

4/25/22

**MINUTES MEETING
Town of Halfmoon Planning Board
April 25, 2022**

Those present at the March 25, 2022, 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
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, welcome to our meeting, have the Board members had a chance to review the minutes from the last meeting?

Mike Ziobrowski: I would like to make a motion to approve the minutes from the last meeting.

Rich Berkowitz: Ill second

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

Public Hearing(s):

21.150 Crescent Commons PDD, 1471 & 1475 Route 9- PDD Recommendation

Don Roberts: Would anyone like the notice read? (No comments) Our attorney Lyn Murphy is recusing herself from this item as well as the next two items. Go ahead Joe.

Joe Dannible: Good evening, I am Joe Dannible from the Environmental Design Partnership here tonight with Michael Klemkevicj from MRK Realty and we're here tonight presenting an application for a Planned Development District known as the Crescent Commons PDD. The project itself, I think everyone is familiar with. It's located at the intersections of US Route 9 and NYS Route 236, I think a couple of the major tenants within that area would be Fred the Butcher, the butcher shop and the new Restaurant Emma Janes, again as viewed from Route 9. So, the application itself in its existing conditions those are two of the tenants there is a mixed-use plaza of about 12,000 sq ft. mostly retail, commercial uses on the first floor, office uses on the second floor. The plan for the overall development district is to redevelop the property into more of a new Urbanistic style where we have a synergy of uses connected to residential uses all within a walkable community, each use thriving off one another. So, the project itself I'll identify the eight components of the PDD. Component number 1 is the mixed-use retail plaza, the first floor of the existing plaza is to remain the same as a mixed-use retail area. Component number 2 will be the development of a 60-unit apartment community located on the second, third and fourth stories of the existing retail plaza, and a new extension off the rear or we'll say the southeast corner of the building that will make up the overall sixty units. Associated with that traveling to the southeast will be the extension of the new access point onto Plank Road which will house parking for the residential community as well as garage spaces for those units that can be rented. Area use number 1 and 2 the mixed-use commercial on the first floor and all the apartments on the second floor this is an artistic rendering of what we'd expect the character of the future building to be. Parking area, so the other side we'll say the north side will be all consistent with C-1 uses. Fred the Butcher, the butcher shop is looking to do some expansions as well as the restaurant, which would be looking to do an expansion for an outdoor dining experience off the north side of the building, and then over on Plank Road we would be connecting a driveway through to Plank road where we would develop a C-1, sorry not Plank, Route 236 where we would develop a commercial lot consistent with the underlying C-1 zoning. The Town hired a traffic engineer which we were involved with the work associated with that, the recommendations of the traffic study are listed on here. In general, the traffic volumes generated by the proposed development in consideration with what is existing on the site is relatively minor and very little improvement with regards to traffic was required by this community. The study itself looked at seven or eight different intersections including the two existing site access points for the mobile home park on Plank Road. They are highlighted in the plan, they looked at Grooms Road, Guideboard Road, US Route 9 and 236, 236 and Guideboard. The site entrance the intersection of Plank and Guideboard, the two site entrances off of Plank Road as well as the intersection of US Route 9 and Stone Quarry Road. So in general what the traffic study found is that as a result of the PDD and its built conditions in the am peak hour 24 new trips would be generated from this community and in the pm peak hours 58 new trips would be created by this community. It should be noted that the New York State threshold for the study of offsite intersections is set at 100 trips. We're roughly a little more than half of that threshold. So, the applicant in studying these having the Town study these seven intersections has gone well above and beyond what is needed for a project of this magnitude, and again I'm not going to go through all of the inclusions I'm sure this Board has read them but in general there is not

direct impacts of this project to the adjacent road network. So again I know we're here for a public hearing tonight, the last slide is the overall Community master plan, again it shows all of the components of the property itself, everything we were looking to do the residential uses, the mixed use property, the expansion of the Fred the Butcher the expansion of Emma Jeans restaurant as well as the existing mobile home community and the new retail uses on Route 236. We're here tonight again for a public hearing and we're hoping after the public hearing this Board will be in a position to vote to make a positive recommendation to the Town Board to proceed with the drafting of legislation and approval of the Planned Development District, thank you.

Don Roberts: Thank you Joe, at this time we will open the public hearing first thing is we received some written correspondence I would like to enter that into the record Rich, okay, and also this is a public hearing for a recommendation from the Planning Board to the Town Board, after we gather all of the information this Board can deliberate and we'll make either a positive recommendation or a negative recommendation, this is a recommendation it is not a final approval just so everyone knows. Okay the public hearing is open if anyone wishes to speak, please come up and say your name and address and any comments you may have.

Mike Morand: Hello, good evening my name is Mike Morand I live in the Town of Halfmoon.

Don Roberts: Where do you live Sir in relation to the project?

Mike Morand: I live in Arlington Heights, the other end of the Town.

Don Roberts: Okay thank you.

Mike Morand: I have no interest in this project at all but to say that it looks fantastic, I've been to the butcher shop there once and I said I'd never go back because it's a nightmare with traffic and then the restaurant opened up, I said hey let's try that we went there and it's a nightmare of traffic there, I would question was the building originally built to add two more stories to it that's one thing I would question and the other thing is I had, what is considered a trip? Because I sat next to the gentleman from DOT or the guy that gave that traffic study a while ago here and I sat behind him in the chairs here and I asked him, I said what do you consider a trip is that one way in or is that one way in and one way out? And he said a trip is one way in so I said your number is doubled then, he said yes, so that was interesting the way that they termed a trip, so I would just question that but I like the concept but I don't think it's in the right area and I don't know what you would do with all of the people around there, I certainly wouldn't like it but I like the idea of it.

Joe Dannible: Thank you.

Don Roberts: Joe can you respond to that about the building being built for this purpose?

Joe Dannible: Yea so the owner has had architects and structural engineers come look at the building and it has been determined that the building can structurally support two more stories to be built over top of the existing structure. Obviously as the project advances and we go for building permits that will be subject to review by the building department of the Town.

Don Roberts: Thank you

Pete DeVito: Hi my name is Pete DeVito, I live on the corner of Stone Quarry and Plank Road right down the street from this project, and if anybody has seen the traffic on this corner, you can't get out of Plank Road onto Guideboard no more. You can't get out of Fred the Butchers at certain times of the day because 236 is backed up to Route 9, to add more traffic to this and Im not understanding how 24 cars are going to come from 60 apartments, most people have two cars if they are going in one apartment so now we're at a 120 cars not 24 as the study says. The traffic and you gentleman are familiar with this area, Tom, I know you personally. The traffic is just terrible and then there is a water problem going across Plank Road, there has been Army Corps of Engineers that looked at water in this area, and they wouldn't let building go on again down farther on Plank Road a while back, so why would we look at this to add all of this traffic and cover the stream that's there with garages and driveways, that's all I've got , I also have a letter from a local neighbor that couldn't be here tonight so who do I give this to?

Don Roberts: Do you want to turn it in up here please, thank you know it will be added to the record. Okay thank you Sir. Yes M'am

Marcia Keys: Good evening thank you for the opportunity to comment, my name is Marcia Keys, my husband Charlie and I live at 34 Plank Road, we've been there just over 10 years and I have three areas of concern to talk about tonight please. I did send this in a letter to Rich Harris this morning with some photos attached.

Don Roberts: That's in the record thank you.

Marcia Keys: Im not going to repeat that Im just going to highlight a few points. We've read the traffic impact study that was conducted by the traffic engineer GPI and were here at the meeting when they presented that, I'd like to quote page 28," Route 9 and Stone Quarry Road is a failed level of service, it is recommended that a signal be constructed at this location to address current traffic conditions ", Its already a problem, whether there is one more traffic car coming out of there or 54 or whatever it maybe, I believe it's really up to the Town government to take care of its residents and look at putting a traffic signal there , regardless of what happens with this particular project this is just bringing it back to the forefront. Second, we're not opposed to the retail expansions, I think everyone loves Fred the Butcher, but in looking at this plan it seems like there is a variety of uses that seem very tightly constricted and condensed within a very awkward and uncomfortable site in terms of progress within it and outside of it. But mostly and I live on Plank Road as do quite a few people who are here tonight. Plank Road on the east side is zoned R-1 Residential, on the west side its zoned Commercial for some reason years ago the Town of Halfmoon split zoning right down Plank Road which would never be done in this day and age but that was long ago, so we are dealing with an existing neighborhood on one of the most historic streets in the Town of Halfmoon, Plank Road. One of the earliest, there are still historic homes there, and a lot of abundant wild life, but let me just reiterate Plank Road has no lane markings, no shoulders, no curbs, no street lights, no storm sewers or catch basins and no municipal sewer service or natural gas service except the Crescent Mobile Home Court there and at the other end at River Crest Estates ,as far as I know, as far as I could tell, so in other words Plank Road is an old rural road that has a lot of issues , particularly water, as has already been mentioned and I included photos of that water problem. So Plank Road is our front yard and from the way I see this current plan this treats Plank Road as a back alley and we who live on Plank Road are not very pleased by that, we would prefer to probably not have an entrance and exit there at all, but if it has to be and it comes to be we certainly hope that it will be designed in such a way that's much more attractive. A retention pond that's going to be required because of the terrible stormwater overflow at this site is not necessarily what we want to be seeing when we walk down Plank Road and by the way I do beg to differ with the gentleman that was

just up here this is not a walkable site, there is not a sidewalk within miles of this site to connect it to the rest of the neighborhood. So there seem to be some sidewalk within the site probably not as much as I would like to see if I were going to be a resident there but there is really no walkability and with the amount of traffic around all of the sides it's not going to be a very walkable site or very pleasant place to live. As far as we can tell so I would be happy to answer any other questions or send more pictures of the tremendous water problem we have on plank road. Thank you for your time.

Don Roberts: Okay thank you very much, anyone else? Yes Sir.

Bill Bagley: Hi my name is Bill Bagley I live on Stone Quarry Road, been a resident of Halfmoon almost 50 years. Grew up on Stone Quarry, dead end road I have concerns for traffic and water. Now like everybody says, Plank Road rush hour on Guideboard it gets backed up. My mother-in-law lives on 113 Guideboard, and it traffics backed up there everybody uses a short cut going through river crest, they come out Rivercrest shoot up Stone Quarry Road and that's a lot of the traffic, because there is no other way to get around, so people take the shortest route and the fastest. Route 9, you can't get us on route 9. If you're coming home on a bush day and you r heading south on route 9 and you want to turn left onto Stone Quarry you have people coming from the other side of Stone Quarry heading north on a southbound lane , just to get into the median just to get into traffic. Water there's been a creek that runs through my back yard it considered a wetland, it was in Rivercrest they built Rivercrest they pushed it all towards the back, which runs from Stone Quarry Road through Plank Road, through his trailer park, behind his trailer park to Route 9. What's he going to do with the water is he going to convert it? Im worrying about him stopping it and flooding my back yard out even more. So that's basically what I , as far as growth I don't mind growth, I've seen a lot of it , the more the better but Route 9 not a good question, traffic big time so that's all I have to say.

Don Roberts: Thank you, Sir, Joe what do you have planned for the stream?

Joe Dannible: Yes so there is some flowing water through the site its currently partially piped through the site that was done man, many, years ago, I am aware in the past there has been some drainage issues at the intersection of Route 9 I believe the State has alleviated those issues, our plan as required under the NYS DEC Guidelines is to comply with all NYS Regulations as it relates to storm water and we will not have an impact on to any of the adjacent properties either upstream or downstream of the property.

Don Roberts: Okay so you will take care of that?

Joe Dannible: Correct.

Don Roberts: Thank you.

Bill Bagley: To me I don't consider that stormwater that's a natural creek that flows 24/7 all year round.

Don Roberts: But that will be addressed

Joe Dannible: Yes, certainly we are not going to touch the stream and if there was any work to be done then that would require permitting by NYS DEC and the army corps of engineers. So, it's in everyone's best interest to keep that flow going, as if it was flowing pre-existing development.

4/25/22

Don Roberts: Okay, thank you. You have to come up here it's a public hearing you can't speak from the audience.

Pete DeVito: My name is Pete DeVito the photos that you were given earlier were not from the past they were from last week

Don Roberts: Yes, we saw them, yes, we know that thank you, and we saw that.

Mickey Bessler: Hi my name is Mickey Bessler, I live at 18 Stone Quarry Rd., thank you for allowing me to speak today. I just have a question can I see the picture of the traffic study please; I see that the intersection at US 9 and Stone Quarry was looked at but not for some reason the intersection at Stone Quarry and Plank. I don't see how people can get to Stone Quarry and 9 without going through Plank and Stone Quarry so I don't understand why that was not looked at. I don't know if any of you have been down Stone Quarry from 9 lately, it's currently partially a gravel washboard, and it's as nice as it's been since I moved on 2 Januarys ago. It's been a big giant pitted gravel pit for a long time and I don't see how any more traffic can be sustained there without some kind of improvements being made to that road, again it's the traffic issues for me, love Fred the Butcher but I walk there so I don't need to go with my car there, so thank you, thank you for your time.

Don Roberts: Thank you, I would like to have everyone have a chance to speak once before we have any repeats okay, anyone else wish to speak? Don't worry it's not gonna hurt okay.

Linda Day Bridgeman: We live on Generals Way in Knox Woods my one question is why are we doing this? There is so many apartment complexes in Clifton Park.

Don Roberts: This is Halfmoon by the way.

Linda Day Brigeman: Excuse me, oh, I don't understand why we are doing this, really there's so many complexes here. I use the nail salon, there is Fred the Butcher, there's I think a Laundry Matt, there's a liquor store there's the nail what are you, what are we trying to do, what reason are we actually doing this?

Don Roberts: The gentleman has a right to

Tom Koval: I can answer that for you in simple terms. If there wasn't a need, if there wasn't a market for it, an investor wouldn't and Im not stepping up for one side or the other but as someone that owns real estate

Linda Day Brigeman: I own, we own real estate as well

Tom Koval: So, would you personally build something new if somebody wasn't going to rent it?

Linda Day Bridgeman: There is a whole complex, I think

Tom Koval: That's not what Im asking you

Linda Day Bridgeman: Would I, if nobody was going to rent it, no Im not that stupid

Tom Koval: Obviously, the applicant is building it because there is a market for it

Linda Day Bridgeman: But there are tons of complexes

Tom Koval: He doesn't own them

Linda Day Bridgeman: I don't care what he owns, there's a bunch of complexes

Tom Koval: Im just trying to get a point across, it's like why you would build a Walmart's someplace because people will go to it and they will spend their money, that's why anybody invests their money into an area, just to answer your question why somebody would do it.

Linda Day Bridgeman: So, are they going to expand the retail and you think the people that live there are going to be using all of those?

Tom Koval: I personally don't know, this isn't my project Im not the one investing my money, you asked why somebody would do this and Im explaining why I would do it and why any other entrepreneur would do it.

Linda Day Bridgeman: I understand that we have real estate, we're looking for more, you need more investors, seriously, and do you need more investors? Im not joking.

Don Roberts: Now M'am you are stating your concerns we understand that alright, but the fact is anyone has a right to attempt to develop a property the way they see fit

Linda Day Bridgeman: It just looks like total congestion

Don Roberts: Okay fine thank you

Linda Day Bridgeman: That's my concern and if I had kids and I lived on Plank Road I'd be furious, so.

Don Roberts: Okay, thank you.

Chris Hebert: Chris Hebert, 26 Plank Road. My big concern is this, between my house and Stone Quarry there is a culvert pipe that runs from the east side of Plank Road right onto my property. Dumps water from that side, now granted from a Stone Quarry down everybody's water comes right into my yard. Some of the pictures that my neighbor has is my front yard. So, from there the water crosses the road, now he had planned on building these big retention ponds, my house will be this second or third closest to that retention pond. As you people know the neighborhood where the raised ranch is now that house is coming down obviously because there is a retention pond there. And just like was said before, if there is 60 units going in here, we're not talking 28 cars, it just it doesn't work that way.

Richard Harris: Just to explain it, what that means is not everybody leaves at the exact same time, so in a traffic analysis they look at peak hour am and pm so that's what the engineer based on analyzing the uses, analyzing data collected from throughout the Country what they estimate will be the cars in a peak hour, which is a two hour period of the morning and a two hour at night. It doesn't mean there is only going to be 28 cars ever leaving there, it means in a certain time period.

Chris Hebert: With that being said have you ever pulled out of Fred the Butchers?

Richard Harris: Yes, multiple times a week

Chris Hebert: Okay so you pull out of Fred the Butchers , you can't like Mr. Bagley was saying, when you exit the north end of Plank Road you can't because of traffics backed up beyond Lape Road, are you with me there? So let's see your going to Fred the Butchers , you live here , now you live in one of these new units and its not going to take long before you figure out you can't pull out onto Route 9 , from either entrance, from the Route 9 or the 236 so what are you going to do. You're going to Plank Road to get out of there, now you can't get out of Plank Road because it's already backed up on the Guideboard end so you're going to take a right and go back to Stone Quarry and pull out to an accident on Route 9.

Richard Harris: It's possible

Chris Hebert: You know what I mean, I just don't think the traffic and the proposals a very good idea, thank you.

Don Roberts: Thank you, Joe you want to comment?

Joe Dannible: I just want to make a few comments, there have been several comments on traffic related to this project and I've been looking through the study. I would like to point out a few different elements of the study. One the comment was made about trip or those only originated at the site, a trip is identified in the report as these trips are ones that are both originate and terminate within the same development, so it is coming and going to the property. Considering the study of the intersection at Plank Road and Stone Quarry Road , Im looking at the trip distribution within the pm peak hours within the study itself , based upon methodology approved and reviewed by the Town's engineer as well as the Town itself, there's about 1 to 2 additional trips in the pm peak hour at the intersection of Stone Quarry and Plank Road based upon this study, and last the intersection at Stone Quarry and Route 9, its been identified that the project with contribute about 12 additional trips in the pm peak hour, at this intersection . In its current no build condition, there's roughly 2000 maybe a little over 2000 trips. At that intersection so we are less than a half a percent increase in trips at that intersection. We do understand that it is a failing intersection it is not being exacerbated by this project , it's a problem that NYS DOT would need to address with the Town, and it is not because of this project it is failing it's about a regional development growth and communities in the general area.

Rich Berkowitz: Joe I just have one question; this traffic study was done in November?

Joe Dannible: IF that's what the report says, yes, I didn't do the study

Rich Berkowitz: Okay between November 2nd and 9. Now is it Emma Jane is that the name of the restaurant?

Joe Dannible: Emma Janes

Rich Berkowitz: They've opened up since then and they are pretty busy, has that traffic been taken into consideration?

Joe Dannible: So, my understanding and as I read through the report is, there was a difference in traffic generated by what the site currently housed there was a restaurant use on that property in its pre – existing in comparison to the build out of the property after the development so it's a net difference.

Rich Berkowitz: Are we talking Romano's or are we talking Nexium? Or what was it Apropos?

Joe Dannible: The trips generated to be generated by Emma Janes is included within this study

Rich Berkowitz: Do you know how much traffic that is?

Joe Dannible: It's projected it's not actual

Richard Harris: They were aware of what the use was coming in because we had been working with them, the Town had already approved the tenancy months ago, so the consultant who I worked with was aware that a restaurant was approved and going to be open at the time they did this study. Yes it wasn't open at the time they did this study but part of, we tried to insure the consultant that we hired, the Town we have a rotating list of six firms, is aware of all development and approvals generally, I'm using this very general within a 1 mile radius that's been approved or large projects that have an impact. This was one that was discussed with them that Emma Janes was approved by the Board and coming in, so it was factored in like Mr. Dannible said into the study even though it wasn't open yet. We have studies around Town that are considering project approval, five years ago but that hasn't built, they factor this traffic in it into their study so it's a common way to take care of the concerns you bring up, that things are opening up.

Don Roberts: It's a projection

Richard Harris: Yes, it's a projection

Tom Koval: I'd like to bring up a couple small things, these traffic studies are not paid for by the applicant, the Town has, and we have our own

Richard Harris: We collect an escrow, but we do the hiring, we set the scope, in consultation with the Town engineer, so they do pay for it

Tom Koval: So the residents don't think this is slam it in their favor we do oversee all of that, the other thing I was speaking with a resident this morning and they had concerns as everyone does about Plank Road and I did point out and it's very hard to see, I did have Rich try and enlarge it, the resident was concerned about people from Freds and Emma Janes cutting through to Plank Road to get out quicker but the left hand driveway in between the retention pond and the commercial building behind Freds that's one way coming out towards Freds, so people wouldn't be able to go up to Plank. The opposite way all the way around the building is both ways but common sense would say are you going to drive all the way through a parking lot, I'm speculating, this is my common sense. For somebody who puts 60,000 miles on my truck every year, I wouldn't drive all the way around that building to get out onto Plank Road when I can shoot up 236 or Route 9 it's never that busy and I'm in and out of that Plaza a lot. But I just wanted to point out that that one entrance was one way.

Don Roberts: You want to comment Joe?

Joe Dannible: Yes, just to answer Rich's question, there's 44 trips included in the study from the Emma Jeans Restaurant.

Rich Berkowitz: So that projection was included in that study, okay that's all I want to know.

Joe Dannible: Yes absolutely, and the other thing I do want to point out there is also a connection out to 236 proposed by this project so it does provide another alternative form of relief for people entering and exiting the site as opposed to the existing Route 9 entrance.

Don Roberts: Would anyone else wish to speak?

Stuart DeVoe: Hello my name is Stuart DeVoe, I'm a business owner in this plaza and I would like to speak on behalf of the project, I think economic development is good, bringing larger tax dollars more jobs is beneficial to the Town, to the Plaza to the community as a whole. I watch traffic coming in and out of here in this plaza, I go in and out multiple times a day, it doesn't strike me as a busy plaza, and it has room to grow as far as more people and more business there. Okay thank you.

Don Roberts: Okay thank you Sir.

Dorothy Gadus: Good evening I'm Dorothy Gadus, I live on Guideboard Road, and we just wanted to ask the engineer has there been a study of the number of accidents you know from people coming out of Fred the Butcher and hitting south bound on 9, I'm sure you probably have that, correct and we're just unaware so we would like to know, you know especially over the last couple of years, we've had to make those turns ourselves, it's craziness and I have to say with respect to the gentleman who just spoke that's an insane intersection, it's insane there is traffic there almost all of the time, you really do take your life into your hands when you're making a turn heading south so that's really our question, we're just curious about the number of accidents that have been reported so if you could fill us in that would be great. Thank you very much.

Don Roberts: Thank you, you got that Joe?

Joe Dannible: Yea, it might take me a second

Don Roberts: We've got all night, in the meantime does somebody want to speak?

Nick Keyser: Hello my name is Nick Keyser I live in Clifton Park, Tallow Wood Dr. I own a business in the retail space here, I do see a lot of what you guys are concerned with there is a lot of traffic, again there may be a lot more accidents now than there ever has been but that's where I think adding two extra access points on to these places are going to help with that traffic flow. I see a lot of people trying to take a left out of there again I'm in and out of that plaza multiple times a day my business partners are in multiple times a day in and out of there. It is hectic trying to get out of there, especially like I said peak hours, 4, 5 o'clock, 6 o'clock in the afternoon it is crazy getting out of there. I think it's a great opportunity for the Town and the community to expand and make it easier to flow through that area. Like I said I frequently park behind the business and use that one way entrance out of there, no cars go through that way the wrong way, I'll admit I usually do at 7:30 in the morning when there is nobody else in the plaza, because there is nobody else in the plaza I'm usually the first car there, but yea I think it's going to create tremendous job opportunities for the area, again with traffic flow I think the exits will help again the people leaving to Plank Road I think are going to be

more residents and business owners and business employees that will be respectful more of the area than just people willy nilly flying through there from Fred the Butchers from the other businesses. Thank you.

Don Roberts: Okay thank you. Joe, you got that information.

Joe Dannible: It's noted in the report, no crashes were noted at the Crescent Commons Driveway, and however there were crash data provided for all the other intersections that were studied.

Don Roberts: Can I have that.

Joe Dannible: Sure, certainly. So US Route 9, Grooms, and Guideboard Roads over a three year period there was 85 incidents reported. US Route 9 & 236 there were 29, Guideboard Road & NYS 236 was 53, US Route 9 & Stone Quarry there was 14, Guideboard Road & Plank Road was 4, US Route 9 & Crescent Mobile Home Park 200 feet south of the drive. Im not sure exactly what that one is, but it says 4. It is also noted that the personal injury accidents that count for 24% of all accidents within NYS at these intersections , not these particular intersections particularly not these intersections, the intersection of 9 and Groom and Guideboard Road, that number is lower than the State average, we are at 20 % there, not significantly lower but slightly lower.

Don Roberts: Thank you, would anyone else wish to speak? Sir you'll be next, alright

Michael Fortin: Michael Fortin, I own Emma Hanes Restaurant, you know I hear a lot of the concerns about the traffic here and I can definitely speak to the traffic coming out of the plaza looking to take a left hand turn and head south, I speak to a lot of my customers that come in and that is one of their areas of concern is its really tough to get in and out of here sometimes. So there is a couple people that have been up recently and spoke to the benefits of adding the access point to 236 and when I have spoken to some of my customers about this PDD and the possible solutions to the problem and an exit coming on to 236 they are all very excited and I believe it would provide a very safe alternative to people coming out. I've been there, we opened on March 9th I would say in and out of the property quite a bit in a months before that , and seeing myself that is a bit of an issue, so I think that the , not only does the PDD help solve that problem its going to add significant amount of jobs in the Town, just a small part that affects me outside of the traffic is we are looking to add some outdoor dining for our restaurant so the deck is tied into this PDD, just that deck alone after doing some calculations on guest spending and guest turnover, just the deck alone will add 50,000 dollars- worth sales tax revenue to, just from our business alone and that's just one small part of it so, I think there are definitely some benefits to it as well.

Don Roberts: Okay thank you, Sir.

Charlie Keys: Charlie Keys, Im at 34 Plank Road, I see a lot of traffic as a lot of people have mentioned but I like to ask the Board to ask the Halfmoon Fire Company if they have a ladder truck that will go 4 stories tall and if the fire truck can get in there where its very crowded on the indicated of the master plan, I think a couple questions I am asking the Board to ask the fire company is valid. Please ask the fire company those questions when you get a chance. Thank you.

Don Roberts: Rich.

Richard Harris: Yea I believe the fire department met with the applicant is that correct?

Don Roberts: Joe, you met with the fire department or Mike?

Richard Harris: We haven't received, Paul we haven't received a synopsis from them yet, can you provide a synopsis of how that went, we will hear from the fire department also directly, but it may be helpful

Don Roberts: Right, just so you know Sir, the fire department has been contacted, but we haven't heard official word back yet but, Oh you guys here, do you want to come on up one of you please, do you mind coming up, for the record, it's for the record, come up and use the microphone please and your name and your position with the fire department if you could

Chief Tony Bonaventure: I am Chief Tony Bonaventure, from the Halfmoon Waterford Fire District. Alright so we'll start with the ladder question. That has come up there has been many questions, but I do want to start before I answer that, we've been in contact and communication with Mike throughout the entire project. Right from the very beginning. Every request that we've made so far has been added to their plans. Standpipe issues that we would like to see that aren't issued standpipe, because it's a large, tall building we want the standpipe to, right to go to the fourth story. Our ladder truck will have about 20 more feet after the roof so, we have no problem getting up there. Our ladder truck is over 100 feet tall.

Charlie Keys: It will go over 4 stories?

Chief Tony Bonaventure: Oh absolutely, absolutely and most of our mutual aid companies can also get there as well without a problem, the MRK has already started widening the road once we talked about that problem and the project is not even started yet, they've already widened the road for us because as we were looking at the study here the road wasn't that wide, now we look at it and we can swing the ladder truck now all the way around the building and if Im correct its going to be a little wider once you guys are done.

Charlie Keys: You can get around the restaurant?

Chief Tony Bonaventure: Oh, we can get around the restaurant no problem, yea most of the restaurant would be ground ladders anyway unless it was something serious. So, with that being said the fire department has had a good working relationship, better than even some of other managers that we've dealt with in the past, very, responsive to anything we ask. So, we had a water supply question we've looked at it, plenty of water supply. Standpipes have been addressed. I want to say one thing about the traffic over there, I don't think it's a problem at 1471 Route 9, I think the problem is at Guideboard and 236, that's where the problem is. Most of the accidents that we've had there I'd say even in just the last five years minor in nature and usually caused by speeding. Not so much congestion. Its more just cars are speeding through that area. That's just my opinion from the investigations we do and looking at the incidents, usually minor, minor injuries if any most of the time they're just property damage accidents. I do have a question for you guys, for you, maybe I'll ask it later, I'll just ask it now. Is there a difference, you have visitors now for commercial upstairs it's been that way forever so there's got to be people coming all day long coming to see the insurance agent and the eyebrow place there's people coming in and out, so that's going to go away and then you just have residents that are going home and coming and going so you're losing a lot of commercial traffic during the day of businesses that are currently upstairs, that's how Im looking at it, it should actually go down a little and then you have the morning and afternoon people going to work and coming home but.

Charlie Keys: Including the restaurant?

Chief Tony Bonaventure: Yes, the first floor is still retail but the whole second floor from the plans I saw are all residential, so I'll get into my notes, so I'll just get to the last part here. So, in the fire service of a structure such as this is a modern taxpayer right, exactly what the definition of taxpayer is, they're taxpayers. The commercial tax, the more commercial tax that's paid the less impact there is on the residents. We don't have a lot in the Halfmoon-Waterford fire district and most of the people here that are being impacted by this is right in the center of our district so most of you probably live in our district, and I think it's fantastic to have a project like this because I am certain that the value of this property is going to go up, and our fire district is going to benefit from the tax money from this building, that's just being honest, that's where I see, as well as the improvements to the area and looking at the building itself compared to what's there now when its upgraded its going to be a safer building, you know it's an older building , you know the second floor is older at this point, I just think it's safer with everything thats going on. And the last thing is 60 more, I think its 60, 60 more people coming in, right 60 more apartments coming in I think there's maybe a hopeful chance that we can pick up a few more volunteer firefighters as residents move in. So overall as a fire chief in the district, and I love this community, I think it's a great project.

Resident: Do you live in the area?

Chief Tony Bonaventure: Yea I live right off of Middletown Road.

Don Roberts: Wait, wait, and let the gentleman speak we don't need question like this okay, go ahead say your peace Sir. This is not a back and forth.

Chief Tony Bonaventure: Right, thank you, well that is my peace, I again

Don Roberts: I appreciate your comments, but you will be responding to our Town Planning office in writing as well, right?

Chief Tony Bonaventure: Yes, I'll send to Rich.

Don Roberts: I appreciate that.

Richard Harris: This was very detailed, we tape minutes so unless there is anything to add this is typically what you provide to us in writing, something like this

Chief Tony Bonaventure: All the time, yea I thought we were still at a very preliminary

Richard Harris: We are

Chief Tony Bonaventure: Yea so once the project gets going anything that has been promised by MRK Property will be in writing just like the other projects, we've done with you in the past.

Richard Harris: Yea, as you know we don't always send to you the first day we get it, we try not to do it the last week, obviously the applicant has already talked to you and that's always helpful to us as staff but, around now, as a result of questions would be maybe typically so you've already taken care of that, so we are good unless you have something to add.

Chief Tony Bonaventure: Nope all good

4/25/22

Don Roberts: Go ahead Joe

Joe Dannible: I just want to respond to the comments about the difference in trips. The existing condition the 1,000 sq. ft. office generates 26 am peak hour and 25 pm peak hour trips, in comparison that use is not being demolished. The new 60 unit's apartment complex will provide 15 trips which is a reduction in the am peak and 24 trips in the pm peak which is also a reduction in number of trips at that building.

Don Roberts: Okay thank you. Anyone else wish to speak? This is your second time right Sir?

Bill Bagley: Yup my second time, we got a limit?

Don Roberts: Yea 2

Bill Bagley: Back to the traffic report

Don Roberts: Your name and address again please for the record

Bill Bagley: Name is Bill Bagley, 24 Stone Quarry Road

Don Roberts: Okay

Bill Bagley: Now on a traffic report, can we go back one? Do they grade, they grade these traffic reports no?

Richard Harris: No

Bill Bagley: They don't grade the intersections or nothing?

Richard Harris: Oh, level of service yes, sorry, yes.

Bill Bagley: Like an A to an F?

Richard Harris: Yes

Bill Bagley: So, do we have those results?

Richard Harris: Yes

Don Roberts: Joe, you've got them, right?

Bill Bagley: So, what is the report grade for Route 9 and Stone Quarry Road?

Joe Dannible: It's an F

Bill Bagley: It's an F

Richard Harris: Yes

4/25/22

Don Roberts: That was said earlier, but go ahead

Bill Bagley: That's good, 236, not 236 but, yea 236 on that exit what's that gonna be?

Richard Harris: Right here do you mean, this one?

Bill Bagley: On their new exit?

Don Roberts: 236 from the site?

Bill Bagley: 236 from the site?

Don Roberts: That's not rated, its not there yet.

Bill Bagley: It's not rated okay

Joe Dannible: It is rated

Don Roberts: It's rated?

Richard Harris: The proposed?

Don Roberts: The proposed?

Joe Dannible: The proposed site entrance 2023 at building condition is operating at level service A

Don Roberts: A

Bill Bagley: A for exit only, is that an exit only?

Don Roberts: No

Bill Bagley: 236?

Richard Harris: It's going to be

Don Roberts: Right in and right out.

Bill Bagley: Right in right out, okay but we are going to dump all the traffic on Plank Road to go up to Route 9 Stone Quarry to exit on F

Richard Harris: No

Bill Bagley: Not going to happen.

Richard Harris: No nobody said that.

Bill Bagley: No but that's what's going to happen.

Don Roberts: I don't think so but

Richard Harris: It's not what our traffic engineer predicted

Don Roberts: Joe, Joe you want to comment on this please?

Joe Dannible: Joe Dannible, Environmental Design. I believe I commented on this before but based upon the methodology used by Greenman Pedersen and approved and reviewed by the Town, there are about 4 trips generated heading south on Plank Road during the pm peak hours. It really actually generates maybe that's even high Im being generous, I think it's more like 1 or 2 at the intersection of Plank and Stone Quarry as a result of build conditions for this project.

Don Roberts: Okay thank you, anyone else wish to speak? One more time Ma'am, oh wait you first please.

Susan DeVito: Don't smile at me, my name is Susan DeVito and I live at 16 Stone Quarry Road it's on the corner of Stone Quarry and Plank, which goes out to Route9. We have a four way stop at that intersection, of Stone Quarry and Plank, out of all this traffic study how many people do you think stop at those stop signs?

Resident? I do

Susan DeVito: Oh, I do to, so you and there's 1,2,3,4,5,6,7,8,9, there is 10 that don't.

Tom Koval: How do you know we don't stop?

Susan DeVito: Because you didn't say anything.

Don Roberts: We get your point, but again we, the signs are there for a reason, I mean you can't make people obey signs, alright.

Susan DeVito: So, if they are not going to stop at a stop sign what makes you think they're not going to go the other way when it says you can only go left, that they are not going to go right. What's stopping them is their higher things that are going to stop them from going that way? To go out to Plank and up Plank and down across Stone Quarry, going across, coming out of Stone Quarry Road onto Route9 and trying to get across Route 9 onto the other side of Stone Quarry Road, any time of the day, no?

Tom Koval: It's difficult

Susan DeVito: It's extremely difficult. I have to have my grandson in the car do you know how many times I have tried to go up Route 9 and go over 236 just to avoid, or Guideboard or whatever it is, to avoid trying to get across the four lanes of traffic so I can still have my grandson alive when I get to the other side? Its very difficult, and if there is going to be 60 apartments for 120 people about, let's just say, who's gonna live there, I mean are these people when they tell them that they are gonna rent the apartment are they going to tell them that they can only leave at variegated times? Like you can only leave at 9 o'clock and you have to come back at 5'oclock? You know or you can leave at 8 o'clock and 4 o'clock, you know instead of them all going out at

4/25/22

the same time, and all coming in at the same time. Do you understand what I'm saying? Do you understand what I'm saying?

Don Roberts: Thank you, thank you for your comment thank you.

Susan DeVito: Right so how do you determine?

Tom Koval: These studies are based on national standards, national averages of average trips that they've done, have you ever seen the little rubber tubes run across the roads?

Susan DeVito: Never on Stone Quarry or Plank or Guideboard I haven't, do you have them there?

Tom Koval: They're everywhere, I'm not saying where they've been but that's how they base trip counts and everything. This isn't just throwing a dart at the wall and make up a number, they're actually, there is science behind it, and it's based on real numbers, we don't make them up we don't ask for them to make them in our favor. These traffic engineers that's what they do and they are all based on national averages that's how they come up with the levels of the intersections and like the one comes up an F, everybody's happy that it comes up as an F because it says okay this is a bad intersection, but when something comes up on an A everybody says oh that doesn't fit my needs. None of us make those numbers up they are all based on real life statistics, so do you get what I'm driving at?

Susan DeVito: So my last point is this, I don't care if you put up any stop signs, I don't want to be bribed by a stop light on any corner or any intersection, I don't want to sacrifice you know, you all getting money for the fire department, I think they have plenty and if not then we have taxes, not a problem

Tom Koval: M'am please we pay enough taxes.

Susan DeVito: No, but my point is I live there, I live in that area

Tom Koval: We all do.

Susan DeVito: I don't want to be bribed, do you live on Stone Quarry or Guideboard?

Tom Koval: I live in the area though, within a mile,

Susan DeVito: Psshhh, well you know, if you don't live on the corner of Stone Quarry and Plank, you don't know how many times I sit there and yell at people to stop at the stop sign. I don't want to be bribed by a stop light, I don't want to be bribed by a stop sign, I don't want to be bribed by having saying that the fire department is going to get a ton of money, I don't want to be bribed by the fact that they are only going one way and they are not going the other way. That they are only going to go down 236 or Stewart's, you can't even get out of Stewart's, don't even go in that direction you know. You don't understand that you've got 24 cars going out and you got 58 and 23 coming in, where'd the other car go? Just saying

Tom Koval: We're not trying to bribe anybody with one way in or a one way out, or a stop sign, we are trying to direct traffic so it eases the burden because development is inevitable, but we can control it the best

Susan DeVito: It is? The development is inevitable? So, we're here for nothing.

4/25/22

Don Roberts: Okay, we're not here to argue, thank you for your comments, we appreciate your comments are you all set here, or you got more to say, or no?

Susan DeVito: Well, I just had a question

Don Roberts: Go ahead

Susan DeVito: Is it inevitable that this is going to happen?

Tom Koval: No,

Don Roberts: No, no

Tom Koval: I didn't say this project is inevitable, I said development is inevitable in general, so people can complain about everything they want but if you own a piece of land and you want to develop it you can put in an application that's why we're all here tonight is to air out everybody's ideas and grievances and come to a decision based on that

Susan DeVito: Absolutely, absolutely, and absolutely

Tom Koval: No who has the pockets, its nothing of that nature. You're saying who's going to enforce these rules, it's like we have a rule against shoplifting, so you don't go in and shoplift but there is always going to be somebody that goes in shoplifting. We're not the, we're not gods I mean we can only do what we can do here.

Susan DeVito: If you don't believe in God that doesn't really matter.

Don Roberts: Okay M'am are you all set?

Susan DeVito: Yup Im done. I can come back a second time though, right?

Don Roberts: We're going to change direction here a bit, we're going to go in a different direction for a second. Is there anyone online wish to speak? Once again is there anyone online who would wish to speak?

Richard Harris: Please speak now if anyone online wants to speak regarding this agenda item, Crescent Commons PDD?

Don Roberts: Is there anyone in the room who has not spoken yet who wishes to speak? Okay M'am you want to go again, right?

Marcia Keys: Marcia Keys, 34 Plank Road, I'm sorry, yes there is a lot of talk about traffic tonight and I teach land use planning at the University of Albany to master's students, and I read traffic studies in my sleep. This traffic study was average at best. It missed 2 intersections, one at the southern end of Plank Road and Route 9 and one at Stone Quarry and Plank Road, and I had requested that, that be done and for some reason it was not done, perhaps someone can explain that to me, but is it under count, I believe because of that. Also 2 these traffic counts were done November 2nd, November 9th I believe, this is Pandemic traffic

still, so it is an undercount just for that simple fact and I think that we all can agree with that. I would like to ask a question that no one else has brought up and perhaps someone can come up and address this. At one of the meetings, I believe it was the March meeting the representatives came up and spoke about who they would be marketing to, and they said seniors and young professionals to these 60 apartments. That's an interesting mix which is not common and you won't get any fire department members out of seniors or young professionals believe me, well we can be book keepers but im not going to be at the fire scene, I've been at many of those in my life with my fire service, so I think that there is also a question, with so many questions coming up here tonight I just really say to the Board please consider these things carefully, because there are so many questions. I really wonder if this should become a planned PDD. Is that really the appropriate thing for this particular site? Particularly with the water, the traffic maybe which are not going to be able to be mitigated in any way shape or form. Thank you.

Don Roberts: Thank you.

Richard Harris: Don I would like to answer her one point. Marcia did send a request for various intersections to be included in the study. I consulted with our Town engineer and our GPI consultant and there were a number of other things that could possibly be considered in this and we felt that the study, the consultant our Town engineer, myself represented a balanced study that in many ways is more comprehensive than I think almost any study I've had here in 9 years, maybe not what you've seen in other areas of the State or what you teach, but certainly the Board can request that GPI look at those, I can tell you though there was discussion with myself, GPI and Joel Bianchi the Town engineer, and we did not feel that, that would add a significant amount of information to the study. We felt that the intersections here particularly the Stone Quarry and Route 9 would capture critical point. Sure, people can go down those other routes if we are going to go those 2 there are probably 10 others we could have added. We have to balance what people request and what's reasonable of us to request from the applicants to provide this Board with enough information. If they feel those two intersections should be included, we certainly can ask our engineer our consulting engineer on this GPI or we could have the Town engineer who is also one of our engineers on the Traffic Engineering list to take a look at that also. In consulting with them they did not think it would add significantly to the counts, I can tell you that.

Don Roberts: Thank you Rich, Chief you got something to say?

Chief Tony Bonaventure: I just want to reply, I think I got misunderstood

Don Roberts: That happens to all of us.

Chief Tony Bonaventure: Chief Tony Bonaventure, Halfmoon-Waterford Fire District. One, the tax, we are not getting a whole bunch of money, we are not getting any money. Our budget doesn't increase because the building gets built, so you understand how it works is based on property values and commercial, not commercial, different zonings, its how we get our tax money, so it shifts around. So, the more commercial we have the less burden is on residential, that's just the way it works.

Resident in Audience: *This portion of tape is inaudible.*

Chief Tony Bonaventure: I just wanted to clarify that we are not getting an increase

Don Roberts: Tony, you and the lady can have a conversation after this, if you want, we don't need this okay.

Chief Tony Bonaventure: There is no increase to our taxes because of this building.

Don Roberts: Thank you very much.

Chief Tony Bonaventure: The second thing, I am very excited about the young professionals as we do have 4 engineers under 24 years old that are members, thank you.

Don Roberts: Would anyone else like to add something new to the conversation? Yes M'am, okay Sir you go first.

Larry Hyde: Larry Hyde, 11 Plank Road, before I bought that property, the people I bought it off of they had a problem with it the flow of water drains just south of 11 Plank Road, and they were going to do something put some fill or something in and they had the Army Corps. Of Engineers came to do a study and they said no you can't, and they would restrict that, has anybody, has the Army Corps. Of Engineers looked at this project?

Richard Harris: Not yet, as the applicants engineer explained, if they are going to disturb which they are not proposing any Army Corps of Engineer wetlands, our Town engineer and their engineer he mentioned it already would need to apply for permitting to the Army Corps. our engineer would review that during the site plan review stage but as the applicants engineer stated they are not planning to do that. The situation you're talking about sounds like they were planning to fill what's known as The Waters of the United States, which is regulated by Army Corps. permit needs to be granted for that. I don't know the facts maybe the applicant didn't want to apply for a permit, maybe the Army Corps. felt it was not something they were willing to permit. But the applicant if they are proposing to disturb wetlands that are regulated by the Army Corps. by the Federal Government then they will have to get a permit. They are not proposing to do that.

Larry Hyde: Well, all of us that are residents there, you know are concerned about the water level, you know we are already having a problem with a lot of us with the water backing up into the basement and this project it would seem to me I mean can only make that matter worse. I mean how can you guarantee that you know we are not going to have a bigger problem?

Richard Harris: Nothings a guarantee particularly with storm water design, no guarantee, but there are standards in the State, administered by the Stat, Im sorry State regulations that the applicants required to follow and that's why we have a Town engineer, and we have another staff person that manages that once construction begins here. So, we have oversight if it freezes 6 inches of snow like it did a couple months ago, then rains on top of it, then thaws we saw flooding 2 , 3 months ago that people who lived here say that they had never seen before. People who had lived here 20 years said they had never seen before. It was a mixture of an odd weather climate, no guarantees, but certainly the standards for stormwater, actually starting next year are getting stricter and more regulated to protect the stormwater of the area. So, there is no guarantee that there will never be an issue again in this area, but certainly the applicants required to address any increase in stormwater management on site which is what they are proposing so far. The detailed engineering has not been done yet, typically they wouldn't do that unless they get the zoning changed to allow it as it's a costly design and costly review by the Town.

Larry Hyde: Okay, one last point. Again traffic problem, going out north on Plank Road trying to get out onto Guideboard is if your trying to go take a left heading towards 9 its terrible trying to get out there and the only way you can get out is when the traffic light on 236 turns red on Guideboard and traffic starts backing up someone, some nice people will let you in, that's the only way you can get out otherwise, the traffic just keeps flowing you can't get out. Now that is when I take my grandkids to school in the morning, Im usually the first one in line, but what Im concerned about now is I could be getting behind two or three or more cars trying to do the same thing, and that's just going to lead to a bigger delay, which maybe you all don't care about that stuff but that really affects the people living on Plank Road and in that vicinity. The traffic is just going to back up even more. So, so what right I mean, traffic study is done, and everything is going to be good, correct? Traffic study is done, no problems, right, right, thank you so much.

Don Roberts: Thank you, is there anyone who has not yet spoken that wishes to speak? (No comments) At this time we are going to close the public hearing, Town engineer Joel anything to add to this conversation tonight?

Joel Bianchi: The only item, procedural item, the Town Board didn't initiate the SEQR process for this to be a Type 1 action, so that I believe, that process will conclude in about 2 or three weeks, various interested agencies were notified and the Board is actually an involved agency under SEQR. The only other thing was on traffic, Rich you said everything I was going to say.

Richard Harris: Can I add one thing and its not directly related to this project but the Town of Halfmoon through the Town Board and Town Supervisor are pursuing funding through the various funding sources that have been coming out on the State and Federal level and perspective in the future and Joels firm has been involved in assisting us that is to look at and to design further improvements to 236 and Guideboard, Route 9 and Guideboard, and then 236 and Route 9. Improvements at all three intersections, coordinated together most notably is the pursuit of Grant funding it does not guarantee anything, would be a design for a roundabout at Route 236 and Guideboard, please take that for what I said, the Town has done some preliminary designs from MJ Engineers, goes back a couple of years now, well before this project was proposed. The Towns been, I've been in several meetings with the Town Supervisor and DOT, they're interested in improvements to those three intersections so just so you know the Town is not looking at just this project in terms of its own traffic effects but existing problems in that area, and it's a costly endeavor, that frankly the Town doesn't want to put on the taxpayers of the Town and I know we have two Town Board members here, I hope they agree with what Im saying in that respect, and pursuing Grant funds. There is a lot of funding opportunities, and we've all been fortunate enough to be awarded adequate funding. Will that directly benefit the Town, absolutely whether this project happens or not, so just to let you know there are things that go on beyond development projects and this Board, and to let you know that Supervisor Tollisen since I first met him in 2013 this has been probably one of the top two or three intersections for improvements in Town, and its now, Im safe and confident to say its number one, in terms of the Grant funding we're pursuing, just as some background, FYI on this.

Don Roberts: Now based on the comments we heard tonight, I do not believe we should take action tonight, but do any Board members or questions?

Tom Werner: I have a question Joe has this been submitted to the Department of Transportation for their review?

Joe Dannible: I do not know the answer to that, Rich, Joel?

Richard Harris: In terms of SEQR but not in terms of a formal review on it.

Tom Werner: Well, I mean because your involving State highways, but you're also planning a new access point onto a state highway, which requires State review and granting that access so it might be good to ask for an overall review of this traffic study. My second question has to do with the GPI study itself, pardon me its 250 pages in length so maybe it's in there but do the trip generation look at the individual trips that are generated by each of the projected properties and then added up cumulative to get to your final trips in and out, so that you can look at it from the apartments versus the food market, versus the restaurant, does that list it separately so it?

Joe Dannible: So, they have them listed by land use codes, so all the uses within a community are broken up into 6 different land use codes.

Tom Werner: Okay

Joe Dannible: Just speaking on that trip generation number one of the things I'd like to point out is, again during the pm peak hour there are 58 new trips generated by the PDD, and in the existing conditions Emma Jeans Restaurant was not included as an existing condition. Emma Jeans Restaurant is included in the build conditions which accounts for 44 of the 58 trips. That use is already operating and in place and generating traffic. We are actually sitting here talking about traffic for 14 new trips associated with this project, not 58, not 300 it's really 14 new trips are the net increase in traffic associated with this project.

Richard Harris: In the peak hour, just clarify, the people tend to forget that

Joe Dannible: Yes, in the peak hour.

Marcel Nadeau: Joe Obviously on the ingress and the egress of the current has anyone looked at possibly moving that further south, because the issue, a lot of the issue I believe are the people turning onto 236 in the turn and I don't know did anyone consider that or look at that possibility maybe that would, probably won't improve as far as trying to get out there but it may give them a little better chance before the turn.

Joe Dannible: That is something that has been considered as we continue to develop the plans and we head into more site plan review. It is thought that the better mitigation for the traffic coming out of the driveway is the right in right out proposed on 236. Which will allow people to get in and out of there with much more ease.

Marcel Nadeau: And the other question is what is the speed limit at that point of Route 9?

Joe Dannible: Im sure it's in the report, I don't know off hand

Marcel Nadeau: Coming off the bridge I think is 55, but

Tom Werner: I think its 45

Marcel Nadeau: 45 at that point?

Tom Werner: Yea, I think.

Joe Dannible: 45 Maybe? I heard 40, or 45 I have not seen that in the report.

Marcel Nadeau: Businesses, what time are they closing, or what time are they open?

Joe Dannible: Mike, he is asking timing of the businesses that are opening and closing within the community, or within the project, I know it's a lot of various uses.

Marcel Nadeau: I understand

Michael Klemkevicj: They all have different time frames, so the barber shop, 7:30 till 6, 7 at night, right

Marcel Nadeau: So, would you say the majority is between that 5- and 6-time frames?

Michael Klemkevicj: Sure, yea I think 5 and 6 and then Freds I think close at 7, Emma Janes, is open a little later but they open later in the day, and they stay open, so there is a break between the different businesses. Does that help?

Marcel Nadeau: Yup

Mike Ziobrowski: My question has to do with, it was brought up several times about the timeliness of the reporting and covid and do you think there is any relationship between the two?

Joe Dannible: Yea so this isn't a new thing in traffic studies since covid has hit, there are factors, percentages increase, decrease based upon the covid traffic and the reduction and there's also since there is going to be an overall general reduction of office space, there will be people working from home a lot more from now and into the future. I believe those factors are considered in the traffic study that was presented.

Mike Ziobrowski: Thank you.

John Higgins: The stream was mentioned several times, can you show me where that stream goes through the site?

Joe Dannible: Sure, if you could go to the site plan slide Rich, anyone that shows the site plan, the overall site plan. So it is, yea that works. The stream we know is here, from what we can tell it is piped into the site, enters the property somewhere here and then we can see the flow coming through here and then it is again piped from here out towards Route 9 somewhere in that direction, so it is the stream in the area is mostly piped.

John Higgins: So, part of its piped and part of it isn't?

Joe Dannible: Yea part of its piped and part of its exposed, it is our intentions not to disturb that and if we are to disturb it we will obtain the appropriate permits, we are going to again comply with all DEC and State standards, nothing we can do, we cannot dam in back of water that would negatively impact residents either upstream or downstream of the property.

4/25/22

John Higgins: Yea because I know DOT did a bunch of work there years ago, because it flooded basically on Route 9

Marcel Nadeau: John that problem has been there for years

John Higgins: Yup, I was just curious because I didn't realize there was a stream that went through the site, thank you.

Don Roberts: Anyone else?

Marcel Nadeau: Just for clarification Joe, so this stream is not on this property?

Joe Dannible: It meanders, on and off of this property yes.

Marcel Nadeau: Don could we ask maybe the Highway Department, I know there were a couple of pictures there on the drainage of the culverts, looks like the culverts were pretty well packed up could we have the Highway Department look at some of this?

Don Roberts: We can have them look at that, yea, we can do that yea sure, okay well based on the comments we heard tonight we have some stuff to digest, you've got some stuff to digest and get back to us with comments and we have to add one more letter to the record right Rich.

Richard Harris: We received a letter from the Gentleman Mr. Hebert and get that as part of the record too.

Don Roberts: Okay, yup, okay?

Joe Dannible: Thank you.

Crescent Commons PDD – PDD Recommendation

TABLED. A Public Hearing was held on the PDD Recommendation request and the Board tabled the application.

New Business:

22.069 Anchor Physical Therapy, 1471 RT 9 (Crescent Commons) – Change of Use/Tenant

Richard Harris: Yea and I think there is two individuals going to speak, they're sharing the same space

Don Roberts: Oh, okay so Upstate Occupational Therapy 1471 Rt 9 as well

Richard Harris: Yea they're both proposed in Crescent Commons

Don Roberts: Okay so we got both Anchor Physical Therapy, and Upstate Occupational Therapy together okay, your name and what you do please.

Audrey Paslow: Im Audrey Paslow Im The physical therapist so Anchor Physical Therapy is my business.

4/25/22

Don Roberts: And what are you going to do? What do you propose on doing on the site? What are you going to do, hours of operation, how many employees?

Audrey Paslow: So, it's just me, it's a sole proprietorship its my business, so I do outpatient PT, my background is mainly in like neurological care so vesicular , concussion management that kind of stuff.

Don Roberts: Okay and hours of operation?

Audrey Paslow: So, I try to do just one maybe two late nights a week, so my goal is to have hours of 9 to 6, I put it across the board 9 to 6 because I wasn't sure which two days, I would pick but otherwise it would be 9 to 4.

Don Roberts: Just so both of you know if you want signs in the future, you have to come back for a sign, if you want a sign, okay?

Audrey Paslow: No problem.

Don Roberts: Comments by the Board for the first one?

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

Don Roberts: Okay Rich made the motion, second Tom?

Tom Koval: Ill second

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

Anchor Physical Therapy- (Crescent Commons) – Change of Use/Tenant

APPROVED. Board approved a Change of Use/Tenant application for a physical therapy office at 1471 Route 9.

22.070 Upstate Occupational Therapy, 1471 Rt. 9 (Crescent Commons) – Change of Tenant/Use

Natasha Leslie: Yes, my name is Natasha Leslie I am the occupational therapist, I am the owner of Upstate OT services, and I will be providing services to children, from the ages of 3 and up and also adults who suffer with Lymphedema.

Don Roberts: Your operation will be from?

Natasha Leslie: From 9 to 6

Don Roberts: Is there just you?

Natasha Leslie: It is just me.

Don Roberts: Okay comments by the Board?

4/25/22

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

Mike Ziobrowski: Ill second.

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

Upstate Occupational Therapy, (Crescent Commons) – Change of Use/Tenant

APPROVED. Board approved a Change of Use/Tenant application for an occupational therapy office at 1471 Route 9.

22.065 Aurora Tattoo Society, 457 Rt. 146 – Change of Use/Tenant

Tamara Sullivan: Hi Tamara Sullivan for Bruce Tanski Construction. This is for 457 Route 146, this is the spot where Capital Gate Insurance has been for the last couple of years, and Aurora Tattoo Society would like to utilize the 1700 sq ft of space. They are a tattooing and piercing studio, they have 4 employees, two full time, and two part time, their hours are going to be Monday through Friday from 12 to 7, and then Saturday from 12 to 8. They're thinking that their peak hours will be 12:30 to 4:30 during the week, and on Saturdays, 12:30 to 5. The woman who owns the business said typically on a weekday he'll see up to four people and possibly up to 7 on a weekend.

Don Roberts: If they want a sign, they'll have to come back.

Tamara Sullivan: Yes, they will be coming back for a sign, but they are in the design process.

Don Roberts: Okay, comments by the Board?

Rich Berkowitz: This is an existing business relocating?

Tamara Sullivan: Correct they are in Saratoga Currently.

John Higgins: Is the insurance company moving out so these people can move in?

Tamara Sullivan: They're out.

John Higgins: They're taking the entire building

\Tamara Sullivan: The entire space, yup

John Higgins: Thank you.

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

Tom Werner: Ill second it.

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

Aurora Tattoo Society– Change of Use/Tenant

APPROVED. Board approved Change of Use/Tenant for a tattoo studio at 475 Route 146.

22.068 M and C Electrical Solutions, 13 Morris Lane (Mabey's) – Change of Use/ Tenant

The applicant failed to show.

22.072 Spotless Boat Detailing, 9 Morris Lane (Mabey's) Change of Use/Tenant

Nick Earl: Im Nick Earl, for Spotless Boat Detailing, It's a single member LLC. So, it's just me and one seasonal employee. We're open from March until October in the shop.

Don Roberts: Once again if you want a sign you have to come back for a sign, you know that?

Nick Earl: Yea we don't need a sign

Don Roberts: Okay but if you want on in the future you have to come back for approval.

Nick Earl: Sure.

Don Roberts: Comments by the Board?

Tom Koval: Just when you have your boats stored, outside while they are waiting for pickup are you keeping them in the back of the property? Those lanes are narrow for firetrucks and everything as it is, as you know.

Nick Earl: Yea, so no boats are ever blocking any entry or exits or any of those lanes, so when boats are being dropped off its back in that area, and then its strictly same day when we bring the boats out of the shop and a person picks them up, we don't like to leave them out in the rain.

Mike Ziobrowski: Just as far as like cleaning the boats, washing them off, as far as you know dumpsters are those going to be on the property as well or how you are going to go about removing

Nick Earl: Yea so we don't have any dumpsters or anything, so the majority of our work is at Marinas and Yacht Clubs. It's basically just for rainy days we do smaller boats in there.

Mike Ziobrowski: Thank you

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

Marcel Nadeau: Second

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

Nick Earl: Thank you.

4/25/22

Spotless Boat Detailing, (Mabey's) – Change of Use/Tenant

APPROVED. Board approved a Change of Use/Tenant application for a boat detailing business at 9 Morris Lane.

22.062 Northway 8 Golf Pavilion, 1519 Crescent-Vischer Ferry Rd. / Progress Dr- Site Plan

Scott Hoffman: Scott Hoffman, Im the owner of Northway Golf Center.

Don Roberts: Explain what you would like to do, please

Scott Hoffman: Yea as Rich had mentioned previously is to simply add an open-air pavilion to cover about 50% of our existing concrete patio just to the south of our enclosed driving range area just for comfort for our patrons. It's currently used as a dining area, seating area we just want to obviously make it a little more comfortable in inclement weather.

Don Roberts: Questions by the Board?

John Higgins: I just, so I understand, you where are the food prepared now that the people take and consume on those benches or tables?

Scott Hoffman: So if you look at the site plan there the far right side of the brown enclosed t-line structure, the right half, yea where his mouse is currently there is a food truck right adjacent to that hitting area, so customers coming out of the pro-shop walk right past it to go into our driving range area and its only maybe 30 feet from the proposed pavilion location.

John Higgins: Okay so it's coming from the food truck you're not going to have people doing food preparation somewhere else on the site?

Scott Hoffman: No Sir its all self -contained.

John Higgins: And you're not planning on having weddings or showers or anything like that, I know Im asking a lot of questions because of the fact that it happened elsewhere in Town that's why we're asking the question?

Scott Hoffman: No there is really no intention to change of use over what is currently transpiring. We do have some smaller corporate outings, charity events that we've hosted on behalf of the Ronald McDonald House or other National Charities events. Our Top Tracer facility hosts at any one given point in time a maximum of 32 players, so its rather small gatherings at that.

John Higgins: Okay thank you.

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

Mike Ziobrowski: Ill second.

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

4/25/22

Scott Hoffman: Thank you.

Northway 8 Golf Pavilion – Site Plan

APPROVED. Board approved the proposed pavilion at 1519 Crescent-Vischer Ferry Road.

Old Business:

21.168 Prescott Subdivision, 34 Woodin Rd. - Major Subdivision (Cluster)

Joe Dannible: Good evening, Joe Dannible from Environmental Design, this one should be quite a bit easier than the last one. Gonna keep it very brief, we're in front of the Board several months ago with a 19 lot subdivision, we had always intended to do more but at the time Town code would permit us only allow us to do 19 lots since that time, Town has changed the code, now you can have up to 30 lots with one means of egress to the site. We are now proposing 21 lots on a very similar lay out to what was previously proposed, and I would ask that the Board refer the application to MJ Engineering for further review.

Don Roberts: Thank you Joe we will refer this to MJ Engineering for review as you said also the fire department, and Saratoga County Planning Board and any comments by the Board.

Rich Berkowitz: Do you have an easement for that roadway to the other house?

Joe Dannible: Yea there is a crossings rights for the landowner.

Rich Berkowitz: Okay.

Joe Dannible: Still have to go through the whole process but there is a crossing right.

Don Roberts: Anyone else?

Mike Ziobrowski: You're bringing all of the utilities off of Woodin Road?

Joe Dannible: Correct.

Mike Ziobrowski: Okay

Don Roberts: I forgot to mention Tom Koval secluded himself and Charlie is filling in for him. Anyone else? Okay we will refer it to the agencies I mentioned to you, and we will get back to you.

Joe Dannible: Thank you very much.

Don Roberts: Thank you.

Prescott Subdivision- Major Subdivision (Cluster)

TABLED/REFERRED TO AGENCIES. Board received a presentation for the proposed 21-lot residential subdivision and referred it to various agencies for review.

21.109 DelSignore Blacktop Paving, 47 Clamsteam Rd. – Site Plan

Gavin Vuillaume: Good evening, Gavin Vuillaume with Environmental Design, here with Dewey DelSignore for DelSignore Paving. So, we were last in front of the project, before I think it was September, we received our ZBA approval for the pre-existing non-conforming use of the property. Subsequently then after the ZBA we presented the site plan, the preliminary site plan to the Board where it was referred to MJ Engineering. We received two letters, engineering review letters from MJ, the first was in January and the second was I think just recently at the beginning of April so we've addressed all of MJ's comments, so I'll just go over quickly a couple of little changes to the plan and we can open it up to any questions that you have. So, the site building, the main building is right near the Clamsteam Road, the septic area for that is under the asphalt pavement in front of the building so they wanted us to identify the location of the septic field along with the water service. There is a water service that also services not only the main structure but also the main structure just to the east. So, we've added the water service and septic areas that are existing. There are two existing parking spaces I think we've got about a total of 30 parking spaces just to the north of the building, the other to the south. We've shown proposed evergreen plantings to help buffer those two parking areas, the second larger parking area to the south, we would also be installing about a 6-to-8-foot burm along that road, along Clamsteam to help buffer the project. We've identified where the handicapped parking spaces are which would include some additional signage. The light poles that we've discussed both with the ZBA and with this Board we have identified those lights and provided calculations for the foot candles and intensity of light usage, which basically is less than a foot candle once you get out towards the Clamsteam Road, so we know they are large lights but we did go in there with a light meter to measure them, and they seem to meet the code rather well. And then just some more storm water comments that we received those are very technical, we have 2 storm water basins at the lower end of the property, both those would require some planting as well as grading and seeding, to capture any runoff from the existing project so that's the latest, I'll answer any questions that you have.

Don Roberts: Okay now last Fall Tom you went out and did a little review, walk through, could you speak in the mic for the record, your concerns addressed pretty much or what?

Tom Koval: Yes I met onsite with staff and I had sat through a couple Zoning Board meetings and obviously Planning Board Meetings where we listened to the neighbors and went through the engineering when we went on site it was clear that the upper buffering would help one of the residences and the lower buffering would definitely help the other residents address some of the concerns about seeing across to the trucks and those types of things. The burm that they proposed building, their house is sat lower than this property in general and once those burms are constructed it would completely shelter the trucks in this lower parking lot from Mr. Dubec's house in particular and the other neighbor. One neighbor is kind of across from the driveway so there is not that much that can be done for that but, the driveway exits uphill I believe they were going to close that up a little bit which would take any headlights out of his driveway. We looked at where the stockpiling of the, there was some concerns early on about mining up on the north- eastern side of the property and so we went up in there and we determined it wasn't mining it was some storage of bulk materials, topsoil that type of thing. It sits on a rock ledge so there is really no way to mine it, other than that most of our concerns were addressed and are in line with the Zoning Board approved as well.

Don Roberts: Now are the burms and the screening in place yet, or no?

Gavin Vuillaume: No not yet.

Don Roberts: When's that plan?

Dewey DelSignore: He is going to get started on those right of way

Don Roberts: Okay when you plan on getting them done by?

Dewey DelSignore: I would say it would probably take the bulk of the summer to get that completed.

Don Roberts: Okay so by the end of summer that should be done.

Marcel Nadeau: Don I think ZBA recommended 6 months from our approval

Richard Harris: Yea just as a reminder to the Board, the ZBA yes correct, I was going to say the same thing, yes

Tom Koval: By October?

Richard Harris: Within 6 months, they recommended

Don Roberts: As long as you are aware of that, that there is a time limit, okay? Any other comments? Joel you all set? Pardon me this is not a public hearing,

Resident? The height of the burms, how high are the burms going to be?

Lyn Murphy: So, we're not responding to commentary from the public but if you can provide that information that's fine, if not, not a public, not a public hearing.

Don Roberts: Please this is not a public hearing.

Richard Harris: Its right here on the plan, up on the screen.

Gavin Vuillaume: It varies , ill just go ahead and re-explain it so, towards the northern end here its probably closer to 6 to 8 feet, once you get down in this area because its down gradient it's a , what does it say 8 to 12 feet in height? I think the plan says 8 to 12.

Richard Harris: Propose 6 to 12 ft burm and 7 to 8 foot high Blue Spruce Evergreen tree plantings.

Gavin Vuillaume: Yup that's it.

Richard Harris: Then up at the top area up here, Ill call it the north area, propose 7 to 8 ft height Blue Spruce Evergreen tree plantings.

Tom Koval: So, the lower area is a burm the upper areas just tree its 7 to 8 feet tall Blue Spruces. So Lower area with the spruces you're looking at around 15 feet of shadow, or shady, screening.

4/25/22

Richard Harris: I do just want to add that, letters received from Nicole, from you Tom and Also another neighbor were provided to the Board and the applicant which had descriptions of the burm proposed by Paul and Nicole and Tom I provided the pictures that you provided to me back in the fall to the board showing, mostly showing these areas where they are proposing the burm and additional trees. Just so you know they are part of the record every Board member has gotten copies of those letters.

Don Roberts: Joel, do you have anything to add Joel?

Joel Bianchine: They submitted one last week to our last conference, we briefly went through it, it looks like we are all set. I don't see any issues.

Don Roberts: Okay thank you, anyone else?

John Higgins: I would just like to mention that obviously evergreens, you are going to have a certain amount of attrition where they are going to die off, even if they do die off because they are on the plans, we expect you would plant new trees in the event that some of them die off.

Dewey DelSignore: Yes, we would, they did mention Blue Spruce we probably use a Norway Spruces they are a little bit heartier; I don't know if that's an issue?

Gavin Vuillaume: No that should be fine Norway and actually the Norway spruce is a better species so you're okay with that?

Don Roberts: That's fine, you're okay with that, alright yes.

John Higgins: Thank you.

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

Tom Koval: Ill second

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

Rich Berkowitz: I make a motion to approve the site plan with the conditions of the burms be finished by October 25, 2022.

Don Roberts: Can I have a second.

Marcel Nadeau: Ill second

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

Gavin Vuillaume: Great thank you.

DelSignore Blacktop Paving – Site Plan

4/25/22

APPROVED. Board approved the proposed Site Plan to expand use of the site in compliance with the conditions of the Halfmoon Zoning Board of Appeals decision, with a condition related to the deadline for completion of the proposed berm.

Don Roberts: Going back, anyone here from M & C Electrical Solutions, 13 Morris Lane Mabeys Storage, change of use, tenant? Okay you're out of luck.

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

John Higgins: Ill second it.

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