB Backcountry Irrigation, LLC/Revelations Lawn Care, 66 Ushers Road – Commercial Site Plan with Change of Tenant

Mr. Darin DiNallo, the applicant, stated the following: I own Backcountry Irrigation and my partner Mr. Dan LaMarche owns Revelations Lawn Care. My business is an irrigation business and I install underground sprinkler systems for mainly residential lots. Mr. LaMarche operates a lawn care business. We are proposing to purchase the already mentioned subdivision of Mr. Fronczek to operate our businesses out of that site which would be 60 Ushers Road. Mr. Higgins asked if they would be operating 2 separate businesses out of that site. Mr. DiNallo stated correct. Mr. Higgins stated the following: A question was asked earlier regarding water and sewer and in the summer season when you are operation you would be picking up your equipment from the site and leave. In the winter when you are doing your maintenance and

things like that you would be spending a lot more time at the site. Are there any plans to put in water and a septic system in the future? Mr. DiNallo stated the following: In the wintertime we would be there much less than we are in the summertime. There is not much to do in the winter machine wise. Mr. Higgins stated I assume you would be doing snow plowing and things like that. Mr. DiNallo stated the following: No, neither one of us snowplows. I have a plow for my truck that I would use to keep the site clear. Mr. Higgins stated what we are concerned about is sanitary facilities. Mr. DiNallo stated there would be no retail business operated out of this site, therefore, there is no office and it is basically a garage to house equipment. Myself, my employees, Mr. LaMarche and his employees are going to show up in the morning, pick-up our respective trucks and trailers and head out to the different jobsites and then we would return in the afternoon. Therefore, there is no need for bathroom facilities because no one would be there on a daily basis. Basically, we show up, pick-up our equipment and supplies and then we are gone for the day. I don't believe we would need water or sewer. Mr. Higgins stated any approval would be subject to those limitations, in other words, if this Board approves something tonight for that application, if you are going to sell the business or do something different in the future, you're going to have come back for a change of the approval that you are getting this evening, if you get it this evening. Mrs. Murphy stated for clarification I think Mr. Watts was saying was if this application is approve tonight and tomorrow Code Enforcement says because of that classification of building, they have to have water, they will not allow you to occupy that building for your storage facility unless and until you have water. Mr. DiNallo stated okay. Mr. Watts stated I don't think you have to have water so I think you'll be okay. Mr. Ouimet stated other than storing your equipment on this site what else are you going to store? Mr. DiNallo stated the following: I have sprinkler heads; valves and stuff to install underground sprinklers but that would all be inside the building. At any given time I will have thousands of dollars worth of material that I don't want outside, hence the reason why I'm buying a building so I can lock everything inside. Mr. LaMarche doesn't have much to store. He has mowers, weed whackers and that type of stuff that he would store inside. We are not going to have any piles of aggregate; such as crusher run or mulch. There would be a few trucks and a few trailers that we intend to house. Most of it would be inside the buildings for security reasons. Mr. Berkowitz asked if they would store fertilizer. Mr. DiNallo stated no. Mr. Higgins asked if they would bring back leaves or grass clippings to the site. Mr. DiNallo stated the following: No, Mr. LaMarche has places throughout Clifton Park where he would dump the yard materials. Mr. LaMarche currently has another building and he told me that he has places to dump. Neither of us wants the waste materials at this site. Mr. Higgins asked approximately how many trucks and trailers would be stored outside? Mr. DiNallo stated the following: I have 2 trucks and 2 trailers. One trailer would be underneath an existing overhang and the other trailer I intend to put inside. I have one small trailer that I don't use a lot that I intend to put behind the building. Mr. LaMarche has 2 trailers, one would be inside and one would be between the two existing buildings. Mr. Higgins asked if all of the trailers and trucks would be registered. Mr. DiNallo stated correct. Mr. Higgins asked the applicant if he was aware that he is not allowed to have any containers or any on-site for storage because that is a Town ordinance. Mr. DiNallo stated I didn't know that but I have no use for that and this is where the buildings come in play for me. Mr. Roberts asked if they would have a sign. Mr. DiNallo stated there would be no sign. Mr. Watts stated when you advertise, please mention that your business is located in Halfmoon. Mr. DiNallo stated okay.

Mr. Berkowitz made a motion to approve the commercial site plan with change of tenant application for Backcountry Irrigation, LLC/Revelations Lawn Care contingent upon no outside

storage, no hazardous materials to be stored on site, and code approval by the Building Department. Mr. Ouimet seconded. Motion carried.

**09.034 NB Albany Treasure Liquidators, 1603 Route 9 (Towne Center Plaza)
– Change of Tenant & Sign**

Mr. Joseph Lamica, the applicant stated the following: I am using "Albany" in my business name because Treasure Liquidators is already taken on the web so therefore we could not utilize Treasure Liquidators because it is web driven business. So I then used "Albany" because Albany was the location where we had a signed contract for with Vatrano Realty located at 4 Vatrano Boulevard. Four days later after we received our business license, business cards and had everything going for 4 Vatrano Drive, they notified me that the empty space was no longer available and that they rented it out to an existing tenant who was threatening to pack up and move if they didn't get the space that they just rented me. This put me in a bad situation where I already had a website designed, a business license and business cards and therefore I am kind of stuck with the Albany Treasure Liquidators. I'm not married to the name Albany Treasure Liquidators; it would not have been Albany Treasure Liquidators if I knew I was going to be located in Halfmoon. The business that I intend to operate at 1603 Route 9 in Halfmoon is a 900 SF retail building utilized to sell high-end quality pre-owned electronics, furniture, home goods and jewelry. I buy, sell and consign. I use the word "consignment" very loosely and consignment would be on an item that would be in excess of \$5,000 or more. I am not going to lay out that amount of cash depending on if it is a Rolex watch or whatever it may be. Right now as it stands I own 100% of everything that I sell. I hand pick all of my used furniture, electronics and home goods personally. I go directly to the seller's home or wherever they may be and I either buy it there on the spot or I don't. I am very selective as to what I buy. My store is kind of a combination of a Raymour & Flanigan, Best Buy and more high-end quality Old Brick Furniture, Tiffany jewelry and Coach bags. I would have more high-end items that have great resale value to them. We are not a pawnshop and I don't give you money or loan you money for any reason whatsoever. That is kind of the concept of the business. Mr. Nadeau asked if people would be bringing things to the store or a drop off like Salvation Army type of thing? Mr. Lamica stated the following: No. Ninety-nine percent of the items would be items that I purchase and one percent of the items that I will allow people to bring to me are small handheld items such as small handbags and jewelries and that would be designated on days that I am closed. I will be closed on Mondays. I will operate on appointment basis only for people to come in. Three out of the seven businesses in the plaza are closed on Mondays so I don't anticipate thousands of people coming. I do have a couple of pages of items for the Board to look at for an idea of what we are going to be selling there. The sign on the storefront would be 2 FT x 4 FT, backlit illuminated and we would just be replacing the former tenant's sign, Maria House of Style, panel in the free-standing tenant sign. Mr. Watts stated the following: We are looking at the sign ordinance relative to the plazas. I know that you called the Supervisor's Office but you have to abide by the current sign ordinance, which means no sandwich board out on Route 9 or anything at this point. Mr. Lamica stated that is why I bought a van with a monster sign on the side. Mr. Watts stated well then we might make you move that. Mr. Lamica stated I would only put it there for a few hours. Mr. Watts stated we will look into the appropriateness of the van. Mr. Lamica stated okay.

Mr. Nadeau made a motion to approve the change of tenant application for Albany Treasure Liquidators. Mr. Roberts seconded. Motion carried.

Mr. Roberts made a motion to approve the sign application for Albany Treasure Liquidators. Mr. Ouimet seconded. Motion carried.

09.035 NB Kitware, 28 Corporate Drive – Change of Use

Mr. Brian Sleasman, of ABD Engineers and Surveyors, stated the following: The applicant is proposing a change of use at 28 Corporate Drive. Currently Kitware, a software engineering company, is occupying 9,900 SF of office space. Kitware wishes to utilize the vacated 7,600 SF of office space that was previously occupied by URS for a total of 17,500 SF of office space. Kitware currently has 44 employees and with the addition office space they hope to hire up to 6 new employees for a total of 50 employees. Kitware's hours of operation are 8:00am to 5:00pm Monday through Friday. There are 125 parking spaces that are available that are shared by Kitware and the other two tenants located at 28 Corporate Drive.

Mr. Roberts made a motion to approve the change of use applicant for Kitware. Mr. Berkowitz seconded. Motion carried.

09.036 NB 1st Advantage Dental, 6 Executive Park Drive --- Change of Tenant

Mr. Brian Sleasman, of ABD Engineer and Surveyors, stated the following: Mr. Mark Rekucki is proposing a change of tenant at 6 Executive Park Drive. There is 2,271 SF of vacant office space that was previously occupied by a software company. 1st Advantage Dental wishes to utilize the space for administrative offices. There will not be any dental facilities at this location and there will not be any clients visiting that office. They will have 4 full-time employees, 8:00am to 5:00pm, Monday through Friday. There are 46 parking spaces available that would be shared by 3 tenants.

Mr. Ruchlicki made a motion to approve the change of tenant application for 1st Advantage Dental. Mr. Higgins seconded. Motion carried.

Old Business:

**07.043 OB Shoppes of Halfmoon (Snyder's Restaurant), 1717 Route 9
– Addition to Site Plan Re-approval**

Mr. Bruce Tanski, the applicant, stated the following: I am here tonight for a re-approval of the addition to site plan application that was approved by the Planning Board in June 2004. The State Liquor Authority has held me up for over a year for trying to get my approval from them and you can't do any renovations on a tavern that sells alcohol unless you have permission from them. Everything would remain the same as the original approved application.

Mr. Watts stated the following: We met with Mr. Tanski and we reviewed his site plan and everything is the same as what we approved previously and he has paid all of his application fees again.

Mr. Ouimet made a motion to approve the addition to site plan re-approval for the Shoppes of Halfmoon (Snyder's Restaurant). Mr. Nadeau seconded. Motion carried.

Mr. Ruchlicki made a motion to adjourn the April 13, 2009 Planning Board Meeting at 9:19 pm.
Mr. Ouimet seconded. Motion carried.

Respectfully submitted,
Milly Pascuzzi
Planning Department Secretary