

**MINUTES MEETING
Town of Halfmoon Planning Board
November 8, 2021**

Those present at the November 8, 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:

Brendan Nielsen-absent
Chuck Lucia

Coordinator- Building, Planning and Development:

Richard Harris

Senior Planner / Stormwater Management Technician:

Paul Marlow

Town Attorney:

Lyn Murphy

Deputy Town Attorney:

Cathy Drobny

Town Board Liaison(s):

John Wasielewski
Eric Catricala

Town Engineers:

Joel Bianchi

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

Don Roberts: Good evening, I would like to call the meeting to order, have the Board members had a chance to review the minutes from the last meeting?

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

Mike Ziobrowski: I'll second it.

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

Public Hearing(s):

21.145 35 Woodin Road Subdivision, 35 Woodin Road – Minor Subdivision

Don Roberts: Would anyone like the notice read? (No comments) come up please and state what you want to do.

Bill Banowski: Good evening, Bill Banowski with Empire Engineering, we are looking for a two lot subdivision. 1.84 acre parcel, zoning of R-1 residential. There are currently utilities of municipal water and sewer connections available along the frontage. Wetlands are located in the rear of the property, all of which are being avoided into the Town required 50 ft. setback. Existing conditions, curb cuts and asphalt driveway are previously installed. The dwelling will be constructed within the generally flat area that is currently gravel. It's again proposed two lot minor subdivision. Lot 1 would be the existing two family dwelling of 40,050 sq. ft. Lot 2 proposed single family dwelling 40,100 sq. ft. with a 100 foot minimum road frontage.

Don Roberts: That's it?

Bill Banowski: Yes

Don Roberts: Okay, thank you, okay at this time we will open the public hearing. First of all Rich we have written correspondence and we'll enter it into the record right?

Richard Harris: Yes, we received an email from a neighbor to the south, 33 Woodin requesting a privacy fence along the border and or leave the current vegetation along the property line.

Don Roberts: Okay thank you, okay we opened the public hearing would anyone from the public wish to speak? (No comments) would anyone online wish to speak? (No comments) okay seeing no one wishes to speak we will close the public hearing, comments by the Board members?

Rich Berkowitz: I make a motion to make a negative dec on SEQR.

Mike Ziobrowski: I second

Richard Harris: Did you want to see if the applicants responding to the residents request?

Rich Berkowitz: I mean we've never required that in any single residence

Tom Koval: Yea we generally don't require it because generally the people that are requesting it have cut back to their property line, we generally don't request because of people that are asking for it have already cut everything in their back and want the new applicant to maintain theirs so I'm not gonna push that.

Don Roberts: Okay anyone else want to comment on that one. ?

Marcel Nadeau: I agree with Tom because again it's not a requirement for this Board, it would be strictly between the two people.

Don Robert: Okay so we have a motion and a second for a negative declaration on SEQR correct, all in favor aye? (All in favor) Opposed? (None were opposed) Motion carried.

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

Marcel Nadeau: Ill second it.

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

Bill Banowski: Thank you.

Don Roberts: You're welcome.

35 Woodin Road Subdivision– Minor Subdivision

APPROVED. Board held a Public Hearing and approved the two-lot subdivision for purposes of constructing a single-family home.

21.167 Troy Topsoil Subdivision, Lower Newtown & Hudson River Rds. – Minor Subdivision

Donald Zee: Good evening my name is Donald Zee, I am the attorney for the applicant. This is 3 existing tax parcels which are of substantial size, parcel A is 113 plus acres and has frontage on Upper Newtown Road as well as Hudson River Road. Parcel B is an 80 plus acre parcel with frontage on Hudson River Road and Parcel C is a 29 acre parcel with frontage on Lower Hudson Road. From these three parcels we want to create a total of 4 parcels so, parcel number one would be, which has frontage on Upper Newtown Road would be 10 acres and it would have frontage on Upper Newtown road. Lot number 2 which would be taken from parcel A is an 11 acre parcel with frontage on Hudson River Road and parcel, lot 3 which is a 3.26 acre parcel would have frontage on Lower Newtown Road so what we would do from the balance of the land from parcel A as well as the balance of land from parcel C is to join it and merge it with parcel B creating then the large lot number 4 which would be 188 acre parcel with frontage on Hudson River Road. So it's a minor subdivision that we are proposing.

Don Roberts: That's it right?

Donald Zee: Yes

Don Roberts: Okay at this time we will open the public hearing, would anyone from the public wish to speak? Yes please come up and say your name and address and any comment you may have , its recorded you've got to speak into the microphone , sorry.

John Forino: Hi Im John Forino, my property borders Tironi property that they sold to Anthony Grande, my question is he did try to mine that without a mining permit and now that the property is incorporated all together can he issue a permit not to be able to continue mining it?

Tom Koval: Which property did he try to mine?

John Forino: The parcel behind mine, Im 19 acres

Richard Harris: I think that's right here right?

John Forino: He's right in back of me yup, yea he attempted to mine it with no permit last year, and my question is now that it's all incorporated into one parcel can he issue for a permit to mine it?

Tom Koval: Now does the mining, mining permits are generally much defined within mine boundaries

Lyn Murphy: This Board doesn't have jurisdiction over mining, mining is controlled through DEC, and they issue the permits, if you were to do any kind of operation where you would have buildings etc. You would have to come back before this Board, but I can't sit here and tell you that somebody isn't going to break the rules.

John Forino: Right but do you have any buffer, to an existing tax payer, do you create a buffer line to say well this guy can dig the property out but

Tom Koval: Generally with DEC when you pull mining permits there is a very defined mining boundary, you'll see, they generally put up marker posts with in the mine boundary, I think DEC requires those marker posts and they have to stay 50 or 100 feet back from those marker posts, so the answer to your question, no he can't just go and if we approve this to be a part of the subdivision, he can't just go and increase his mine boundary without going to DEC. Your correspondence should be with DEC on this to get a very defined mine boundary and make sure that he is not overstepping that. I've had some personal experience with DEC and mine boundaries and properties around me. Be very vigilante with it and just, I don't recall general name, and there in Warrensburg, the ones that handle it, but they will be able to give you the defined boundary of that mine and

John Forino: So they should be able to tell me if he issues for a permit then I should be notified?

Tom Koval: Absolutely

John Forino: That's all Im asking

Tom Koval: And they are pretty forthcoming with all of it so

John Forino: Okay, alright

Tom Koval: But no, what we're doing tonight does not give them permission to increase their mining boundaries

John Forino: No I understand that , but Im just saying now that its incorporated into one parcel it, to me it would look like its simple, because you got Troy Topsoil that's actually incorporated with this property

Tom Koval: Yea, right. DEC would have to approve that expansion though

John Forino: Okay, okay alright thank you.

Don Roberts: Anyone else like to speak? Okay if you want to come up and speak, come up and speak otherwise please keep quiet, go ahead M'am

Kim DeFlece: My name is Kim DeFlece Im from 36 Upper Newtown Road. Im just concerned with the 10.5 acres that's going to be lot 1, if and when development happens that there is a buffer put up for the existing homes that have been there.

Don Roberts: Okay we'll have Donald answer that, you probably didn't hear that question Donald, please say it again Miss.

Kim DeFlece: For the 10.5 acres that are on access with the Upper Newtown Road if and when the time comes

Tom Koval: People in the back, hey come on

Don Roberts: We are at a public hearing here okay

Tom Koval: Gentlemen in the back of the room if you want to have a private conversation you can go out in the hallway so we can hear the rest of the people that are speaking up front

Don Roberts: Thank you Tom, go ahead M'am

Kim DeFlece: And I'd like to make sure that there is a buffer put in for the existing homes, it's the other one.

Donald Zee: At this point in time we don't have any plans, but obviously if we came forward for any plans for that piece of property it would have to come before this Board, and obviously any concern that you would raise would be subject to the Boards review as well as the technical staffs review.

Kim DeFlece: Okay, thank you, appreciate it.

Don Roberts: Please speak in the mic loudly enough so we can all hear you.

Richard Harris: Just so everyone is aware the reason we do that is because I get a lot of heat the next day from do the minutes so it's very hard even if the Board member is 2 feet away from the mic its hard so that's why we ask you to come up so we can hear it and we have a record.

Donna Forino: Sure so Im John's wife Donna Forino at 14 Upper Newtown Road and he has the adjoining property , Im not quite sure where he is putting the homes that you talked about or the subdivision but I also want a buffer at the end of our property to be considered as well.

Lyn Murphy: Just for clarification there is no proposed houses, there is nothing right now except subdividing the property, so until and unless that occurs this Board can't guarantee anybody anything, the applicant's attorney was kind enough to say that they would consider that but this Board until its actually proposed cannot.

Donna Forino: And so we'll be notified every step of the way?

Richard Harris: Everything short of one permit for one single family home , has to come before this Board, so I don't know why someone would do this but if somebody wanted those 10 and a half acres to build one house , they would come in and get a building permit , there would be no notification

Donna Forino: And then I'd have to check right.

Richard Harris: Everything else, subdivide for more than one house, a duplex, a business of some sort would have to come before this Board and every one of those items

Donna Forino: And the surrounding neighbors would be notified?

Richard Harris: The process requires a certified letter to the neighbors and or a public hearing kind of depends on what use. Okay,

Donna Forino: Okay, thank you.

Richard Harris: Sure

Don Roberts: Donald , before we go any further , just to save any confusion , at this point in time are there any plans for this property?

Donald Zee: None what so ever

Don Roberts: So I don't know where the housing thing came from, I don't know where that came from at this point in time there is no plans.

Richard Berkowitz: Is there any active mining going on?

Donald Zee: Yes we have DEC mining permits for the property. On what is parcel 4 on lot 4 shown on that property.

Rich Berkowitz: Does the canal, the old canal go through that property?

Donald Zee: Yes

Rich Berkowitz: Are there tracks that go through that property?

Donald Zee: Yes

Rich Berkowitz: Along the canal?

Donald Zee: Yes

Don Roberts: Okay we will continue with the public hearing, sorry for interruptions, would anyone else like to speak?

Jeff Dolbert: Jeff Dolbert, 11 Laurel Lane. I was concerned because the original letter I got stated that Willow Lane was involved in the subdivision.

Richard Harris: Its right here, this lot 2 actually has frontage on Willow Lane

Jeff Dolbert: Okay

Richard Harris: Right there.

Jeff Dolbert: I've maintained Willow Lane for the last 23 years, as far as snow removal and everything else now if they are going to actually enter from Willow Lane who is going to be responsible for taking care of the road?

Richard Harris: It's not changing any access that doesn't already exist.

Jeff Dolbert: What Willow Lane?

Richard Harris: Yes, see this right here lot 2?

Jeff Dolbert: Yep

Richard Harris: This exists right here like that , he's dividing this big lot to cut off and create lot 2, this already has a strip that touches Willow Lane, most of the frontage is on Hudson River Road right here .

Jeff Dolbert: But that's what Im saying, if they are going to use Willow Lane, I want to make sure that

Richard Harris: There is nothing proposed for development right now on it.

Jeff Dolbert: Okay, but who is going to maintain that road

Tom Koval: I Willow Lane a Town Road or a private road?

Jeff Dolbert: It's a private road owned by Anthony, we have a deeded right of way. I've had to do snow removal, and taking care of the road for the last 23 years. Now I don't care what they do over there, I just want to make sure that in there if they are going to build over there that somehow that road is going to get taken care of and not just by me.

Don Roberts: At this point in time nothing is changing right now, they are not proposing anything, wait your turn please, at this point in time there is nothing being planned there

Jeff Dolbert: Okay , my point is though , Willow Lane I've had to take care of 23 years if they are going to use that to enter that property , is the Town going to take the road over , is Anthony going to take responsibility for the road .

Tom Koval: Down the road if it gets developed, and they come in to put 5 or 6 or 10, however many houses on, that road would have to be built out to Town specs and if its already a private road and not a Town road he doesn't own the whole road, he just owns in front of John, am I correct?

Donald Zee: No he actually owns the road going all of the way back, we have a deeded right of way.

Tom Koval: Then it would have to be taken over as a Town road.

Don Roberts: No, that's not true, that's not true

Lyn Murphy: He has frontage on Hudson River road

Tom Koval: You just said he owns the whole road

Don Roberts: Once again we cannot make a determination at this time.

Lyn Murphy: Until he comes in and proposes what he is going to put there we can't answer these questions.

Jeff Dolbert: His property is also behind me, on the back side of me

Richard Harris: Right here

Jeff Dolbert: Yup, and also he surrounds me, okay if they are going to do mining in there

Lyn Murphy: They are

Richard Harris: He already has a permit for mining.

Jeff Dolbert: Well is there a noise ordinance because their construction equipment at 3:30 in the morning

Lyn Murphy: There isn't a noise ordinance and even if there were once they get a Life of Mine permit, DEC has jurisdiction over wherever the boundaries are of that life of mine.

Jeff Dolbert: So they can run equipment anytime?

Lyn Murphy: You should call DEC and ask because there is probably limitations on when they can run equipment.

Jeff Dolbert: Okay

Lyn Murphy: I can't guarantee that but DEC would know all of that information and they are good when you advise them when somethings being done that shouldn't be done as long as you advise them you know forcefully in writing they are good at coming in and stopping what shouldn't be happening.

Jeff Dolbert: Okay thank you.

Don Roberts: Would anyone else like to speak?

Donald Zee: Just if I may on lot A on the other may, which just shows the front, there is a private road as well, that we have frontage on, In speaking to Mr. Harris I did not mention Willow Road nor did I mention Dubois lane because we have frontage on those but those are private roads and for purposes of this discussion I believe the Planning Board and under your Zoning code we needed roads on Town or public streets, and that's why I didn't mention that earlier.

Don Roberts: Okay, thank you Donald. Yes Sir.

Lyle Champagne: Im Lyle Champagne from 26 Upper Newtown road, and I just had, first of all I hear all this thing about mining, what is mining? Oh wait a minute first I have to go back, the letter says that you are going to hear comments can we ask questions?

Tom Koval: Yes

Don Roberts: Yes

Lyle Champagne: It doesn't say that but, what is mining, what's mining, what are they doing the mining, gold? Silver?

Tom Koval: Gravel, topsoil

Don Roberts: Go ahead Donald

Richard Harris: What does their mining permit allow them at this site?

Donald Zee: Primarily now we'd have is we're bringing in sand, and other materials, we are creating a better like top soil. They have a screening process and they are screening out some of the stone out of that. We received a permit from DEC I think about a year or so ago. For the expansion to do that screening process. Previously there had been DEC permits for countless number of years with regarded to actually removal of minerals from the property.

Lyle Champagne: And how deep do you did for mining?

Donald Zee: It all depends on the groundwater levers and what DEC permits and what the engineers but that has been in place like I said for decades, those mining permits and we got the modification within the past year plus so offer screening of that , so I don't know the depth of by which

Lyle Champagne: If there is no ground water, how

Donald Zee: You can probably go up to within 5 feet of the depth of the groundwater for mining purposes if the materials are good.

Lyle Champagne: And you asked while you're up here you said you had that the ten acres , Im concerned about the 10 acres and you said you have absolutely no plans right now for what to do with the ten acres, right is that correct?

Donald Zee: That is what I said, that is correct.

Lyle Champagne: And from, I don't know too much about it but to survey an acre of land and in Saratoga County it's between 165 and 997 dollars and acre, I don't know how true that is and your dealing with over 200 acres, I don't know it just seems to me you can't, it doesn't make sense that you're going to spend that kind of money to make these lots and you don't have plans. Can you address that?

Donald Zee: All I know is my client already spent the money on the surveys for the individual lots, I previously submitted those to the Planning Board as part of this process

Lyle Champagne: Right but would you spend I don't know how many thousands of dollars to survey something and not have plans for it. It just doesn't make sense to me I just don't know.

Don Roberts: Were only going on what's presented before us presented before us here

Lyle Champagne: You know in the spirit of being a good neighbor Im asking because I mean

Don Roberts: He is saying he didn't know

Donald Zee: I can answer part of that question, obviously as I said we had DEC permits for mining, so all the acreage had to be surveyed previously because your Board member Mr. Koval I believe had indicated with his experience he knows that when you have a mine you have to have the entire parcel surveyed and the property that was subject to mining permits includes, I believe portions of, all of parcel B which is 80 acres and I believe other portions of parcel A and C were involved. So I think a good portion of the, everything n total has, I think everything in total has been previously surveyed and what we did was add sections to be cut off for this subdivision. So it isn't a big lift to expend a few more dollars to survey out certain lots

Lyle Champagne: So it only costs a few more dollars as your saying, right so isn't all land previously surveyed?

Donald Zee: No

Lyle Champagne: No, so this land wasn't previously surveyed and you're saying it only costs a couple dollars to kick off four lots, Im just I don't know you have to tell me.

Donald Zee: The answer to that is yes, relatively speaking, to me 10 dollars might be a lot to someone a million dollars, sending people into outer space and they are willing to pay a quarter of a million dollars they don't care.

Lyle Champagne: Well throw a number out if its

Marcel Nadeau: Don I think the question here is, this is property owned by the applicant and he wants to subdivide his lot whether he changes his mind tomorrow and says yes I do want to do development, we'll know tomorrow but as of today he is not planning to do anything but subdivide his own property

Don Roberts: Thank you Marcel

Marcel Nadeau: You will be notified should he want to change it or adjacent properties will be notified, but right now we're looking only at a subdivision

Donald Zee: Right.

Tom Koval: And I've paid for a lot of surveys on properties that I own and I always pay for them because I plan on doing something I pay for them to keep neighbors off of them because neighbors have a tendency to encroach on your properties so there is a lot of different reasons you have surveys done and it's not as substantial amount of money as you'd think , but if you own a piece of property , I don't know when you bought your house or your property but you probably had a survey , you do those for a reason so you know where the boundaries are so you don't go on somebody else's property it's not just for a purpose of subdividing and doing something else so to keep kicking a dead horse about why somebody would pay for a survey it's a mute -point , people have their property surveyed , I have my property surveyed , Im sure a lot of these people here have bought homes and had their property surveyed that's the reason you have a property surveyed so you know what you own so the neighbors don't encroach so later on so you know where you can go on your own property.

Lyle Champagne: Well he already said that they have absolutely no plans for that piece of property

Don Roberts: That's what we have to go in and that's what we have to do.

Tom Koval: And if that changes then they have to come back in front of us and we will send you a notice that something is going on

Don Roberts: Unless it is a single family home that's all

Lyle Champagne: So if they make a proposal and everything is proper and legal you as Board can't stop it is that correct?

Don Roberts: Correct.

Lyle Champagne: Is that correct?

Tom Koval: That's correct

Lyn Murphy: If it's zoning as of right, correct.

Lyle Champagne: So why do you send a letter out and why am I

Lyn Murphy: Because what if there is something going on there that this Board isn't aware of, or there is some major concern because you don't agree with the survey or there is some other issue, we give you an opportunity to be heard because this Board wants to make the best decision that they can make.

Lyle Champagne: Okay

Tom Koval: Make sure it all goes on record.

Lyle Champagne: You're looking for like information.

Tom Koval: Correct

Lyle Champagne: Okay, alright, and just one, when I got the letter you know I just a small thing here, but it said that you guys wanted to hear comments and it was a request for a minor subdivision, well I mean minor to me means lesser in importance and seriousness or significance and um but it could be a different word for it

Richard Harris: I think I answered that the other day, your forgetting that the ordinance has a definition, you picked a definition out of a dictionary it sounds like, Town Zoning has a definition of a minor subdivision and I went over that with you that it's 4 lots or less.

Lyle Champagne: Im just saying that its, that the word minor gives a different connotation in my mind that's all.

Richard Harris: I've worked in other Towns and subdivisions are usually 4 lots or less because at 5 lots kicks in something on the State level called a Realty Subdivision which has a lot greater standards, restrictions, notice requirements so it's a term of art in this field, I'll call it but it's certainly, I understand why it's not a tenth of an acre parcel being subdivided, you might think that's more minor than this but it's purely the number of lots as I had explained to you.

Lyle Champagne: Thank you

Don Roberts: Your welcome, anyone else?

Paul Marlow: I have someone online asking for clarification of what exactly is being mined out of the site.

Donald Zee: What is being mined out of the site?

Paul Marlow: Yes, there is someone online asking what is being mined from the site.

Donald Zee: Currently very little if anything is being physically mined, when you take material, my client, material is being brought into the site, and we are, they are screening that material and they're taking some of the material that's being screened out and then marketing that stone and then they're taking some of the sand

and adding other materials to it to make top soil and other type of materials, I call dirt that people want to purchase for bedding for yards etc.

Richard Berkowitz: Exactly where on the parcel is this happening?

Donald Zee: The access point is off of Hudson River road and you see that on lot #4 there, they come in and it's predominately the center going both north and south

Rich Berkowitz: So it's in the old B-lot

Donald Zee: Yes

Rich Berkowitz: Okay

Don Roberts: Okay would anyone else in the room wish to speak?

Donald Zee: Im sorry it's more than the old B-lot because with a mining permit it consisted of two parcels, not much of the C-lot it's the A & B

Rich Berkowitz: So the permit it's on A & B

Don Roberts: Once again would anyone else in the room wish to speak? Would anyone online wish to speak? Okay at this time we will close the public hearing, comments by the Board?

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

Marcel Nadeau: Ill second it.

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

Rich Berkowitz: I'll make a motion to approve the subdivision

Tom Werner: Ill second it.

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

Donald Zee: Thank you very much.

Don Roberts: You're welcome.

Troy Top Soil Subdivision, Lower Newtown- Minor Subdivision

APPROVED. Board held a Public Hearing and approved the subdivision to create four (4) lots from three (3) existing lots.

21.174

McDonald's, 1487 Rt. 9 – Sign

Tom Koval recused himself.

Terri Myser: Hi Im Terri Myser from Saxton Sign im looking for 5 signs on a building , on the south side of the 14 sq. ft. letter M and then you've got ,

Don Roberts: Sorry about that once again, go on thank you. Go ahead

Terri Myser: Want me to start over?

Don Roberts: Yes, please

Terri Myser: Alright so you've got the logo letter M on the south side it's a 14 sq. ft. its 42 inches tall with the yellow and that will be illuminated and alongside it you've got the 2 ft. channel letters, word McDonald's it will be illuminated as well with white letters. Then on the east side you have another logo the M as well its 42 inches tall and you've got Play Place the letters are 22 inches and they will light up as well and you've got a little tiny welcome sign that is 8 inches tall that does not light up, and you got some pick up here signs that will go through the drive through and pay here signs that are just basically directional kind of things. Then you do have two directional that will be out by the road, entrance and exit signs and that's all we've got.

Don Roberts: That's it and their still within their square footage, it meets Town Code, comments from the Board?

Marcel Nadeau: I'll make a motion to approve the sign

Mike Ziobrowski: Ill second.

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

McDonald's– Sign

APPROVED. Board approved new signage for the existing McDonalds located at 1487 Route 9.

21.191 Eastpointe Sign, 1 Bradley Circle – Sign

Emma VanVorst: Good evening my name is Emma VanVorst, Im with AJ Sign representing Abele Builders. My clients requesting an 18 1/1 sq. Ft. development sign , it will be double sided, it will be free standing not internally lit , they plan on just doing exterior spot lights and it will be 15 feet plus set back from the edge of the property line.

Rich Berkowitz: Is that outside of DOT right of way?

Emma Van Vorst: No, I do not believe so.

Richard Harris: It is outside

Emma Van Vorst: Oh Im sorry, I thought you said it's not, sorry

Don Roberts: Comments by the Board?

Rich Berkowitz: I make a motion to approve the sign

Mike Ziobrowski: Ill second.

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

Emma Van Vorst: Thank you.

Don Roberts: You're welcome

Eastpointe Sign- Sign

APPROVED. Board approved a new permanent residential subdivision sign for Eastpointe Homes.

21.194 GT Toyz Sign, 1537 Rt. 9 – Sign

Ronald Leveque: How are you doing Im Ron Levesque with the Sign Studio and Im here with Greg Goldstein and we're here looking for permission to alter a pre-existing sign. We were in here in front of the Board not long ago to go ahead and add some signage to the building, and were asked that we keep it within the specifications and also the agreements from past Planning Board about the square footage for the overall site, so what we're doing here is we're actually reducing the size of the sign. We're lowering the sq. footage and this way here we are able to go ahead and put in all of those manufacturer branding that we wanted to do originally on the building, we can put it now on the main sign and as the manufacturers start to come to Mr. Goldstein at GT Toys, the additional manufacturers we can grow into it as well, but I think right now once this is finally done we're probably going to max that sign out. He is doing quite well.

Don Roberts: That's good, and the height is not going to be any larger?

Ronald Levesque: No the height is actually going to come down just a hair, so we are not going to exceed the existing height

Don Roberts: Okay, questions by the Board?

Rich Berkowitz: Do they need permission from us to switch out the signs or can they just do it on their own?

Richard Harris: That's kind of what we chose to do, he is going to rotate it around and decide who is going where, and I think that if you make that statement here that you are giving him that flexibility to

Rich Berkowitz: Yea he should have that I would think

Richard Harris: Yea that helps us, if someone asks.

Tom Koval: Lets also remember to keep the units to where we originally agreed upon , it seems like it is getting very busy over there, which is good for you but

Rich Berkowitz: No the inventory

Tom Koval: the lots pretty full

Marcel Nadeau: I'll make a motion to approve the sign

Mike Ziobrowski: Ill second it.

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

Ronald Levesque: Thank you very much

GT Toyz Sign – Sign

APPROVED. Board approved the sign request to swap the existing single panel sign for nine (9) new individual tenant sign panels at the existing business.

21.183 LS Power Grid New York Corporation 1- Communications Antenna, 3 Corporate Drive – Site Plan (Telecommunications Co-Locations)

Tom Koval recused himself

Eric Schroder: Hi good evening this is Eric Schroder representing LS Power and as a background we submitted our change in tenancy permits back in March of this year for 13 Corporate Drive, and the discussion tonight is around the addition of a small modular antenna structure toward the same property, and I see the drawing your showing there, as you can see it's a small footprint , it's under obtrusive , modular antennae design , the height of which is just above the peak of the roof line and the reason we're doing it this way versus placing these antennas on that roof is that the landlord of the property did not want another roof penetration so in working with in that request we came up with this design to add this small modular antenna to the side of the building . So this will be on the south side of the building and there will not be a large , now you have the manufacturers drawings for this antennae , it all will just have a small pier foundation to support it, and at the top it will have a very small array consisting of a cellular antennae which will either look like a small panel or a Yagi style antennae and then a satellite clock antennae which is about the size of a hockey puck so very small probably less than 2 sq. ft. of actual antennae appertence's on top of the tower.

Don Roberts: Once again, how high from the roof will this be?

Eric Schroder: I believe the roof peak is around 33 feet so the antennae tower when fully extended I believe will be just about a foot above that peak.

Don Roberts: Okay thank you, questions by the Board?

Rich Berkowitz: Is this something that would have to come down if they ever leave the building, vacate the building?

Richard Harris: What's your agreement regarding removal Eric with the property owner, if you guys were to move?

Eric Schroder: It would be , it would be owner discursion, these are a bolt in place design and it can be taken down and if we were to move then we would remove the calling and leave it to the owner if he wanted us to take the tower or not.

Rich Berkowitz: Does this have to be bonded like other cell tower in the Town for removal?

Eric Schroder: Yea we're putting for safety purposes and protection of our equipment we are putting in a ground loop around this and we're tying it in to the existing grounding system for the building and adding additional ground rods for protection.

Richard Harris: I think the Planning Board member Berkowitz was referencing typical for large scale lattice towers and others, this Town, and other Towns, have a concern that they might be abandoned at some point by the tower owner and there needs to be a bond, so we have three or four, five bonds in Town that is a credit or insurer bonds that the Town is a party to in case the project was to be abandoned. I think what he is evaluating is the need to do something like that for type of antennae structure or tower structure.

Rich Berkowitz: Correct.

Eric Schroder: I understand yea, so it would be our intention, I guess I'll put it this way, it would be our intention if you know if we ever, we ever vacated this property, I mean we are, we are there to stay we are a regulated electric utility so we have to maintain our presence there and we would take this tower with us along with the other equipment and materials that we need to operate this control center.

Don Roberts: Joel you have any comments on this, no okay thank you, anyone else?

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

Mike Ziobrowski: I second

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

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

Marcel Nadeau: Second it.

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

Eric Schroder: Thank you

LS Power Grid New York Corporation 1 – Communications Antenna– Site Plan (Telecommunications)
APPROVED. Board approved the Site Plan for the proposed communications antenna/tower.

21.181 E.Dalheim Properties Addition, 67 Button Rd – Site Plan

John Hitchcock: Hi Im John Hitchcock with ABD Engineers, representing Ed Dalheim on this project. Pretty simple project all he wants to do is construct a 60 x 60 addition on the south side of the existing building right off of Button Road there. To clarify the discription between narrative and the plan it is 3600 sq. ft., it's just a typo in the narrative.

Don Roberts: Thanks for clarifying that.

John Hitchcock: You're welcome. Like I said before this was approved I believe back in 2007 I wasn't a part of that then , they wanted to build a 6400 sq. ft. building there , never built it , there in need of the addition now and they're requesting to build something a little smaller. Just looking for direction, feedback, what we've got to do to move forward and get this approved.

Don Roberts: Okay, thank you. First Rich we are going to refer this to the fire district and the Town Engineer, alright that being said comments by the Board?

Marcel Nadeau: So this is actually smaller than what he previously had proposed?

Richard Harris: You guys actually did approve that, so that was 6,000

John Hitchcock: Right and I should mention it will be brick masonry like the existing building.

Don Roberts: Any other comments before we refer it to Joel? Okay, then fire, Joel it's all yours and the fire district, and we'll get back to you okay.

John Hitchcock: Alright, sounds good.

Don Roberts: Thank you.

Dalheim Properties Addition– Site Plan

TABLED/REFERRED TO AGENCIES. Board received a presentation on a proposed 3,600 SF addition and referred it to the necessary agencies and Town Engineer for review.

21.186 Rafalik Solar Drive warehouse, 9 Solar Drive – Site Plan

Jason Dell: Good evening my name is Jason Dell, Engineer with Lansing Engineering here on behalf of the applicant for the 9 Solar Drive Site Plan. The project site, encompasses about 1.12 acres and is located along Solar Drive which is off of Parkford Drive. The site is zoned as part of the Parkford Planned Development District. All of the properties around it are also zoned as part of the PDD with the exception of the property immediately to the west which is zoned as C-1 commercial. So for the project the applicant would like to construct a 5000 sq. ft. storage warehouse building that will supplement the existing 5,000 sq. ft. building that is out there that is currently operated by Ten Day Kitchens. Access to the new building via the existing access that's currently off of Solar Drive, it will come off of the exiting parking lot come around the back side where there will be an overhead door as well as a manned door. We are proposing a bathroom within the building so we will extend water and sewer service into the building., and stormwater wise, we were only looking to disturb probably about a ¼ of an acre which is less than the threshold specified by DEC so we will not need to do a detailed stormwater pollution prevention plan for the project. So we are here this evening to just introduce the project to the Board, with hope the Board refers it to MJ to begin the engineering review.

Don Robeerts: thank you Jason and as you said we will refer this to MJ, Joel for review and the fire district as well and questions by the Board?

Tom Werner: Yea have you looked at the need for any type of screening between that and the residential homes behind you there?

Jason Dell: There are no residential homes behind it, to the west is the self-storage facility and the the rear of the site is, I don't recall the name of the business but immediately to the west there is the current operations that's back there.

Marcel Nadeau: So there is no residences?

Jason Dell: That correct

Marcel Nadeau: So there is no residence within your boundary?

Jason Dell: That's correct

Mike Ziobrowski: Jason is this a sprinklered building do you know?

Jason Dell: Right now I do not know our plans to sprinkle the building.

Mike Ziobrowski: The only reason I ask is just the proximity of the other building

Jason Dell: Understood, we will look into that.

Don Roberts: Anyone else? Okay we'll review it and get back to you.

Jason Dell: Thank you.

Rafalik Solar Drive Warehouse – Site Plan

TABLED/REFERRED TO AGENCIES. Board received a presentation on a proposed 5,000 SF building and referred it to the necessary agencies and Town Engineer for review

Old Business:

20.108 Mott Orchard Planned Development District, 165 Farm to Market Rd. – Major Subdivision

Scott Price: Scott Price from MJ Engineering, we're here for final approval from the Planning Board tonight, we re-submitted the plans, and we've addressed the comments from the TD regarding the storm water. We've also provided the wetlands approvals from DEC as well as the subdivision approval from DEC, and we also provided the

Richard Harris: County sewer I think also

Scott Price: Yup and Saratoga County Sewer has reviewed it, we worked with them, they are just waiting for Planning Board approval to sign off on the plans so I think we've tidied everything up.

Don Roberts: Okay now Rich Clough Harbor I engineer on this, they're satisfied

Richard Harris: Yes I spoke to Joe Romano from Clough who reviewed this and all of his questions had been addressed and and he had sent an email confirming that also.

Don Roberts: Okay thank you.

Richard Harris: Questions that came up when it received preliminary, there was open plan mapping and some technical questions that have since been answered, along with the documentation that said regarding Army Corps, DEC, County Sewer.

Marcel Nadeau: For the record we have the buffering for the property owners?

Richard Harris: Yes that stayed in place from the preliminary regarding properties on either side of the stub street , connection to Holland Park, so that has stayed as is from the preliminary to final, correct.

Don Roberts: Anyone else?

John Higgins: Don when we had the public hearing on this , one of the residence at the end of the new road was questioning about head lights now from what I read in the topics it said that the question of the headlights on those existing homes has been resolved?

Richard Harris: Scott you can probably explain it better than I could to the Board regarding your analysis of the grade and topography and location of the of the finished four elevations on the building.

Scott Price: Yea first we just want to point out that we did not create the location of that stub street that was part of subdivision approval. Within you subdivisions you may actually have like 4 or 5 sections scattered about in there as well so this is no different than any of those, but when we look at where we're connection to Gorsline Drive we have a negative slope which means , the headlights from the cars are actually pointing down towards the road as they approach that new intersection , the grading clearance that we received , the record plans show that the garage for 8 Gorsline is to be a floor elevation of 334 which is about 3 feet higher than the grade at the road, where the new intersection is and then of course the windows

Richard Harris: Scott I just want to clarify, unfortunately the homes your describing I did include your photo from the email but they are across the connection of pointing to that up on the projector, this is where the stub road that is a paper street right now would be paved, become a Town road, you're talking about 6 7 8 right across Gregors street

Scott Price: Yea and 6 is actually a little bit higher than 8 so 8 would be the one that would be the lower of the tow and so the garage floor elevation for 8 is called out to be at 334, the elevation at the intersection, the new intersection would be around 331, 331.1 so any window for the houses are going to be up even higher that that. Typically the finished floor elevation in a house is about a foot and a half higher that the garage so your already up at 335. 5 for the finished floor and then the windows don't start at the floor, they start 3 feet up or so, so you know like I mentioned the negative grate is pointing those head lights down, not up.

Don Roberts: Alright John?

John Higgins: Yea as long as the engineers happy with it

Don Roberts: Alright thank you, anyone else?

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

Don Roberts: Do I have a second

Tom Koval: Ill second

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

Scott Price: Thank you.

Don Roberts: You're welcome

Mott Orchard Planned Development District– Major Subdivision

APPROVED. Board granted final subdivision approval for the 91-lot single-family home subdivision located at 165 Farm to Market Road.

20.076 Hanks Hollow Subdivision, 73 Staniak Road – Major Subdivision (Cluster)

Jason Dell: Jason Dell here with Lansing Engineering on Behalf of the applicant for the Hanks Hollow cluster Subdivision. Our goal for this evening is to update the Board, go through the traffic study that was

done previously by the applicant and VHB with the goal of, if that satisfies the Boards concern pertaining to that with our goal for this evening would be for the Board to schedule a public hearing for the December meeting. So briefly the site is located at 73 Staniak road the applicant is looking to do a 111 lot subdivision, it will include 106 lot cluster subdivision with 5 conventional lots located along the south side of Staniak. So at this point as far as the technical review of the project we have addressed the majority of MJ's comments to date, we do have a couple of minor technical items to address with the water report. Some of the construction details and piping type but for the most part we have addressed the majority of the technical details. So on that end of things we're in good shape, we were before this Board before the pre-meeting about a month ago and we began to discuss the traffic study and this Board asked to have the traffic presentation to them based on what's already been done out there on the site so that VHB here this evening to make that presentation.

Don Roberts: Okay

Alana Moran: Alana Moran with VHB as Jason mentioned we completed the traffic evaluation for this particular site. The traffic study for this project really included a trip generation estimate as well as the site distance view, the today itself is hilly and curvy and all sorts of twisty things like that, so we definitely want to make sure we look at the site distance in those instances. So just kind of a quick, very quick overview because there wasn't a lot to talk about on this one, and as proposed the project is expected to generate about 80 trips during the morning peak hour and 107 during the pm peak hour. It's estimated that about 60% of those will travel to and from the west, 40% to and from the east. With those levels of traffic based upon New York State DOT and Institute of Transportation and Engineering guidelines there's no need to do any type of offsite analysis so the work was really concentrated specifically to the site access locations themselves. So an ATR was placed, well a couple ATR's were placed on Staniak road near the site driveways to measure existing travel speeds in the area so that when we are doing the site distance comparison we're making sure we're comparing to the right actual speed so at the Eastern access site distances were compared to 40 mph and at the western it was compared to 45 mph. I think as you would expect when you're in the field and doing the site distance measurements they're not, they weren't great right so there are recommendations to make some changes to the site and to the roadway itself. So essentially clearing of vegetation right along the project frontage a minimum of 14 and a half feet back, the second and let me grab my figure to make sure I'm saying this exactly correctly, so and then in addition on the south side of the roadway doing some clearing as well near the eastern side driveway this land is under control of the applicant so doing that clearing was not a problem at that location. In addition this is really kind of the biggie which I adjusting the roadway profile to kind of lower that grade just a, or lower the profile a little bit in order to make sure that site distances at that entering and exiting the eastern driveway there that they can meet the ASHTO guidelines for stopping and intersection site distancing and then the final piece of this was doing some regrading on the site itself. In order to clear what's actually kind of a nice embankment that goes around a curve. So you've got your horizontal curve you've got your vertical curve you're going down-e hill and then there is this big kind of hill right up into the side so I recommended that that be graded and cleared in order to make sure that site distances could be met. So with these changes the ASHTO guidelines are met, and so that was kind of the conclusion, basically do the site distance work. Do you have any questions about it? It was very brief.

John Higgin: What are the modifications to the existing Town roads that you recommended?

Jason Dell: That or the profile plan that I had sent over, Okay if you zoom in right along Staniak road you can see that's the slope that Alana was referring to between the two site driveways. The plans call for that whole slope to be pulled back such that there is a straight line almost between both access roads now, the site, one of the limiting factors of the site distance as you go up and around is that embankment that's right there so as part of this project the applicant is going to pull all of that slope back such that we've got a straight line of site now right up the road and it will achieve the ASHTO required site distances as Alana mentioned. And that's all this plan and we've got actually a profile plan that is included as part of the

detailed plans that have been reviewed by MJ that shows the grading as well as profile views between the two access points on there, so we did look at that early on and the reason that we looked at that early on and got VHB involved early on was for that exact point there , when Bruce and I originally met out there and looked at it, we identified that as one of the key points and one of the key issues that's going to come up from this Board is the site distance that is along there so I know that there has been discussion as to doing a separate traffic study but in a project like this we felt it would have been too late at this point in time to then look at improvements like this that would be needed , we wanted to get out in front of that right off the bat and get that addressed.

Don Roberts: Thank you Jason, Joel are you satisfied with the traffic study as it stands or what do you think?

Joel Bianchine: As far as our concern they followed the standard of care for traffic studies you know I do know they took a position that hey we don't hit 100 peak hour trips which is a DOT standard, we did press them on that, looking at what's the capacity of the road that they are connecting to relative to what kind of classification it is and based on the response they provided us when we did pose that question it showed that, that road has adequate capacity. The other things we did comment or question them on is there is a potential that there are three or four railroad crossings that they would have to access to get to the site. We questioned them on safety measures that are out there today and do any of those need to be modified for this development and they indicated what's out there is acceptable and meets industry standards. So just some of the highlights in general , we thought that the traffic study was done in accordance with appropriate standards , shows that there's no adverse impacts but again it's up to the Board whether you accept those as being appropriate.

Don Roberts: In your opinion you're satisfied?

Joel Bianchine: In our opinion we are satisfied.

Don Roberts: Thank you

Marcel Nadeau: Jason I have a question , looking at the traffic if you are coming from Cary road going north , the traffic that's coming from we will say Coons Crossing area coming onto Staniak that's kind of a blind curve there for those people to turn onto Staniak , has anybody looked at that? So you're coming down Cary and you're going towards Coons Crossing if there I traffic coming going onto Staniak the two cars are difficult to see each other.

Jason Dell: So from Cary onto Staniak

Marcel Nadeau: The road curves right at Staniak

Tom Koval: It curves and there's a crown in the road

Jason Dell: So from Cary on to Staniak

Marcel Nadeau: The road curves right at Staniak

Tom Koval: It curves and there is a crown in the road so if you turn down onto Staniak off of Cary

Jason Dell: That's, your referring to quite a bit to the west of there over by the Crossing?

Tom Koval: Correct

Marcel Nadeau: It's kind of a blind spot if you are coming from Coons Crossing

Mike Ziobrowski: People overshoot that corner right there because you come up on it a little fast.

Jason Dell: We're not proposing any improvements there right now no

Marcel Nadeau: I didn't know if maybe a site distance on that curve or something could be looked at.

Jason Dell: It's not something we have looked at no, for this project.

Mike Ziobrowski: Jason from a storm water perspective you've looked at both these detention basins and they can handle the 100 year storm if you will. ?

Jason Dell: Yes that was all part of the stormwater pollution prevention plan that was put together and reviewed by MJ so yes we are confident that they are acceptable.

Mike Ziobrowski: Thank you.

Marcel Nadeau: And also Jason the western entrance is that where the entrance is now, approximately?

Jason Dell: In this area?

Marcel Nadeau: Yea

Jason Dell: Yes that's pretty close to where the existing house and barn and everything went up in there.

Tom Werner: How did you, what was the methodology you might have employed to determine the percent split that your saying 60% would go east , Im sorry go west and 40% would go east , this is during the commuter period so, are you looking that they be destined for the Northway or other points?

Alana Moran: Northway or 67, so it's basically based on the existing volumes from the ATR's that we placed in the field was looking at that, looking at those ATR's and kind of the split of the traffic and then looking at other routes to get to kind of those common places that people would like to go during those peak period.

Tom Werner: Because I think another problematic intersection would be Ushers and Tabor if they are headed over towards Exit10 of the Northway, you've got a Y intersection right next to a track on a grade, so it's another problematic intersection.

Alana Moran: Yea and again with those because of the size of this particular project being under the DOT and ITE thresholds we didn't look out that far, that far distant from the site itself.

Tom Werner: Okay, let me ask a question about the Zim Smith Trail connection, are you going to provide public parking space for what about 20 vehicles?

Jason Dell: That's correct

Tom Werner: To drive into the development is there any particular signing or caution that you are going to have for strangers coming into this development say , not strangers but people who don't live there, or reside there , the public?

Jason Dell: There is signage that will be placed in the parking lot itself, and we've been in contact with Jason Kemper at the County about that signage we're including similar signage that they have on other parking areas in other towns so yes there will be parking or signage in that parking area, and we've worked with County on that, it's actually part of the detailed site plans we've included some of that signage.

Tom Werner: Okay

Don Roberts: Anyone else?

Tom Koval: Propose to set a public hearing

Don Roberts: Let's go to the meeting in December, we've got one in December and it will give us time to do expanded notice but if we set it for our meeting in December I think we will be safe

Tom Koval: First meeting in December

Don Roberts: We only have one

Tom Koval: I make a motion to set a public hearing at our meeting in December

Marcel Nadeau: I second.

Don Roberts: All in favor aye? (All in favor) Opposed? (None were opposed) Motion carried, see you in December

Jason Dell: Thank you.

Don Roberts: You're welcome

Hanks Hollow Subdivision – Major Subdivision (Cluster)

PUBLIC HEARING SET. Board received a presentation on the proposed 111-lot subdivision, located at 73 Staniak Road, and called for a Public Hearing to be held at the December 13, 2021 meeting.

21.159/21.160

ELP Halfmoon Solar, 48 Smith Road – Site Plan & Special Use Permit

Will Bliss: Evening everyone, my name's Will Bliss Im the director of Engineering at East light Partners Im here with Jamie Fordyce one of the principals with East light. We presented this project back on the October, during the October 12th meeting, we are looking to set a public hearing for the meeting. The two major deliverables the Board was looking for us to respond to prior to setting a public hearing were to provide some renderings of the project and also an updated site plan that addresses the comments that were provided by MJ Engineering and comments by the Fire Chief, so we've incorporated feedback from both Joes and MJ and from the Fire Chief into the updated site plan , happy to speak to any specific items there but we also provided a letter responding to all MJ's individual comments as well.

Don Roberts: I have a question for you

Will Bliss: Yea

Don Roberts: What's your decommissioning plan?

Will Bliss: So we did provide a full decommissioning plan with our submittal , we also updated it to include some line item estimates as were requested by MJ Engineering, so Im happy to provide more detail Im not sure if you want me to go through line by line?

Don Roberts: Joel are you satisfied with this Joel or what?

Joel Bianchine: From our review of it I mean they've got all the bits and pieces to it but we do not agree with some of their methodology, namely and ultimately this is up to the Board you know the decommissioning costs is intended if the applicant or heirs or successors don't take care of it and remove it from the site some day in the future, it becomes the Towns responsibility to do it

Don Roberts: We don't want that

Joel Bianchine: Right so the question is, is they have taken a position that there are salvage value in the materials, there absolutely are but does the Town want to take the risk of the future value of those marketable materials and have to sell it?

Don Roberts: No I think the Town wants to see it gone

Joel Bianchine: Right so I think that's the biggest I think disagreement if that can happen I think they bridged the gap on what we think is a reasonable decommissioning cost

Will Bliss: Yea so as Joel noted, what we're proposing basically is to escalate the decommissioning costs throughout the life of the array with the idea that there is a salvage value with these panels. In year one they are going to be worth essentially the same amount as when they are installed which is a few million dollars so it's pretty significant. Obviously these panels will degrade over time and they will be worth a little bit less each year and so we tried to accommodate that by increasing the amount of deposit that would sit with the Town throughout the life of the project.

Joel Bianchine: I mean ultimately it's up to the Board

Will Bliss: We're also happy to work with Joel offline too I mean on the actual number.

Lyn Murphy: I think it's a great idea for you to work with him offline to come up with a different number, because this Board and I know the Town Board has no interest in operating or being in having to market, sell equipment.

Will Bliss: Sure, yea happy to take this offline with Joel

Don Roberts: Just saying that's got to be settled before you get approval, just so you know that

Will Bliss: Of course

Don Roberts: Alright, so you'll work with Joel on that?

Will Bliss: Definitely

Don Roberts: Thank you, any other questions?

Richard Harris: Do you want to go over some of the elevations in some of those drawings?

Don Roberts: Yea, sure

Richard Harris: Betts Lane, this was a big subject last year and their vantage points

Will Bliss: Yup definitely so what you're looking at right here is a planned view of the project , we took two photos , one along Smith Road , and one from the Misty May Subdivision , this is an image of the existing conditions was taken about a month or two ago and then we also basically modeled the project and then placed it behind the existing vegetation , we also modeled in the proposed vegetation that we were proposing to include behind the vegetation along the road that is proposed to remain in place to basically to project an image of what the array is expected to look like. The images are also representative of the project in year 5 in terms of the vegetation. In this image you're not really seeing any proposed vegetation because there is so much existing vegetation that is going to remain in place.

Rich Berkowitz: Would it be wise for you to do this now that the leaves are off of the trees, since six months out of the year there's no leaves?

Will Bliss: We can certainly provide a leaf off condition as well but we were just trying to provide some renderings prior to this meeting obviously.

Jamie Fordyse: I mean the planting schedule is for evergreens right so white spruce and balsam fir around the northern perimeter of the array

Rich Berkowitz: How tall are those trees going to be?

Jamie Fordyse: Their planted at 5 to 6 feet at planting then they grow to maturity.

Rich Berkowitz: Yea but how tall are the arrays?

Jamie Fordyse: The arrays are ten feet.

Rich Berkowitz: Well then you're already at a five feet disadvantage and how long does it take a tree to grow 10 feet?

Jamie Fordyse: There is quite a bit of existing vegetation as the rendering shows

Rich Berkowitz: I understand that but half the year that vegetation is not there, and I don't know if you can see through those trees without leaves on them.

Jamie Fordyse: That image was taken in October so I mean that's a significant amount of the leaves have fallen.

Rich Berkowitz: Well the leaves are just starting to fall so we've had a late leaf season this year.

Mike Ziobrowski: Is it possible to for the next meeting to have another rendering from this vantage point by Misty Meadow Way?

Will Bliss: Sure

Jamie Fordyse: Yea, I mean we can certainly provide another rendering of the leaf off condition.

Marcel Nadeau: What's the distance of the units near photograph 1, from Smith road, approximately?

Will Bliss: The distance, sorry say that again?

Marcel Nadeau: What's the distance that the panels will be at from Smith road and

Will Bliss: Oh the setback from the property line?

Marcel Nadeau: Yea

Will Bliss: I believe

Jamie Fordyse: You can look up the distance to the panel line, but we've allowed for 50 foot buffer. Which as you see in the renderings will say vegetive.

Marcel Nadeau: The panels are 50 foot from Smith road?

Jamie Fordyse: Correct, I believe that's the panel or is that the fence line?

Marcel Nadeau: Another 10 foot so, 60 feet

Jamie Fordyce: Yea it does vary a little bit along the east side because of the shading profile of the trees but 50 foot is about a maximum.

Tom Werner: Mr. Chairman would a site visit be of any value?

Don Roberts: It could, who would want to go?

Marcel Nadeau: Im familiar with it I go by there 5 times a day.

Tom Werner: What do us need 3?

Don Roberts: Yea 3 we need 3, you want to go Marcel?

Marcel Nadeau: Yea

Don Robeerts: Tom?

Tom Werner: I'll go if you need somebody

Don Roberts: Okay, Tom will go if no one else wants to

Mike Ziobrowski: Im in Kingston

Don Roberts: Okay, how about you, Tom Werner, Tom Koval and Marcel alright go look at it before next meeting.

Rich Berkowitz: I just have one more question can you switch back to that Smith road view? Is that vantage point from the low point of the road? Because it looks like it goes up a hill.

Will Bliss: It's not quite the lowest point but we were trying to illustrate a good portion of the array if we had moved further uphill you would be just seeing fewer of the panels so we were trying to give a , yea that's the exact point that that's taken from

Don Roberts: You guys go out you can verify that alright.

Mike Ziobrowski: Was this reviewed by fire as well for the road access that was a question that came up?

Richard Harris: Yup fire responded back they've addressed in their revised plans here widening the access road to 22-feet, installing a Knox box between the driveway and the solar entrance, which they had in their original design; and they would be doing a safety walk prior

Will Bliss: Exactly was the other chief concern

Richard Harris: That's what I had in the notes from the fire department.

Will Bliss: Yup, okay

Mike Ziobrowski: Okay thank you.

Don Roberts: Anyone else?

Rich Berkowitz: I make a motion to have a public hearing on December 13th.

Don Roberts: Do I have a second?

Mike Ziobrowski: I second

Don Roberts: All in favor aye? (All in favor) Opposed? (None were opposed) Motion carried, see you the 13th.

Rich Berkowitz: And if the residents are here and you want to take pictures from your second floor looking down on that, it might give us a different perspective.

Will Bliss: Thank you.

ELP Halfmoon Solar– Site Plan & Special Use Permit

PUBLIC HEARING SET. Board received a presentation on the proposed solar facility and called for a Public Hearing to be held at the December 13, 2021 meeting.

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

John Higgins: I would like to second it.

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