

12/13/2021

**MINUTES MEETING  
Town of Halfmoon Planning Board  
December 13, 2021**

**Those present at the December 13, 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-absent

**Planning Board Alternates:**

Brendan Nielsen  
Chuck Lucia

**Coordinator- Building, Planning and Development:**

Richard Harris- absent

**Senior Planner / Stormwater Management Technician:**

Paul Marlow

**Town Attorney:**

Lyn Murphy

**Deputy Town Attorney:**

Cathy Drobný

**Town Board Liaison(s):**

John Wasielewski  
Eric Catricala

**Town Engineers:**

Joel Bianchi

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***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, before we start I want to apologize for the mask situation here but its crazy times we live in, hopefully it will be gone soon, so hopefully you can hear us alright and we can hear you alright. Have the Board members had a chance to review the minutes from the last meeting?

12/13/2021

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

**Tom Koval:** I second

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

**Public Hearing(s):**

**21.204                    DCG Development, 1542 Route 9- Minor Subdivision**

**Brian Rangone:** Good evening Brian Rangone, Landscape Architect with the environmental Design Partnership, Im also here with Don Macelroy from DCG Development, the applicant for the project. The sites located at 1542 Route 9, just south of the Walmart along the opposite side of route 9, it's directly in front of the youth for Christ Adventure center and the rock climbing facility. The zoning is C-1 Commercial and its approximately 15 acres in size. The applicant is seeking a three lot commercial subdivision and having a portion of his land in the rear be deeded over to the adventure center in the back of the property. There will be three spots after that is done. Lot A on our map is 9.9 acres, Lot B is 1.3 acres and Lot C is approximately 3.3 acres. None of the lots have been determined for uses yet but each on will conform to something within the C-1 district. The current curb cut will remain along route 9 in its existing location, however the access road to the adventure center will most likely be relocated within the site to minimize any potential wetland disturbance for the new construction. Future stormwater will be managed either on each new lot or as a combined system throughout the overall parcel and we can establish this when we submit a future site plan to the Town for the review. Each lot will be connected to municipal sewer and water and both sewer and water are currently at the site now so that really shouldn't be an issue. That's pretty much it.

**Don Roberts:** Okay thank you, at this time we will open the public hearing would anyone from the public wish to speak on this application? (No comments) Would anyone online wish to speak on the DCG application? (No comments) Seeing no one wishes to speak we will close the public hearing, comments by the Board members?

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

**Marcel Nadeau:** I second it.

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

**Rich Berkowitz:** I make a motion to approve the minor subdivision contingent on proof of consolidation with the Youth for Christ building.

**Marcel Nadeau:** Ill second it.

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

**Brian Rangone:** Thank you.

**Don Roberts:** You're welcome

***DCG Development– Minor Subdivision***

***APPROVED. Board held a Public Hearing and approved the proposed three lot subdivision and consolidation with a condition related to proof of consolidation with the adjacent property.***

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

**Jason Dell:** Good evening Jason Dell engineer with Lansing Engineering, here on behalf of the applicant Bruce Tanski, also here this evening with me is Alana with VHB the traffic consultants for the project so we're here tonight for the public hearing for the project if all goes well to request a preliminary approval from the Board so that we can move forward with our applications to the Department of Health and DEC for their review. So the project site is located at 73 Staniak Road, the total area of the parcel is about 141.6 acres. 93.81 acres of that parcel is located on the northern side of Staniak with the remaining 47.8 acres located on the south side of Staniak road, and the parcel is owned as part of the AR Zoning district. So for this project the applicant is looking to sub divide the parcel into a 111 lot subdivision. There will be a 106 lot cluster subdivision is proposed for the area north of Staniak road with the remaining 5 conventional sized subdivision lots located on the southern side of Staniak road. When we originally laid out this project and worked through the density with the Board we looked at the proposed density on the cluster side and two different ways, we looked at it in both the calculation based as well as looking at it in a conventional drawing based and the calculation based density would have allowed for 131 lots within the cluster portion, however the conventional method of looking at the number of lots yielded a 106 lots. So we are here with the 106 lot cluster subdivision in accordance with the conventional plan. So for the project there will be 2 access points out onto Staniak road, and for the project we are proposing approximately 30 – 70 ft. wide by 175 ft. . . . deep lots as well as 75 ft. wide by 175 ft. deep lots. So that brings us to our 106 total. So for the project municipal water will be extended into service all of the lots , there will be sewer service provided by t the Saratoga County Sewer District via force main that will connect up into the gravity sewer system located within Fairway Meadows, and stormwater will be managed in accordance with all requirements. As I mentioned before we did do a traffic study that was discussed at the last meeting with this Board. Alana is here at this meeting with this Board may have or the public may have. We have addressed all of MJ's technical comments that we have received to date. We've also worked through any issues with Saratoga County Sewer District and have gotten out reserve capacity from them as well. So we are here this evening for the public hearing answering any questions that you folks may have in hopes of moving the project forward towards a preliminary approval.

**Don Roberts:** Thank you, at this time we will open a public hearing would anyone from the public wish to speak on the Hanks Hollow Subdivision? Please come up, you've got to use the microphone.

**Eric Catricala:** Eric Catricala Town Board member. On this drawing is this still have parking and public access to the Zim Smith Trail?

**Jason Dell:** Yes we do have a parking lot in this area here and access that will extend down, kind of a switch back down to the trail

**Eric Catricala:** Okay thank you , from there I couldn't see it , didn't know if it was changed, okay this is something like we just don't have in Town , this is just like it was an excellent idea that's all I have to say.

**Don Roberts:** Thank you Eric, would anyone else wish to speak on the Hank Hollow Subdivision?

**Ed Killmartin:** evening, my name is Ed Killmartin, I live at 116 Staniak Road, corner of Staniak and Cary Road. I've raised my family here I have a 16 year old child and a 10 year old child , its , I appreciate the growth that's occurred in this town I believe it's done responsibly and we've benefitted from that. Staniak Road is a rural road in all sense of that, its narrow it has no shoulders, it has very sharp turn just past the second entrance if your heading west on this map where it's actually coming down. There are citizens that live on that road and near that road that walk that road for exercise, my kids and other kids in the area ride their bikes on that road, nearly every day in the summer you'll see groups of kids walking, individuals jogging. I know the traffic study mentioned 80 am trips at peak, a 107 pm trips at peak, I just have a concern with the number of units there and I understand I've expected development to occur, it just seems a little bit low or in my understanding of a home, most homes I know have two vehicles and I understand this is done with consideration of studies but my concern is with the safety and the viability of that road would sustain those numbers of units. The road is in itself I believe it needs some work at this point in time , the Town has been very responsible with keeping it safe in the Winter , but when you add that much traffic your gonna look at some significant needs or perhaps shoulder being added to the road. In addition we recently, got water installed and we appreciate that, but I believe with the costs added to this with the individuals that live in that community we should also benefit from the option of sewer being added to our utilities. All of these 106 units would be connected to sewer, individuals adjacent to there would be as well, we're right up the road and about equal distance to the sewer lines as those homes on the opposite side and the front of that entrance. So you know we would as neighbors incur significant costs and the safety and wellbeing and quality of life increased traffic , its rural traffic , it's not going to be rural traffic in the short amount of time that this is approved, and I understand that and I accepted that when we moved in but I also expected as growth would occur that improvements in utilities would also occur, and we would appreciate a consideration of an improvement in utilities in particular an addition of sewer and perhaps a sidewalk or some safe features to allow public use , right now if my family wanted to access that trail in that area it would be extremely dangerous for my kids to do so at this point they could walk down to the creek that is down there and walk down to a friend's house down the road with minimal safety concerns. If this were approved and I don't disagree with that and I just think there need to be improvements with the infrastructure as well as to the utilities available to the other community residents in that area. Thank you

**Don Roberts:** Thank you, Jason would you like to respond to that please?

**Jason Dell:** Sure I'll handle the improvements that we are proposing, Right between the two entrances we are proposing to improve the site distance and the condition of the visibility around that turn significantly the site plans and the grading plan that you see right there, so that whole hillside is going to be pulled back in order to improve the site lines for folks traveling along Staniak as well as for folks accessing the subdivision so that is part of the plan and to answer the question that was put forth at the pre-meeting with regards to the timing of the improvement and the applicant has agreed that he would be willing to do that earth work portion of it early on in the project because that fill material would be needed for a portion of the road so that could easily be done right in the beginning of the project to flip that fill into the site. Now as far as sewer we did look at running gravity sewer from the project and going underneath the Zim Smith Trail and underneath the railroad tracks to tie into the trunk sewer that's on the other side of the creek that's down there and it is a very long and arduous process and the constructability with the slope going down to the trail would make directional drilling very difficult to say the very least until you get that done so you work though all off those issues with the sewer district and we appropriately sized the force main for the project to tie into Fairway Meadows which is , everybody's aware the applicant previously put in so on top of that the other side if you continue on to the west on Staniak road you've got the creek which comes down to which anything to be done on that side would require a force main to pump to the other side and where we are , so that's not part

of this project since it wouldn't be needed this time, and as far as the traffic answers I'll turn that over to Elana.

**Elana Moran:** Good evening Elana Moran with VHB and as Jason noted we did complete the traffic evaluation for this study. So I heard a couple different questions and certainly if I miss anything please just let me know. The first one was talking about trip generation for the proposed project itself. So trip generation is estimated using data published in the institute of transportation engineer's trip generation manual and yes most homes, most single family homes do have two vehicles that's taken into account when the data is collected and when rate and curve equations are published by the institute. Essentially what it means is that during a single peak hour its anticipated that say from the hour of seven to eight am in the morning 20 vehicles might enter the site and 60 vehicles might exit. Certainly there is going to be more than that throughout the entire day but that's the way it looks at as a single peak hour, similarly the 67 trips In and the 40 trips out during the pm peak hours that's kind of where the trip generation estimate comes from its very standard, very typical to use that manual for estimating trip generation its used all over the place. The next question was kind of about kind of the character of the roadway and that it currently is a local rural road and right now the road carries 500 to 600 vehicles a day , at least during the data collections which was done in June of 2019 that is considered by the American Association of State Highway and Transportation officials to be a low volume local road there are two classifications , one of them is from like 0 – 500 vehicles per day the next one is from 500 – 2000 vehicles per day so this roadway with the construction of the proposed project would still be considered to be a low volume local road based upon the ASHTO conditions. There would be an increase in traffic of course based on the projects added in but another thing that would happen especially along this segment of the roadway is that right now there is no destination on this section of Staniak road there's no homes so what it does do is introduce kind of a destination where vehicles will be slowing and turning and kind of be more visible or more looking out for different things around them just because there is going to be that new land use so it does introduce kind of a heightened sense of awareness for drivers traveling through this area. Those were kind of the couple questions that I heard or did I miss anything?

**Don Roberts:** Sir did her miss any of your concerns?

**Ed Killmartin:** Ed Killmartin, 116 Staniak road. The concerns I suggest it is an increase in volume in traffic, am not aware of the specific designations , used by the national traffic and safety Board however you know it is of an individual concern of myself and residents in our neighborhood that turn on Cary road is particularly dangerous, there is cars that go off that curve multiple times a day and with the increased traffic here, it's an added safety risk that I need to worry about with my children , and whether its , we have 106 units, the amount of traffic is going to be significant, our concern as a neighbor is that consideration by the Town is taken for the cost that we incur for that additional traffic for added benefit for utilities in that neighborhood, again we understand that development is going to occur but we would like to you know be compensated to some degree for the additional cost to living in an area that has a 106 new homes with potential 2 or 300 new residents and additional traffic and safety concerns for our family.

**Don Roberts:** Thank you Sir, so sewer is a Saratoga County issue just so you know that and I guess are there any plans for that curve on your end or no?

**Alana Moran:** No , no its really not something that we looked at except for with regard to the site distance as vehicles and drivers are exiting the site to make sure that site distance looking to the left , to the right for vehicles exiting and entering the site meets the standards and guidelines and that's why Jason had noted that

12/13/2021

so many things were being done along the project frontage just to make sure that that visibility is increased and maintained but we didn't have any plans for that particular existing condition with the curve itself.

**Don Roberts:** Okay thank you.

**Marcel Nadeau:** Don the curve you're talking about is that the turn I'm concerned with or further up?

**Don Roberts:** I believe so, where is the one you're concerned with?

**Marcel Nadeau:** On Cary road and Staniak

**Don Roberts:** Bring it up afterwards, after the public hearing is don't us will get into that, okay thank you. Anyone else like to speak?

**Phyllis Huber:** My name is Phyllis Huber I live at 110 Staniak road, I am probably the oldest resident on that road, I've been there since 1976 so I want to just say that Mr. Killmartin is just accurate, I am a walker, I walk, if you come down Cary road it goes like this, and this road will go off like this, and people have to stop on that bend to get in here and you have to watch what's coming. At the other end of the road you come in and it comes down a big hill along this property where people are then going to have to enter. Also if you come in Staniak you go down a hill and you go past this creek and things and people are coming there very, very fast so I can't imagine that many more people on that street. I'm also concerned what about the school district? I don't know what school district that is in but think about that many more children in the schools, so I'm not against development, I have loved this property I knew the people who owned this property for many, many years and I just am concerned like Ed is about that many more people, right now we have trucks barreling down that street I can't imagine what it's going to be like when they start developing and barreling down it here. So I just need to say this tonight so that it's thought of. Thank you.

**Don Roberts:** Thank you, would anyone else, yes Sir come on up.

**Steve Krusek:** So good evening my name is Steve Krusek, I live at 114 Staniak Road, Ed and Phyllis are my awesome neighbors but I also want to re-iterate what Ed and Phyllis are talking about, because I think it's really important that we look at this project very holistically, I understand and I have no issues with the development let me just make that really clear, Tanski wants to build a home, I'm perfectly fine with that I get it it's how the world works, however I think we need to look at this not myopically because there are other challenges in this area right. This curve that we are all speaking of on Cary and Staniak road is an absolute danger it has been since we've lived there, we've all lived with it, it hasn't been that bad but it is certainly a concern, my concern is for the new residents coming into these new homes, will experience it just like we have. I've been a great resident here for over ten years, I enjoy living here I completely moved here from outside the area and I absolutely love it and wouldn't think about going anywhere else. It is a turn that needs to be looked at, we have increased traffic we talked about this one project, we've had several projects over the last few years that have built additional homes around us, we are very happy with that, we understand that is going to happen but it increases our traffic, again I'm not against traffic, I just think we need to do this smart, very smart and holistically, not look at one project. The other piece that I want to make sure that we bring up, I know is of some concern definitely to myself. The thing that impacts me every day is recently we added the new Zim Smith Trail head just down at the railroad tracks and that's great we love it, thanks for doing all of that work, I don't know who did it but it's great. The only concern I do have is that intersection along with the combination of the train that sometimes sits there for 45 minutes to an hour, on

that crossing is becoming a huge challenge, I can't imagine that new residents are going to enjoy it any more than we do. So I do ask overall that we holistically look at this project, I have nothing against building 106 homes, I have nothing against that but again we have to look at the whole area and the impact of the whole area I certainly wouldn't want to bring new residents into this experiencing what we've experienced. You know Phyllis talks about walking on the road, I won't walk on the road, nor will I let my kids walk on that road. There's no shoulder you know there is a posted speed limit that's just great if people follow it, I think we need to look at it, so I want to make sure that our new residents coming into this new development are just as happy as we are I don't think that is going to happen unless we look at these things, we've got to look at some traffic issues, we've got to look at some blind curves. You know things that worked 50 years ago may not work today, that's okay we can fix those, that's the great thing about engineering and humans we can do anything we want to do we've just got to put our minds to it and get it done so, thank you.

**Marcel Nadeau:** Just clarify your talking Cary road so we're coming from Coons Crossing up Cary, that's the area you're talking about?

**Steve Krusek:** Yea it's kind of a collaboration of roads if anybody's ever experienced it, it's kind of like the, we always call it the roulette, whose gonna give and who's going to play chicken little there, there's several, if you've never seen it, it's like this triangle looking thing. That's a concern for sure with increased traffic, but I'll tell you this train crossing issue, is become, I don't know if you've heard about it before but it's become an issue but 45 minutes or an hour is not necessarily uncommon.

**Lyn Murphy:** Both the supervisor and Members of the Town Board have in writing complained to the rail road, tried to contact them verbally, we are aware of the problem and we've looking into ways to help alleviate it, obviously it's a huge concern for emergency services too, not being able to get across.

**Steve Krusek:** I understand slow moving trains but literally when the train stops for, I've timed it 45 minutes to an hour it just doesn't move, thank you for that.

**Don Roberts:** We can have the Town Highway Superintendent look into that curve to see if anything can be done there as well.

**Steve Krusek:** Yea, it will benefit all of the residents that are there and those to come right. We understand development is going to happen but we want to make sure everyone is safe, not just the current residents but even our new resident's as well so thank you very much.

**Don Roberts:** Okay thank you. Would anyone else wish to speak? (No comments) would anyone online wish to speak on the Hanks Hollow Development?

**Paul Marlow:** David are you online, you had mentioned you would like to speak, he may be muted, David if you would like to speak I saw you in the chat room earlier, you'd have to unmute yourself I can't unmute you.

**David Bushey:** Yes so on behalf of me and my wife up the road just a little bit on Backspin it connects up to a dead end and there was talk years ago that there was a connecting road that was supposed to be put in between Backspin and Timothy and now it's just basically used as a dump pretty much for all of the garbage from the other homes and I know this development that I live in now is pretty much done being built and I'm

12/13/2021

all for Hanks Hollow of course but I was just more wondering if there's any clue what was going on with that road?

**Don Roberts:** David before we go any further can we have your name and address please?

**David Bushey:** Yea, David of 59 Dormie.

**Don Roberts:** 59 Dormie, thank you, okay would Jason or Bruce comment on that please.

**Bruce Tanski:** Bruce Tanski, Clifton Park New York. We are aware of the situation we are putting up barricades so people cannot dump there and we're gonna work with the Town to consolidate some of those lots up there and do away with that, that's what we are gonna work with.

**Don Roberts:** Okay thank you, alright David?

**David Bushey:** Okay the road then obviously is not going to get finished then?

**Bruce Tanski:** We're going to be discussing the estate lots up on top and hopefully that won't be a necessary, and by the end of the next two weeks we hope to have a barricade up there so no one can go up there and dump their grass and garbage and stuff like that and we've already cleaned it up once, we're gonna clean it up again and barricade it off.

**David Bushey:** Okay thank you.

**Don Roberts:** Thank you, anyone else online wish to speak? (No comments) One last time anyone in the room wish to speak? (No comments) Okay at this time we will close the public hearing, comments by the Board members?

**Marcel Nadeau:** So Jason I think you've heard the comments about the Cary Road intersection, so the traffic study did not take that into consideration, correct?

**Jason Dell:** We did not look at the geometry of that intersection no.

**Marcel Nadeau:** Just some ideas maybe a couple of stop signs coming down Cary and coming up from Coons Crossing. I looked at it again this week and I mentioned to Don maybe the Town could look at it and determine how far the Town property goes, could they cut that corner off a little bit, something needs to be done with it.

**Tom Koval:** Should we have the Highway Superintendent get out there and take a look at it, I think as part of this project that intersection should have been looked at because that's going to be one of the major egress points from this property especially with Global Foundries expanding, I am unclear why that wasn't looked at to be honest with you but before I do, before I am comfortable moving forward with this I think that those next two intersections should be addressed, the one at the corner of Cary and Staniak and then once again the railroad crossing there.



**Jason Dell:** As far as the geometry I'd be happy to meet with the Highway Superintendent out there and see if there would be anything that could be reasonably done with those intersections that are currently in the situation that you mentioned.

**Tom Koval:** Yea for site distances Im not familiar it sounds like Marshals gone out and looked at it and I will myself, I travel that road occasionally I just never really paid attention to it but I do know when you're coming south onto Cary and you have to drop over its kind of a blind knob that your dropping over so something may need to be done there.

**Jason Dell:** Well we'd be happy to work with you guys on that between preliminary and final we would still have to come to this Board one more time but with preliminary it allows us to go to the Department of Health and DEC so we can certainly be willing to, where we would be willing to look at that moving forward sure.

**Marcel Nadeau:** Okay, thank you.

**Don Roberts:** Anyone else?

**Tom Werner:** Yea , Jason couple of questions regarding the Zim Smith trail connection , I think I recall the parking area be some 20 parking spaces is that correct and could you quickly summarize the screening burms or vegetation that will be put in to shield those from the residential properties?

**Jason Dell:** Right along the backside of the lots right here and that was commented on by MJ and one of the comment letters was to provide additional screening so we have a burm behind the houses along here as well as planting things on top of that burm that will shield those houses from the parking area.

**Tom Werner:** And how is it determined roughly 20 that's got to be based on some sort of projection of use?

**Jason Dell:** We talked with Jason Kemper at County and that was the number that we had agreed upon

**Tom Werner:** So the County provided that guidance

**Jason Dell:** Well we worked through it, he didn't specifically tell us a number but it made sense, Bruce thought it was appropriate and so did Jason.

**Tom Werner:** Did the traffic study consider unfamiliar motors , people coming in trying to find this parking spot and do the need for some sort of way finding sign, from Staniak in so they aren't wandering around the development?

**Alana Moran:** So we didn't really in particular look at wayfinding or users like this , in my experience most of us are able to navigate to where we need to get to especially when you consider like the other trail heads for the Zim Smith throughout the area, but

**Tom Werner:** Well this is in the middle of a residential development

**Jason Dell:** If it's something this Board would like to see we can certainly find some way of finding signs

**Tom Werner:** Yea, who's going to maintain that parking facility?

12/13/2021

**Jason Dell:** That parking facility's proposed along with the storm water management basins to be dedicated to the Town.

**Tom Werner:** The Town of Halfmoon

**Jason Dell:** So it will be seasonal, the trail itself will be such that it's not handicapped accessible just because of the severity of the grade getting down there so there is signage that is on the plans that will be within the parking area that will dictate such.

**Tom Werner:** Thank you.

**Don Roberts:** Joes our Town engineer Joes do you have any outstanding issues on this?

**Joel Bianchi:** No, we had a comment letter about a month ago, primarily on the water system, Frank Tironi's comments and those comments have been addressed and we're almost done.

**Don Roberts:** No, okay you're okay, anyone else?

**John Higgins:** Yea I have a question, you mentioned five lots across the road, and I only see four designated would the fifth lot be the entire remaining piece?

**Jason Dell:** That's correct

**John Higgins:** Okay is there any proposed housing site, there's nothing shown on the drawing?

**Jason Dell:** That's correct, right now there's nothing proposed for that lot

**John Higgins:** Okay and is there going to be notes is that going to be non-subdivide able after this?

**Jason Dell:** That will still be available for development. When we based our calculation and did our conventional planning for the cluster portion we limited to just that side so we did not include any of the acreage below there in any of the calculations or the layout itself to determine that density, so that area would still be available for development.

**John Higgins:** Okay and as far as the remaining land around the development cluster development is that going to be a homeowner association owned or?

**Jason Dell:** No, no homeowners association is proposed for the project, Mr. Tanski is going to retain ownership of that.

**John Higgins:** Okay retain ownership of all of the common lands is there going to be a note on that drawing saying that no further development above the 106 units?

**Jason Dell:** Yes, I mean we can put that on there, there's really not a lot of potential for that remaining but we can certainly put a note on it I guess.

12/13/2021

**John Higgins:** As we all know land that was years ago undevelopable all of the sudden now is developable so if that, if you're considering it that way Don I think we should get some kind of note on the drawing regarding that part.

**Jason Dell:** We can do that

**John Higgins:** Okay thank you.

**Don Roberts:** Anyone else?

**Rich Berkowitz:** So Jason you're willing to work with the Highway Department between preliminary and final?

**Jason Dell:** Yes

**Rich Berkowitz:** Okay I'll make a motion of 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.

**Rich Berkowitz:** Make a motion for a preliminary approval for the subdivision

**Lyn Murphy:** Is that conditioned upon the applicant, A: cooperating with the Highway Department and B: doing the improvements as it relates to the hill prior at the beginning stages of the project?

**Rich Berkowitz:** Yes

**Marcel Nadeau:** Referencing the Cary road intersection

**Lyn Murphy:** Im referencing the grade that...

**Don Roberts:** And we're gonna alert the Town Highway Superintendent about the curve yea

**Lyn Murphy:** That was the first thing I said

**Don Roberts:** Yea, okay we have a motion do we have a second?

**Tom Koval:** Ill second

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

**Jason Dell:** Thank you

**Don Roberts:** You're welcome.

**Marcel Nadeau:** Don just to update , Cary road has become a commuter road for Stillwater , they come through 67 to get , for Global and also to get to the Mall, you know it's just non -stop traffic now.

**Tom Werner:** Don I'd also add that the Town could request some technical assistance from the Capital District Transportation Committee they do have sort of a community assistance to look at safety concerns.

**Don Roberts:** Okay yea we could do that, okay thanks Tom, thank you.

**Hanks Hollow Subdivision– Major Subdivision (Cluster)**

**APPROVED. Board held a Public Hearing and granted preliminary approval to the proposed 111-lot subdivision located on Staniak Road with conditions related to timing of site line improvements and reviewing intersections potentially in need of improvements.**

**21.159 / 21.160     ELP Halfmoon Solar, 48 Smith Road – Site Plan & Special Use Permit**

**Don Roberts:** We are going to have public hearing but I will tell you that some new information has come in recently and we have to give our Town engineer time to review it and comment on it so we're going to have the public hearing but there will be no action taken tonight and also we had a site committee visit and before we get going I would like to have the site committee give their results.

**Resident:** Can you relay that information?

**Paul Marlow:** The information he is referring to they provided responses to our engineers last comment letter, so our engineer then has to go back and look at do their responses sufficiently address the questions and comments he raised in his last reference letter.

**Will Bliss:** Ill plan on covering a lot of that so

**Don Roberts:** Okay give a report either Tom or John?

**John Higgins:** We met with the applicant's onsite and we looked over the site and the area that they're planning on developing for the solar farm is approximately ½ of the site. Their looking at approximately 25 acres where the site is approximately 50 acres, and we talked about screening, we talked about the impact on the neighbors and we had concerns regarding Smith Road, we believe is going to have enough natural screening an it's going to be far enough off of Smith road so that you're not going to really see it. But the development on the west side is definitely going to be impacted and we talked about that and after the meeting we actually drove over and looked at the site distance from the houses and a lot of those houses on the back side of the proposed development will be looking right directly into the site and they are going to be looking right over the top of existing vegetation and any other vegetation that is being proposed. So we had definitely expressed concerns to the applicant regarding that factor and also the visual areas along Moreland which also are going to be looking at it so you know it's definitely going to impact the neighbors as far as site distances. So we did talk about that, we talked about the fact that only 5 acres are going to be disturbed at any one time as far as the clearing and we expressed concerns concerning the trucks and heavy equipment going in and out of the site and we were assured that they'll try and minimize all of that and there will be a gate on the site so that people just can't wander in there. Tom, that's about all I can remember.

**Tom Werner:** Yea I really can't add much other than we were internal of the site so were surrounded by trees and vegetation and it's very difficult to get a sense or visualization of what this might look like, I have concern for the impact certainly for the housing and it really wasn't successful at this point for this visit to get a good visual on that and certainly there are some two story residential homes there to see from the second story out would be difficult, we had, I don't know how you, other than getting a drone or something to get in there and get some pictures. We talked about as John mentioned clearing and grubbing, the hours of operation, the noise, how long it would take, that type of impact but I think the real concern is the proximity to these residential homes and that's my primary concern.

**Don Roberts:** Okay thank you, thank you guys okay so we will let you make a short presentation and then we will have the public hearing.

**Jamie Fordice:** I'm Jamie Fordice, I am one of the Principals of Eastlite Partners Im here with Will Bliss our director of Engineering representing the applicant ELP Halfmoon Solar. I think because it's the first time representing to the public here I wanted to just go back and brought a little context to the project. What we are talking about here as was mentioned a 5 mega- watt community solar project we occupying roughly 25 acres of 52 acre lot. The State's Public Service Commission established that its community solar program about 5 or 6 years ago, and opened up a pathway for these sorts of projects to be developed because they are of clear public benefit not in just meeting the States clean energy goals which are important to the future of our communities and environment and State but also for the fact that community solar brings the benefits of clean energy into local context, so the idea of a community solar project is that it allows residence within the existing area homeowners, businesses that are within NYSEGs territory here to participate in this project in effect enroll for a portion of the projects output and realize savings from the project, so because solar is currently the most cost effective form of electricity if planned efficiently and centralized the idea here is to centralize an array and allow surrounding residents to benefit from it. What this means is in most cases subscribers to the project will realize up to 10 % savings on their electricity bills and not be exposed to the sorts of price volatility that we're seeing from natural gas exposure today so in general solar developments are passive, low impact sorts of development, they are low lying, we can make efforts to screen them from view. They don't require significant grading or sub-surface foundations and they carry minimal impact in the form of stormwater, noise, traffic and air quality point of view that other sorts of development can be associated with. So I think you know relating back to the report from the site visit we recognize there's a concern here about view shed and aesthetics a good thing about solar is that at their highest point the panels are going to be 8 ft. 10 ft. you could call it above grade and the site is surrounded by mature forest that's with tree heights of up to 40 and 40 feet and above. So you know we need to keep the project economic that's why we're trying to utilize as much of the site as is reasonable here and possible but we certainly recognize and obviously support the objective to minimize visual impacts from the project. We've been through a thorough review on the engineering side with MJ and maybe Will can speak to some of the points that have been raised in that context.

**Will Bliss:** Yea just to touch on sorry, my name is Will Bliss, director of engineering for Eastlite. Just to touch on a couple of the things that have been re-submitted sine our last meeting back in November, we obviously conducted a site visit with Paul and members of the Planning Board to review a lot of the items that John and Thomas brought up, a number of those we have discussed with MJ at length and my understanding based on the review of MJ's most recent letter is that we have actually addressed almost all of those comments. Joel does need to view those and we understand that. A couple of the items that we submitted last week based on comments from last Planning Board meeting we submitted an updated response letter to MJ, an updated site plan and said incorporating a couple of the comments from MJ engineering

primarily focused on the erosion and sediment control plan we also provided updated renderings of the project at the request of the Planning Board and Paul had also brought up during the site visit to try to provide some images from a drone so we were able to provide some images from an elevation of about 50, 100 and 150 feet. We also at the request of MJ conducted a glare analysis that showed that there would be no impact from glare from the project and submitted that. We had seen a couple of comments that had been provided by Rich related to concerns surrounding noise so we provided an acoustical study that had been done on behalf of Mass CEC and also provided a drawing implementing a lot of results of that study showing that there would not be an impact from a noise standpoint. Another item that Joel and I had reviewed at length was the decommissioning plan, we had submitted an updated decommissioning plan that has been approved by MJ but I'll let him formalize that, he did formalize that in his most recent letter. And then we've also submitted updated stormwater analysis and SWWWP and some very minor changes that came at the request of MJ as well.

**Don Roberts:** Okay thank you. At this time we will open the public hearing first of all we received a number of written correspondence from concerned residents we are going to enter them into the record right Paul, okay now that's done would anyone like to speak? Yes Sir Please come up.

**Jim Brown:** Good evening my name is Jim Brown, 5 Hidden Farm Lane, which is the northern most reef of the Harvest Bend Development, just north of Misty Meadow which is the section that will be abutting the solar panels. We have numerous neighbors in our development are deeply concerned with the cost impact and evaluations of property for the properties that abut that solar panel , frankly I didn't see the plan and drawing until tonight and my mouth was agape , it was open and I was kind of shocked how close that is to the back of those parcels. I just would like to re- iterate that I hope the Town of Halfmoon has a comprehensive development plan regarding solar panel development for spot zoning, which this appears to be with a special use permit. And I just want to ask the Town is there a comprehensive development plan regarding allowing solar farms in Halfmoon especially when it's a residential neighborhoods?

**Paul Marlow:** The Towns provisions allow for these to be done by special use permits in residential zoning districts, this would be the second one that we've done in a residential zoning district, so we do have a procedure in place, yes for

**Jim Brown:** So there's a comprehensive plan for

**Paul Marlow:** Well comprehensive plan is looking at a Town wide development, you're asking about a specific

**Jim Brown:** Well this is a special use permit which is also known at spot zoning

**Paul Marlow:** No, spot zoning would be the changing of a particular area that no because

**Jim Brown:** Cut down hundreds of trees in a residential area to put up a solar farm?

**Paul Marlow:** Okay but you've got to understand the concept of spot zoning, spot zoning would be if they came in and asked us to change this particular parcels zoning district

**Jim Brown:** Correct

12/13/2021

**Paul Marlow:** To commercial or industrial

**Jim Brown:** Or a Special Use Permit?

**Paul Marlow:** No

**Lyn Murphy:** So our local law provides for the implementation of a solar farm in a residential with a special use permit, that is the opposite of spot zoning , it is called for in the local law , set forth we can get you it , its available online.

**Jim Brown;** is there some links online that would explain this? Is it on the Town website?

**Lyn Murphy:** Yup, if you go to the Town website you can search it by word, so very friendly

**Jim Bowen:** And the other thing is have you guys figured out the valuation loss for all of the parcels that are going to be abutting the ginormous solar farm which is going to be visible definitely from second floor windows if its ten feet tall it's about the size of that beam , that's , I live there and there is not , there is bushes about this tall and then there is some big trees but if the trees are all going to get cut down then you're going to see the solar panels , there's just if's and's or buts about it so I just wanted to bring that to your attention.

**Don Roberts:** Thank you.

**Jim Brown:** Thank you.

**Don Roberts:** Sir, Sir go now.

**Eileen Pickett:** Good evening my name is Eileen Picket Kiblin: I've lived my entire life in the Town of Halfmoon. I currently live at 32 Misty Meadow Way. Our property, this is my husband Bruce,

**Alfred Kiblin Jr.:** Alfred Kiblin Jr.

**Eileen Pickett:** Our property shares 550 feet of land a common boundary with 48 smith road we have the most common boundary of anyone on Misty Meadow Way, yet we were not notified of this project. If hadn't been for our neighbor mentioning it to us a couple of days ago we wouldn't have even known about this.

**Alfred Kiblin Jr.:** We never got a certified letter in the mail and were not the only one. There is people in other developments that didn't get a certified letter either.

**Paul Marlow:** We checked our mailing list your address was on there

**Eileen Pickett:** We did not get a letter, we didn't know a thing about this project until our neighbor mentioned it in passing one day, just within the last week.

**Paul Marlow:** I understand , I heard that you guys didn't get one I checked your address was on our mailing list I don't know .

**Eileen Picket:** Okay regardless of that.

**Don Roberts:** Well we're sorry you didn't get one but at least we are glad you found out and you're here tonight, so what are your concerns now please?

**Eileen Picket:** Well the solar field layout that I have in front of me is dated August 5, 2021 yet the neighbors in our development who did get a certified letter were not notified until a couple of weeks ago, I just wondered why you waited until

**Paul Marlow:** Because our Town Code requires that we notify once a public hearing is set.

**Eileen Picket:** Okay

**Paul Marlow:** The public hearing was set and we followed the procedures for public notification.

**Eileen Picket:** So when was the public hearing set?

**Paul Marlow:** Two weeks ago, Im sorry it was November 8<sup>th</sup>. So we set one month out which is our general procedure for something like this.

**Eileen Picket:** Okay, um the gentlemen behind me they said they did a site walk, did they actually walk, I'm questioning did they actually walk the entire property? Some neighbors saw a drone at one point and I wondered if they made the determination of the land based on the drone footage or from actually walking the entire property?

**Paul Marlow:** So what had happened was we had met onsite and obviously your very familiar with the site is quite over grown at this point so there is only so much access they have to the grounds right now, I do know as Mr. Werner mentioned they did go into I believe you guys went down Misty Meadow to look and see

**Tom Werner:** That and Moreland

**Paul Marlow:** And Moreland to see what it would look like, that drone picture that I had up there earlier, and I can go back to that for you , that was provided based off of comments discussed at that site visit we expressed to these guys you know , throw a drone in the air so that the , because the prior meetings the Board had brought up concerns of what are the people going to look at from their second story window, right that's what you guys are probably all concerned about so when we met onsite we encouraged them to try to obtain some sort of imagery that would represent that second story image as best they could without getting into somebodies home , so that's why you saw the drone. They were out there flying to get photos like this from approximately 5 feet in the air. To try to give people a visual of what this parcel looks like from this altitude. If that makes sense.

**Eileen Picket:** Okay so my question was did somebody walk the entire project?

**Paul Marlow:** No, as I said before the site is quite overgrown and to be able to walk it

**Eileen Picket:** But walkable.



**Paul Marlow:** If you cleared paths sure yes

**Eileen Picket:** You're talking about putting a 25,000 sq. ft. solar farm but nobody walked the property?

**Will Bliss:** We have extensively walked the property I think what Paul is referencing is during that particular visit we did not extensively walk the property but our team has spent quite a bit of time walking the property

**Alfred Kiblin:** Do you know that the Army Corps. Engineers on Farm to Market Road has designated it as wetlands?

**Paul Marlow:** Yes the applicant has provided, I don't have the plan up here, a wetlands delineation and I know this section of the site is for the most part all wetlands.

**Alfred Kiblin:** That's right but the other property line is wetlands too, that's all wetlands in there.

**Eileen Picket:** There are wetlands

**Alfred Kiblin:** That's all wetlands in there and I actually have, we actually have water coming off that bank to the back of our turn around you cannot walk on for at least three months of the year.

**Don Roberts:** Guys are you aware of this?

**Will Bliss:** So we have had a wetland delineation conducted by EDP its been reviewed by the DEC and signed off on, that area to the north part of the site, there are wetlands per an old subdivision map from misty meadow that are located not on our property, we have surveyed that area we have pits that were taken on site and auger tests that have been done so the area that is on our property is not designated as wetlands, it's been reviewed by the DEC.

**Paul Marlow:** Did you have Army Corps look at it?

**Will Bliss:** We have sent it to the Army Corps its currently in review, the Army Corps is just backed up right now but we have sent it over to their team.

**Paul Marlow:** Okay

**Eric Geiss:** My name is Eric Geiss I live in 20 Misty Meadow Way, moved here about 10, 11 years ago worked for Global Foundries, like it very much up until this. Okay so our deed and many of the deeds state that the lot contains wetlands which don't magically terminate at the end of our border, we can share that map with you and once more VanGuilder also conducted a survey of the community. So anyway , wetlands are regulated by the US Army Corps of Engineers, no activity shall be conducted or buildings constructed on any such premises encumbered by the wetlands or without a permit form or other consent of the Department of the Army in accordance of title 3 of the code of federal regulations, so I will admit that it's a confusing morass , we're not lawyers from what we are able to make out so on the New York States Department of Environmental Conservation it states that basically they only put about 12.4 acres in terms of whether they classify as wetland but then it goes on to state that the Army has no limitations, its irrespective of size and its governed under section 404 of the clean water act. So as mentioned there's a stream a culvert that comes out

12/13/2021

right at the end of Smith Road and we can show you video of , in the back its as wet as wet can be, there's water everywhere and you can hear running water, so I challenge anyone who says that there are no wetlands on the applicants side , it doesn't terminate where we are its clear cut all of the way across, there is no way anyone could have walked there and not agree, and again I can show you , video events if you want in addition to our plots which should be registered I assume under the Town.

**Paul Marlow:** So at this point, now Will feel free to correct me if Im wrong here, you are still waiting for a JD from Army Corps correct?

**Will Bliss:** Its actually not a JD we have submitted a request for no jurisdiction because we have not delineated any wetlands in that area, we have confirmed receipt from Christine at the Army Corps but her team has been a bit backed up but we have not submitted JD because we have not located any wetlands on the property in that area.

**Paul Marlow:** Are the adjacent wetlands that he is referring to potentially isolated?

**Will Bliss:** We didn't delineate beyond our property boundary and haven't delineated any wetlands in that area

**Paul Marlow:** No , just so everyone understands here you are still waiting for something from Army Corps to verify that yes or no there are not wetlands potentially on your property and if obviously if she comes back and says no we do not agree that you are going to alter your plan to

**Will Bliss:** Yea the only clarification that I'll make there is that the wetlands on the west hand side of the property are going to be technically both Army Corps and DEC jurisdictional so in that sense there would be some Army Corps wetlands on the site but we are not aware of any wetlands on the northern side

**Paul Marlow:** yea it sounds like they are more concerned about the north end with wetlands

**Will Bliss:** I'm hearing the comments and we have not delineated any wetlands in that area.

**Paul Marlow:** Okay

**Rich Berkowitz:** Can I ask a question, did you look for wetlands in the area?

**Will Bliss:** Yea we had our wetlands biologist review the entire site and she determined that area to be upland, I actually double checked this because we had seen the wetlands on this old subdivision map from Misty Meadow and I have an email from our wetlands scientist confirming that she did auger tests in that area and she did not identify wetlands there, happy to follow up with that email.

**Paul Marlow:** Sorry Mr. Geiss do you happen to know, you referred that your deed said there is wetlands on there what was about the year that you built your house and that this was all done?

**Eric Geiss:** 2011

**Paul Marlow:** Okay so the delineation is no longer valid just so you're aware, but I think what they are hearing is their concerns and I think that obviously we are waiting for something from Army Corps

**Eric Geiss:** When does the delineation expire?

**Paul Marlow:** They are good for 5 years.

**Eric Geiss:** Okay can they go back and check. I mean do you want me to show you just the walk through?

**Will Bliss:** I am not denying that there may be wetlands on your property or on north of the property boundary

**Erik Geiss:** On all of our properties

**Will Bliss:** Like again I said we only delineated within our property boundary and we did not delineate any wetlands in that area so

**Lyn Murphy:** Ill pull your deeds and provide it to our engineers so that they can take that into account when they are looking , wetland delineation is really more our engineers per view and they advise us but unfortunately , but I don't know anything about wetlands so to me that looks like , Im a lawyer not a

**Rich Berkowitz:** Where do you live on that map?

**Eric Geiss:** Right here

**Rich Berkowitz:** Here show me on this, so you're in the 50 yard buffer basically, 50 foot am sorry, I'm used to golf sorry

**Eric Geiss:** Yep I mean basically our property is essentially to the border. Second story notwithstanding just when we walk back in our own yard we would see clear cut through it easily not much , of course we would have a never ending array as far as the eye can see from our second floor in terms of just mirrored array , but so I think a lot of the concerns have already been mentioned, you know it's the pure aesthetics we love going into our back yard , this would completely change it , we are highly concerned about the depreciated value of our homes , we're concerned about the impact of the environment I find it laughable that you could clear cut acres and acres of woods on wet lands and then proclaim that this is a green energy source particularly if it's going for 20 years , concerned about , and again we haven't had time to research it, what the impact is again because the ground water is right there in terms of anything leaching into there , yea I probably have more concerns but Im blanking out right now.

**Rich Berkowitz:** This is why we have public hearings so we can hear this from the residents, and a lot of us do share your concerns , this is why we are not voting on this tonight and we are going to listen to the engineers, and also to what the residents say , your neighbors,.

**Don Roberts:** Thank you

**Alfred Kiblin:** Alfred Kiblin, 32 Misty Meadow way, the land slopes to the creek that's behind my house normally there is only three or four inches of water in it, we have a thunder storm it could be up to three feet that all runs down behind me, Hidden Farm road to Smith Road I've seen the culvert on Smith road where it cannot handle that amount of water.

**Eileen Kivlen:** Eileen Kivlen 32 Misty Meadow, Eric basically mentioned the concerns that my husband and I have along with our neighbors, the visual effect looking at solar panels instead of the beautiful trees that we see now. It was said that there's no noise from this solar farm that was one of my concerns is it going to be noisy are we going to hear the noise from the solar farm. We already have run off, water run off after a storm onto our property once they clear cut the trees that are there, a whole forest of trees and install solar panels I can't believe that there is not going to be more run off onto our property. A big concern of mine is health related issues, the electromagnetic radiation how's it going to affect our health. Eric mentioned property value decrease if we decide to sell, perspective buyers are going to take one look at a solar farm in our back yard and walk away, it's going to depreciate our, the value of our home. My husband and I are passionate about wildlife, one of the reasons we chose the lot we built on was because of the forest that was behind us, its home to many animals and birds and we're passionate about that. The Eco system we have behind us it's going to be destroyed. Every land animal, bird they live there and they depend on this eco system. In conclusion I just want to make it clear that I am not against solar farms and solar energy, what I am against is where this solar farm is being proposed, its affecting everyone who lives on that side of Misty Meadow Way and the other homeowners in our development whose homes will depreciate in value after this, also affects the Kingsbrook Development, Moreland Drive which they will look out their windows and see solar panels, a solar farm so those are my concerns and I thank you for listening and giving me the opportunity to speak tonight.

**Don Roberts:** Thank you, guys would you like to address the health concerns and the noise please?

**Will Bliss:** Yea happy to address those, so regarding the noise concerns the only major equipment on site that does emit any sort of noise are the inverters and the transformers, those are located centrally within the array, it doesn't look like Paul has a diagram now but we did submit a diagram to the Planning Board showing that there is referencing a study, acoustical study that showed that essentially within a 100, once you leave a radius of about 150 feet outside of those equipment pads your back to background noise levels those equipment pads are located about 400 to 500 hundred feet at a minimum from any property boundaries so there is not going to be any noise impact from the project.

**Paul Marlow:** I think I just saw John had the plan, I think ones here and then ones somewhere down in here

**Will Bliss:** That's correct, I guess regarding health concerns, we can definitely provide back-up that there is no electromagnetic negative impacts on health, this is a common misconception on solar arrays and has definitely there's numerous studies that we can provide the Board to prove that. I guess the one other thing I'll touch on just regarding the eco system concerns, we have a number of these projects in operation currently and once they are in full operation they are truly a passive use of the property, wildlife returns to these areas, the wetland will continue to be utilized by the same animals that are currently on the site now so, I do want to just point that out, that that does, something we've noticed on projects that are currently in operation you walk through a site and the only thing you can really hear are birds chirping and animals so.

**Don Roberts:** Okay thank you.

**Alfred Kivlen:** Alfred Kivlen Junior, how is a deer going to get a cross an 8 foot fence? And the other thing is your clear cutting the property, your cutting all of the trees down that is going against climate change, you have living things that are supporting the climate, you eliminate them and I don't know.

**Jamie Fordyce:** I'll just speak with respect to the deer no they are not going to penetrate the fence but we are occupying only 25 acres of a 50 acre parcel, the wetland habitat to the west of the property has a significant buffer along it and that's where you have the greatest eco system values at the time. In terms of clear cutting the , a lot of the interior site this was if you go back to I don't know 2006 and aerial image you'll see that a lot of the interior of the site was Pasture so while there is mature forest on the perimeter which helps the siting on the project the interior really largely shrub.

**Alfred Kivlen:** Just one more thing, why can't they move the solar panels from Hidden Farm Market road over to this other corner where there is no panels right now?

**Will Bliss:** The reason we've avoided this corner is that we've got a utility easement that runs down the access road and then juts south, and so we've tried to stay out of the way of the utility , we also have a north facing slope on that particular part of the parcel which makes it infusible to build.

**Don Roberts:** Yes M'am

**Sylvia Mitch:** Good evening Sir I have my concern right , my name is Sylvia Mitch resident of the Smith Road, I am respectfully writing about my concern about this project in 48 Smith Road I can see that a serious issue the fact that all forest will be completely removed. It will compromise the stability of the incline land area, since the forest protect from erosion and from eroding. Therefore the rate of erosion will increase dramatically in two scenarios. The first heavy rains, the second flash flooding event which can be a single event with a bit amount of water in short period of time, this is in addition to the properties and is going to be an even more concerns for people who live down the hills which properties not only going to devalue much more also the insurance company are going to increasingly raise the policy rate. Thank you so much.

**Don Roberts:** Thank you

**Will Bliss:** Can I just address the stormwater comment really quick, so we have as I have mentioned both a storm water analysis conducting a pre imposed impact of the project, I just wanted to highlight a couple of things about the site, 85 % of the soils onsite are well drained soils , this helps percolate water into the soil , the soil type is actually really the primary factor that impacts run off rather than the actual cover type on top, we are also proposing float diffusers to help mitigate stormwater issues and we also have couple of storm water treatment locations on the project site , the post project stormwater impact is actually better than pre project so there will actually be less runoff in this general area because of the project.

**Don Roberts:** Okay thank you.

**Sharon DeChiro:** Hello my name is Sharon DeChiro and I live at 32 Moreland Drive. I did not receive any notification of this project and neighbor at 8 Eleanor nor my neighbor at 16 Eleanor, and those were the only two I contacted so I don't know if you don't think we are going to be impacted but we did not receive any notification. So I live I don't know what side of the map you would call it on but you know where Moreland is on that map. I look up at this hill, I look up at this farm so whatever type of burm or whatever you're going to put there Im still going to be looking up at all of these solar panels, I'm not going to be looking up at a field, I'm not going to be looking up at trees, I'm going to be looking up at solar panels. At the bottom of our property is a large wet land , there is a flowing stream that is going through my property and it goes down to the other end so for somebody to say that there is no wetland there they can come to my property any day they want and I will walk them back there. You cannot walk through that property even at this time of the

year because it's so wet, Im just really disappointed because I don't know what letters did go out but I can assure you many people did not receive notification.

**Don Roberts:** Once again Im sorry about that okay.

**Sharon DeChiro:** And the other point I'd like to make up which I think is interesting or point out is whose home is on this property up at the top? The homeowner it's interesting that none of the solar panels are around his property, he's got quite an area between him and those solar panels but yet they have no problem going up to those property lines around everybody else. Says a lot about the project. Thank you.

**Don Roberts:** Thank you.

**Angela Barnett:** Hi my name is Angela Barnett and I live at 12 Eleanor Court, I did receive notification in my deceased husbands name and I had to go pick it up in Mechanicville. Im looking at this more from a holistic perspective and when I was taking notes I quoted and so I think this statement that was made by one of the gentleman here I can't recall, "Yes a development will definitely be impacted, they will be looking into the solar farm" that is a statement that is really hard to kind of equate it into this equation as a variable and the weight that it holds. These homes are newer homes and they have paid a significant price for these homes Im on Im not sure what side it is but the left hand side of the screen and that pool is mine so part of the draw of coming into the Town of Halfmoon was Belmonte and he had these developments and his design of his homes is the openness of his homes and the two stories and the windows and Kingsbrook in the back these were the prime properties, so my bedroom is all windows in the back and during different seasons I either see snowy trees , I see no foliage and I can clearly see, I use d to have friends that lived up on Smith road I can see their driveway from the top of my driveway because that's how high the elevation is and how clearly I can see when there is no foliage. So now these homes and because of the height are going to be looking into a solar panel farm. So Im asking you the Board to carefully the weigh the variables that's even been stated , yes a development will be impacted and that wasn't the development that I live in , interestingly enough I believe they walked the land but it was too dense with foliage to walk it is that correct, did I get that right ? No, okay

**Lyn Murphy:** When Planning went to the site they didn't walk the entire site they said that they had walked the entire site, as have your neighbors

**Angela Barnett:** Okay I think we are saying the same thing but I probably didn't convey it because Im nervous, because I got a letter in the mail and oh what, and not a whole lot of information and Thanksgiving and Christmas and here we are but there is a lot of vegetation and the consideration of taking that vegetation down all of these trees coming down its beautiful and when I go to work and I drive down Farm to Market Road towards Waterford and when the sun is coming up it's a beautiful place to live, it is and I really hope that those intangible variables are considered. Thank you.

**Don Roberts:** Thank you.

**Claire McRae:** Good evening my name is Claire McRae I live at 24 Misty Meadow Way, I did get a letter Im one of the authors of one of the written statements that you received today. I wanted to make a comment several comments but I'll try to keep it brief. What alarms me most about this plan is the visual impact and what that will do to my home value. I bought my house in 2019 for better or for worse this is the first time im meeting a lot of my neighbors because it was only a couple months before the pandemic and we all went

inside. So that has been one good thing to come out of this if nothing else , so I am at , my point is Im at the beginning of my mortgage and Im concerned that any equity I've built in my home what so ever is going to be nearly destroyed , I realize home values are not going to go down to zero somebody will buy it someday but with all due respect 10 percent off my energy bill isn't going to do it, I'd have to live there the rest of my life , my kids might have to live there, so that really concerns me , some of my neighbors have been in their houses longer but no one can really suffer that kind of hit to their equity and these things have to go up somewhere but it seems to me they should go up somewhere where any developments that come in after the fact are purchased by people that know what they are getting. We didn't have that opportunity, well we're getting it right now I guess, and these are our concerns I have 50ft buffer between my property line and where the solar panels will start I believe Im along the north there , 50 ft. I would bet is not even as much as the length of this room, 50 ft. of woods of mature trees, is nothing because mature trees are big they are not like, they're not crowded in there it doesn't provide a lot of visual screening and I was just concerned that the visual screening that is being proposed here is not going to do what its intended to do. Also the length of time that we've had to consider and digest and research honestly I've been looking into , Im not an engineer Im not, I don't know anything about electricity and radiation , I've been trying to conduct research but I also have a one and a three year old and its Christmas season and my dad just got surgery on his wrist and my mom just broke her knee so they need a lot of help so I've been limited in time and we've had ten days I know that's legally sufficient perhaps but it's not ethically sufficient to give us an opportunity to consider what's going on here and gather our thoughts and maybe work together to come up with something so just those are my thoughts , oh and also I just wanted to make a point , somewhat tongue in cheek when I first met with Paul on this I offered to let him , anybody come up to my bedroom and take that photo that everybody has been talking about , I will stand by that if you want to come and see what it would look like , take a photo I understand there has been some new drawn photos that I haven't had a chance to really see but yea I can't really tell very well what that looks like or where it's from but I'll take a look it certainly looks like a whole lot more than 50 ft. of trees to me , I can't see it very well. So anyway the offer still stands , and then also I just , looking at these plans this gentleman had said that the inverters are going to be 400 to 450 ft. from every house but I just don't see how that's , I mean just based

**Will Bliss:** That's not 60 ft. that's the scale so

**Claire McRae:** Yea, 80 ft.

**Will Bliss:** So if you measure from here to the closest point here plus this point, we did an engineering program

**Claire McRae:** Yea but I just don't see that's like how many of those could you fit in there that's just maybe 250 ft. from Eric's house

**Will Bliss:** I'm sorry that's 160 ft. from this, this is 80 feet.

**Claire McRae:** Alright, well I will take a look at that, thank you for clarifying. That's all I had to say thank you very much.

**Don Roberts:** Thank you.

**Will Bliss:** Can I just speak very briefly in response to the past few comments, so you know when I was, I think misquoted but what we were trying to express was we recognize that comments have come in and

concerns have come in with regards to aesthetic impacts and we are here to hear those concerns and work with the Board to determine the optimal outcome here. What we started with is the Town ordinance which allows for a 50 ft. setback from the front and rear and a 30 ft. setback from the side yards, we've actually increased that to 50 ft. on all sides and obviously have a greater buffer where the wetlands exist so I just want to put that out there. You know we met with two of the neighbors of Smith road today paced out the steps, got a sense from their perspective on what that might look like and you know they had some suggestions we're here to take and listen to the public and take comments from the Board.

**Jim Brown:** Jim Brown, 5 Hidden Farm Lane I'll be brief. One thing I just want to mention that other people have mentioned in the neighborhood like my street which is Hidden Farm which pretty much is parallel to Misty Meadow on the North it's not even on that picture, from my upstairs window I can see where they are going to build the solar farms, it's not even just the neighborhoods that you see on that map its even further north because one thing I want to mention is its very hilly our development is not flat it's all hills and I think the development to the west as well its very hilly so if you guys wanted to actually come and see for yourselves you know Im at 5 Hidden Farm Lane if you want to just see my view from a perspective, obviously the Misty Meadow side I think we'd be more than willing to show you guys and you guys are more than welcome to come out, I just want to say thank you for your service and everything and I want to wish you a Happy Holidays, thank you.

**Don Roberts:** Thank you, you too, yes Sir.

**Mike Kennett:** I'll be quick also my name is Mike Kennett Im from 12 Misty Meadow. My house is pretty much the eastern most one from Misty Meadow that Borders on the property I guess my main question because Ill echo Eric's comments and some of the earlier ones that there is, it's almost a stream that runs right through my back yard it is technically on my property it's not on their property per se' but it will be greatly affected by any changes in the drainage for sure on such a large property so I was curious what kind of engineering analysis has been done to make sure that it doesn't change the drainage downstream.

**Will Bliss:** So we are both we run a pre and post construction and stormwater analysis to analyze the site on the existing conditions and then on the post construction conditions. Our stormwater engineers have determined that we are going to need to include a couple of flow diffusers in a couple of the areas where the slopes range between 5 and 10 %, those are illustrated on the drawings. As far as protecting that existing stream we are, we have our erosion and sediment control plan, we will have silt fence all along that northern side protecting that area and then we also have a stormwater basin at the base on kind of the northern most point, just to the north of where the road, access road ends, one thing I just want to note with this wetlands conversation as well is and we don't have a drawing on here displayed, but if you look at the contour lines of this property you will see a low point that is right on the other side of the property line which would be an area that a wetland is likely to develop its not on our property boundary and that's likely leading to the delineation results, again I am not a wetlands biologist, I rely on EDP our biologists there but they have determined that that area on our property does not have a wetland currently but we will confirm that but we do have a full erosion and sediment control plan that is going to illustrate how we are going to protect that existing stream area.

**Don Roberts:** Very good, anyone else? Sir.

**Jeff Beberwyck:** Good evening everyone my name is Jeff Beberwyck, I live at 59 Smith road which is pretty much where that arrow is on the right hand side and the east side of the property and these gentleman



came over were nice enough to stop over and show me what 50 feet meant of the center of the road and Im still extremely concerned about the visibility of the panels , my house sits up slightly one of those views it taken pretty much from the one corner of my house , yea that one right there and you know those woods are very thin they are talking about putting trees in but my house sits up a little bit and from our second story rooms we will definitely be looking down into it but I mean over all Im just concerned about the whole project I think its encroaching on at least the two sides in particular I didn't realize that Moreland was so high that it's looking almost down and into it so I mean you're looking at three sides and the only one like this woman suggested the only one that's not affected is the property owner and it just doesn't seem like a good spot for this if you look at the other farms that you see a4round the area they are pretty secluded they are not surrounded by people and you know the folks that especially on the road to the north those people they just moved into those houses they are not that old and to have this thing spring up all of the sudden I mean we are the same way but there are less of us involved on Smith Road but certainly the beaches and myself and a couple more people here are more affected by this than the homeowner which is kind of absurd. But thank you very much I certainly appreciate the forum.

**Don Roberts:** Okay thank you, yes Sir.

**Chung Li:** Good evening my name is Chung Li Im from 30 Misty Meadow Way, so I think my neighbors already said , Im just going to repeat it, we moved into this property more than almost 10 years now so I would like to step out of my house look In my back yard , I want to see trees , Im a proponent for solar energy right or renewable energy but there is always a good place to plan well and be good neighbors and be able to have some compromise so Im concerned about aesthetics, Im concerned about the property , the value of my house so I hope that we can come to some compromise so please consider this request the property views from my neighbors and probably the views across many neighbors in Harvest Bend areas so , appreciate your consideration into this matter.

**Don Roberts:** Okay thank you Sir, has anyone that has not spoken that would like to speak? Okay go ahead, we heard a lot, come on up, we heard a lot ad we've got people online as well so

**Sharon DeChiro:** Im just looking for confirmation , Sharon DeChiro, 32 Moreland Dr. , you just mentioned that the lower side of the property might have wetlands is the lower side what your considering Moreland and Eleanor Court, that's what Im looking at? When you said the lower side?

**Will Bliss:** No I was referring to the northern part of the property, there are certainly wetlands on the west side of the property.

**Sharon DeChiro:** So the west side would be the Moreland Drive?

**Will Bliss:** Yes, we've delineated those and confirmed those wetlands exist with a member of the DEC.

**Sharon DeChiro:** Okay thank you.

**Don Roberts:** Thank you, okay yes Sir.

**Greg Beeche:** My name is Greg Beeche and I live on Smith road and I have lived there it's my only home all of my life I've lived there for over 50 years and every so often I upgrade the house and my main concern is the effect the property's value will drop, statistically you can look it all up but its, people aren't going to buy

a house across from an industrial type of thing looking through the woods. The existing drawings show the fencing being 50 feet in from the right of way but it's really only 35 feet, the trees that they are showing to cover the solar panels are about 5 feet high and 4 or 5 feet wide, it will not in any way cover the unsightly view from a residential neighborhood. There is three sides that are affected and the west, the north the east, the trees are beautiful there although they're rough in winter time when they talk about having 30 ft. setback the trees are totally bare, they're rough there is no cover, the years I've spent there where it was a beautiful site and adequate, a residential area with possibly a hundred homes around it as opposed to one interest where they put in this solar installation. There are dozens of properties away from other residents that could be had. It's not urgent I'm all for solar I'm all for wind power but this is taking away from residents that have put all of their future and past historically and so forth. I don't think that it's worth upsetting all these residents and having to contend with a commercial installation there. I think that there are easier, better places to put it and I don't see how it benefits anyone that pays taxes in this local. Thank you.

**Don Roberts:** Is there anyone in the room who has not spoken that wishes to speak?

**Veronica Cieszynski:** Veronica Cieszynski, 18 Misty Meadow Way. So I do have some questions and concerns, one of my properties is directly impacted with the wetlands and I understand that and I don't know if the word or the terminology that you used was that only for a short period of time, what was that term that you used?

**Paul Marlow:** The delineation from the subdivision which Misty Meadows is part of, when they do those delineations they are only valid for 5 years and then they have to go back out and basically re-do them to verify that the wetlands are the same or lessened or increased.

**Veronica Cieszynski:** So with our plots that we have it does indicate that we do have the wetlands on our property and it would be very unlikely I would think that the line just where that ends that that's where the wet lands' end. With that being said it is still very wet there, you know in regards to the natural weather that we do have. My question is and I know that you had mentioned something in regards to the Army Corps. Is there a special permit that you are obtaining to get this to build on this area? And typically it's about a 100 foot away from these areas so is that considered into your plans?

**Will Bliss:** You're on Misty Meadow correct? So if there is a wetland in that area that is on our property, it's likely to be an Army Corps jurisdictional wetland, not a DEC wetland, typically DEC wetlands do carry a 100 foot required buffer which has been Cary on the western side of the property if that wetland on the north area is on our property and is a jurisdictional Army Corps of engineers wetland they typically do not require a buffer for solar projects because there is no disturbance when solar projects are installed but we would have to see what the final delineation looked like if there is a wetland on the property there would be a permit required to be filed if we were disturbing Army Corps of engineers wetland in that area but to our knowledge there is not on the property that we are going to disturb.

**Veronica Cieszynski:** Another question I have for you is that when these draining systems that you have is this typical with any of your projects or specific to this area?

**Will Bliss:** So we have designed a system specific for this project but they do generally have a standard pattern that you follow there is an appropriate spacing that you typically look to implement with the panels that will minimize the required stormwater features that need to be installed and so we've implemented those

features here but we have done a site specific analysis for this property as well, as requested by MJ Engineering.

**Veronica Cieszynski:** And why was it don't for this project?

**Will Bliss:** It was just requested by MJ and the Planning Board to confirm that there are no stormwater impacts that will negatively impact any of the nearby property so sometimes Boards do not require that for all projects, we haven't done a stormwater analysis for every one of our projects but it was requested by the Planning Board and MJ and so we had no problem running that analysis.

**Paul Marlow:** So I just want to clarify one thing real quick the State DEC requires that projects that disturb more than one acre prepare these sorts of plans; so it's actually it's for them to provide a SWPPP for us for review to assess stormwater impacts is actually a state mandate.

**Veronica Cieszynski:** That they had that....

**Paul Marlow:** Yea so whether it was solar farms or a hundred houses a SWPPP would have had to of been provided for a disturbance of over one acre

**Veronica Cieszynski:** Not because of the history of the wetlands that are there?

**Paul Marlow:** No it's just because the State requires any construction activity that disturbs more than one acre to provide some level of an erosion sediment control plan or full blown SWPPP depending on the size and what type of project it is.

**Veronica Cieszynski:** I have a question about some of the photos that you took, one of them I believe is my back yard and Im just curious on how that one there, what are we looking at for this specific area?

**Will Bliss:** In terms of how is the rendering developed or...just so I can answer it appropriately?

**Veronica Cieszynski:** I just want you to explain, what just what

**Will Bliss:** Explain the photo?

**Veronica Cieszynski:** Yea explain the photos

**Will Bliss:** Essentially what was done I took an image using a telephoto zoom lens of existing conditions and we had our engineer and EDP basically create a 3 D model of the project, That model gets brought into the image using photo shop and google sketch up and then they model the project in the background and then they peel away basically the vegetation that is proposed to be cleared to create a rendering of what the project is likely to look like

**Veronica Cieszynski;** So behind those trees that where you see, that's the solar the panels?

**Will Bliss:** Yes, I guess the blue tinted areas are panels, yes

12/13/2021

**Veronica Cieszynski:** Okay I don't think I have any other questions except I think I am you know solar farms are you know they can be very useful, oh one more question for you guys , for these particular panels do you already have the solar leased out of sold to somebody else ?

**Will Bliss:** In terms of kind of this subscription that Jamie

**Veronica Cieszynski:** Yes

**Will Bliss:** No , typically we wait until we are a little bit closer to construction to start getting subscriptions so that's something we would definitely work with getting the Town on once we are through the Planning Board process.

**Veronica Cieszynski:** Thank you

**Don Roberts:** Your welcome, anyone else who has not spoken, okay Sir make it quick please.

**Sean Kim:** Hello my name is Sean Kim and I live at 19 Misty Meadow Way and I guess I have the same concerns as the neighbors here but Before I moved her 2015 and if you look at the overall view of the residential area I was kind of thinking that , that area was going to be developed for extra more homes not more like and industrial type business so I guess the question I have is like , the zoning for the residential area how does the city come to the decision putting it , industrial type of

**Lyn Murphy:** Big scope the city did it, it's a Town, the Town did a comprehensive plan, they also addressed all of their zoning laws maybe 10 years ago, 5 years ago we had seven different public workshops and as part of all of that process it was determined that solar panels with a special use permit could go in residential areas. The reason for the special use permit requirement is exactly this. So this Board makes a decision after hearing from all of the neighborhood. If it was allowed as of right there wouldn't be a public hearing so they built in some protection for the people who may or may not want solar farms, so that's what we're doing here today.

**Sean Kim:** Okay Im just looking that the you know the map there that you see all the residential area in there you put a big solar farm in the middle it very, I have the same concerns as everyone else

**Lyn Murphy:** And everybody appreciates that it was an interesting mix when they were going through some of the decision making and the people who would prefer them so they don't have traffic and it doesn't add to the school taxes and so that , you know it depends I guess.

**Sean Kim:** Okay thank you.

**Don Roberts:** Your welcome, real quick come on it's the last one

**Lyn Murphy:** There's someone online

**Don Roberts:** Yea, we've got someone online

12/13/2021

**Eric Giess:** I just wanted to comment on the people who may like it or may not so me and a couple people canvased the entire neighborhood we spoke to I believe upwards of 73 , 74 people we did not find a single person who was in favor of it. Everyone was uniformly against it, so.

**Lyn Murphy:** Do you have, did you do a petition by any chance?

**Eric Giess:** We had a letter, we spoke to each person, that's the letter that I believe you got sent and signed 73, 74 names.

**Lyn Murphy:** Perfect I just want to make sure that was in the record.

**Eric Giess:** No one was for it.

**Don Roberts:** Okay thank you, okay there is someone online that wishes to speak, please say your name and address and concerns.

**Paul Marlow:** We have two people, Laura I know you had messaged me first, Laura Bernard are you there? Laura you have to unmute yourself if you would like to speak or I could just read your comment? Okay well she is not responding so her comment was, "this is Laura Bernard of 16 Misty Meadow Way, we have serious concerns about the location of the proposed project and its proximity to our property. We share all of the same concerns raised by our neighbors this evening and it is our sincere hope that the Planning Board will take all this input into consideration. A project of this magnitude does not belong in our backyards." And then I have a Khafar Ali that lives at 32 Smith Road, yup.

**Khafar Ali:** Yup I have a director of engineers I was just wondering does your solar panels contain cadmium?

**Will Bliss:** No it does not.

**Khafar Ali:** Okay does it contain any toxic metals?

**Will Bliss:** No, there silicon based panels.

**Khafar Ali:** Okay can you provide any proof of that, documentation or something?

**Will Bliss:** So we haven't cured the specific panels but we can definitely provide some cut sheets of typical panels that we've used on our projects before, we typically utilize a couple of manufacturers so I can definitely provide some cut sheets to the Planning Board and to MJ Engineering.

**Khafar Ali:** Okay I would really just like to know if this stuff goes on if there is any toxic materials that could possibly leak out if one of the panels gets damaged and starts being a concern because you know it's right smack dab in the middle of everyone.

**Will Bliss:** Yea of course, there's actually been a good study done by Massachusetts DEP that verifies that that's not the case, happy to also submit that to the Planning Board as well.

**Khafar Ali:** Okay

**Don Roberts:** All set Sir?

**Khafar Ali:** Yes

**Don Roberts:** Okay

**Paul Marlow:** Okay, I have a Chris Leshner of 71 Smith Road are you there?

**Chris Leshner:** Yes , so this is Chris Leshner I live at 71 Smith Road , I've lived here for about 25 years , moved into the Town because it was rural , open lots of trees , the last thing I want is an industrial facility across the street from my house. Im much more in favor of the natural habitats and not interfering with the wild life that would be there. I understand that it may come back to some degree but you know I still don't want to be seeing an industrial facility right here. Looking at Google maps and there is developments all around this thing I mean your shoehorning this thing into the middle of people who have built houses here not expecting something like this to show up. There's plenty of other vacant lands within the Town and I understand that they would have to be acquired but you know you can take a field that's not being used for anything and put something like this there where there is no houses around it. Rather than affecting peoples properties and peoples view you know that they've settled a life into something and now you're trying to throw this in there so I guess I just wanted to you know share the sentiments that many people tonight that I don't think that this is the right place for this project. I understand that it needs to be a certain size to be viable and I just don't believe the property is large enough to provide enough buffer to protect the neighbors and be viable for the output that you're looking for so my strong recommendation would be to see if there is a better place in the Town to put this, thank you.

**Don Roberts:** Thank you Sir. Okay at this time, we will close the public hearing

**Paul Marlow:** We've got one more

**Don Roberts:** Oh we've got one more, sorry keep it open one more

**Paul Marlow:** Ryan 25 Misty Meadow I see you asked a question would like me to just read it for you or would you like to speak? Okay, he asked what happens to the site when the lease expires in 20 years.

**Will Bliss:** Sure, so we have pulled together a decommissioning plan, submitted it to the Planning Board outlining the process to decommission the facility. We have proposed to security that has be reviewed and approved by MJ Engineering that will sit in escrow to ensure that the project is decommissioned at the end of its useful life.

**Paul Marlow:** Zach Steele 34 Misty Meadow Way.

**Zach Steele:** Yea I just have two quick questions, 1 is just whether or not you have looked at the opportunity to install any kind of visual barrier to protect the aesthetics for those that are directly adjacent to the solar farm like an earth and berm or some other type of obstruction?

**Will Bliss:** Yea we haven't proposed an earth and berm but we do have a vegetation, a vegetative barrier that we have proposed aesthetic we have a full planting plan included in the plans that the proposal mainly

focuses on retaining existing vegetation and then supplementing it with additional balsam fir and white spruce to help further hide the project from any neighboring properties.

**Zach Steele:** Thank you, a couple more comments, the rendering that you showed in the photo shows that even in the fall where you still have a lot of foliage it's still very visible so I'm just curious if there is a cost effective way to install some type of earth berm or something that would protect the view for those properties?

**Will Bliss:** Yea so developing an earth and berm involves moving quite a bit of dirt and it involves quite a bit of disturbance so you're likely to have to actually remove a lot of the existing vegetation in order to install something like that, we highly recommend that we try to maximize existing vegetation in place and supplement it with an additional vegetation. We have found, we've done a number of these projects and we've found it to be by far the most effective way to screen the projects.

**Zach Steele:** Okay look I don't want to dwell on it but the point here is simply that it's not effective in this photo even with a lot of foliage it's highly visible. I would appreciate the team looking to see if there were other opportunities to further block the visual image.

**Will Bliss:** Certainly hear the concerns once we can get some feedback from the Planning Board we are open to any of that feedback to try to further enhance the project and minimize visual impacts.

**Paul Marlow:** Someone asked online what the size of the new trees you're proposing will be?

**Will Bliss:** So original plantings are proposed to be 5 to 6 feet tall they should grow to be much larger than that as I think Jamie referenced earlier the maximum height of these panels is typically about 8 and half feet so 5 to 6 feet when they are installed and then they'll grow into themselves.

**Paul Marlow:** Is there anybody else online that would like to speak? If you do just please say so on the chats so I can keep track of it.

**Don Roberts:** Okay I think we're safe on closing the public hearing as I said before new information has been received and they have been submitted to the Town engineer for review, now they will not be back on the agenda until the review is complete and typically we meet the second and fourth Mondays of the month however this is the last meeting of the year the Planning Board Agendas are posted on the Town website so if you want to keep informed about what's going on I suggest that you go on the Town website for the second and fourth Mondays of the Month starting in January and if they are on the agenda and you want to come your more than welcome to come, there is no more public comment, we've got a lot of comments here both verbal and written and trust me you have been heard, okay so that being said thank you for coming.

**Paul Marlow:** Just to clarify, we do Rich and I, we do have an extensive list with several hundred people on it, it's an email list that will give you, it will get you an email every time an agenda goes out, a lot of people opt to be on that if that is something you would like to do there is a contact form on the Planning Department website if you could either contact either Rich or myself you just click on our name it will bring up a generic contact form just please send us an email with your email requesting to be added to the agendas, decisions list we will add you to that list and then you will get an email every other week, usually depending on how the week goes, on Wednesday, Thursday sometimes Friday morning with the agenda and then following the meeting you will get Tuesday usually is what's called decisions which looks like the agenda but has a quick

12/13/2021

little one lines of what the decision was at the meeting of that particular item so if you are interested in being on that list please just send us a contact form on the website of stop by the office and give us your email, whatever and we will be happy to add you to that list so that if you forget to check the website you'll at least get that email.

**Don Roberts:** Thank you Paul, once again thank you for coming.

***ELP Halfmoon Solar – Site Plan & Special Use Permit***

***TABLED. Board held a Public Hearing and tabled the application for a solar farm at 48 Smith Road in order for the applicant to address concerns raised by the public and Board***

**New Business:**

**21.196                      Albany Med 453 Rt. 146 - Sign**

**Donald Roberts:** Excuse me, we've got more going on here, can you go out I the hallway please.

**Paul Marlow:** Excuse me, we would ask that if you could just take your conversations out in the hallway so that we could continue.

**Paul Marlow:** We appreciate your patience. It's very, very rarely is it this long? We've been pretty good for like under 45 minute meetings, but sometimes they run a little long.

**Lisa Tymchyn:** Well, it's nice to know that people are more ticked off about something besides signs for once.

**Donald Roberts:** If I start falling asleep, please forgive me, alright. Go ahead.

**Donald Roberts:** Ok, next item on the agenda under new business.

**Lisa Tymchyn:** My name is Lisa, I'm from Saxton Signs, Inc. I'm here to request a small post and panel sign to be placed outside of, in the parking area of the Albany Med site, which is located at 453 Route 146. Their main sign faces Route 146 and their entrance basically is, faces the parking lot and even as I was up on the property, somebody came by and rolled their window down and said "do you have any idea where the entrance is for Albany Med because I have to pick up a test kit". So, they're looking to have a very small sign put over the doorway underneath the main sign which is the Merrill Lynch sign and then one on a post that kind of looks like a parking lot sign, and that's it.

**Donald Roberts:** Comments by the Board.

**Richard Berkowicz:** I'll make a motion to approve the sign.

**Marcel Nadeau:** I'll second.

**Donald Roberts:** All in favor? (All were in favor) Opposed? (None were opposed) Motion Carried

**Lisa Tymchyn:** Thank you, thank you.



12/13/2021

**Donald Roberts:** Thanks for waiting.

**Albany Med – Sign**

**APPROVED.** Board approved new signage for the existing Albany Med facility at 453 Route 146.

**21.206/21.207      Johnson Real Estate, 1433 Rt. 9 – Change of Use/Tenant & Sign**

**Lynn Johnson:** Hi, I'm Lynn Johnson. I live at 9 Crowsnest Court. I'm the broker owner of Johnson Capital Reality and as you can see I bought the property. It is zoned commercial, it is a home and I'm looking to get a mixed use to have the real estate office on the first floor and keep the other half of the house residential and then I do have an application as well for a sign, which I do believe falls within the parameters.

**Donald Roberts:** How many employees do you have?

**Lyn Johnson:** So, because it's a real estate business, we don't have employees, we have independent contractors. So, I have a total of 4. Some have full time jobs, they do part-time real estate. Typically, realtors work out of their homes. I haven't worked in an office in about 3 years now, but it's nice to have a place where, if they do want to come in or have a meeting that we have a place. So, to answer your question, there's a total of 4 of us.

**Donald Roberts:** Ok. Comments by the Board?

**Richard Berkowicz:** I make a motion to approve the Change of Use and Tenant sign.

**Tom Werner:** I'll second it.

**Donald Roberts:** All in favor? (All were in favor) Opposed? (None were opposed) Motion Carried

**Lyn Johnson:** Thank you.

**Donald Roberts:** You're welcome.

**Johnson Real Estate– Change of Use/Tenant & Sign**

**APPROVED.** Board approved signage and the use of approx. 1,700 SF of space for a real estate office.

**21.208      DISH Wireless Antenna, Elizabeth St. Ext. – Telecommunications Co-Location**

**Paul Marlow:** Yes, she's on line.

**Donald Roberts:** She's on line, okay why don't we have her explain them all and then we'll take action on each one, alright?

**Paul Marlow:** Ok Deborah, if you could just unmute yourself and go through each one of them quickly and then they'll take action on them.

**Deborah Burke:** Sure, Good evening to the Board, thank you for the opportunity to do this via zoom. So, the first tower that I have is on Boston Main Railroad Road also known as Elizabeth Street Extension in Mechanicville. DISH Wireless is proposing to install 6 antennas as supporting equipment. They have a base

12/13/2021

cabinet. Their lease area on the ground is only a 5x7 so they will have a small platform and an ice bridge for the cabling going up to the tower. So, for those of you who don't know when T-Mobile and Sprint merged about 2 years ago, part of the FCC merger agreement was that a 4<sup>th</sup> carrier had to be developed and DISH is that 4<sup>th</sup> carrier. So, that's why you're seeing a lot of DISH applications. The next one is, and please stop me if you have any questions. The next one is at 7 Vosburgh Road in Mechanicville. This tower we're just adding 3 antennas with the existing supporting equipment and when I say supporting equipment, there's radio heads that go behind the antennas and the cabling that goes to the base equipment. The base equipment, again, will be a 5x7 lease area with a cabinet and be on a small platform with an ice bridge going to the tower for the cabling. The next site is 15 Solar Drive in Clifton Park and

**Donald Roberts:** It's Halfmoon, actually, go ahead, it's Halfmoon, go ahead.

**Richard Harris:** Should we vote on each one of these?

**Donald Roberts:** No. No no.

**Tom Koval:** Wait and do them all.

**Donald Roberts:** Wait until the end.

**Deborah Burke:** Okay so, this tower is, we're requesting to add 3 antennas and the supporting equipment and the base cabinet on a platform with an ice bridge, and then the last tower is at 15 Route 236 in Clifton Park. We're proposing to add 3 antennas here as well with the supporting equipment and the base cabinet on a platform ice bridge. This tower is a tree tower and I'm told that any disturbance to the branches and stuff will be replaced and fixed when they do the installation.

**Donald Roberts:** Now, for all these towers, the overall height will not change, correct?

**Deborah Burke:** Correct. Nothing in the structure of the tower itself changes. Just the addition of the antennas and you should have, well you have the construction drawings and also structural analysis are done on all the towers before we do any modifications.

**Donald Roberts:** Ok, now Board, for the first one, Elizabeth Street, anyone have any questions:

**Tom Koval:** I make a motion to approve.

**Marcel Nadeau:** Second

**Donald Roberts:** All in favor? (All were in favor) Opposed? (None were opposed) Motion Carried

**Don Roberts:** For the next one on Vosburgh road

**Tom Koval:** I make a motion to approve

**Marcel Nadeau:** Do we need SEQR Don?

**Don Roberts:** No, right Paul?

12/13/2021

**Paul Marlow:** Yes do it.

**Tom Koval:** I make a motion for a negative declaration to SEQR

**Marcel Nadeau:** I second that

**Tom Koval:** And a motion to approve

**Donald Roberts:** All in favor? (All were in favor) Opposed? (None were opposed) Motion Carried

**Don Roberts:** For the third one Solar Drive

**Tom Koval:** I make a motion for a negative SEQR

**Marcel Nadeau:** I second

**Don Roberts:** All in favor? (All were in favor) Opposed? (None were opposed) Motion Carried

**Tom Koval:** I make a motion to approve the co-location

**Marcel Nadeau:** I second

**Don Roberts:** All in favor? (All were in favor) Opposed? (None were opposed) Motion Carried

**Don Roberts:** For the last one 15 route 236 , this one they are going to replace the tree structure as needed can I have a motion?

**Tom Koval:** I'll make a motion to approve, negative SEQR

**Marcel Nadeau:** Ill second

**Don Roberts:** All in favor? (All were in favor) Opposed? (None were opposed) Motion Carried

**Don Roberts:** Now a motion to approve

**Tom Koval:** I make a motion to approve the co-location

**Marcel Nadeau:** Ill second

**Donald Roberts:** All in favor? (All were in favor) Opposed? (None were opposed) Motion Carried

**Paul Marlow:** Just for the record. Just for the record, real quick. The Elizabeth Street extension seeker.

**Tom Koval:** On the Elizabeth Street Extension I'll make a motion for a negative seeker.

**Marcel Nadeau:** I'll second that.

**Donald Roberts:** All in favor? (All were in favor) Opposed? (None were opposed) Motion Carried

**Deborah Burke:** Thank you very much.

**Donald Roberts:** You're welcome. Good luck, take care.

*DISH Wireless Antenna, Elizabeth St. Ext. - Telecommunications Co-Location*

**APPROVED.** Board approved the request to install new antennas and ground equipment on the existing tower.

*DISH Wireless Antenna, 7 Vosburgh Rd - Telecommunications Co-Location*

**APPROVED.** Board approved the request to install new antennas and ground equipment on the existing tower.

*DISH Wireless Antenna, 15 Solar Dr. - Telecommunications Co-Location*

**APPROVED.** Board approved the request to install new antennas and ground equipment on the existing tower.

*DISH Wireless Antenna, 15 Rt. 236 - Telecommunications Co-Location*

**APPROVED.** Board approved the request to install new antennas and ground equipment on the existing tower.

**21.103                    Lamar Advertising Billboard, Rt. 9 (South of Stone Quarry Dr.) – Sign**

*Tom Koval recused himself.*

**David Levitt:** Hi, I'm David Levitt, I'm with Lamar Advertising and we're looking to get a billboard approved. There's a current, existing billboard. It's a static billboard. We're looking to change it to digital and we've been through the Zoning Board and we've given concession of turning the Board off from 11:00 pm to 5:00 am and

**Donald Roberts:** That's just on the one side, right?

**David Levitt:** It's on the southern side with the board. We had a light study done. We had an Engineer come in and he gave, ya know, his reasons for, ya know, the spillage for the lighting and the Town agreed that we could turn it down for a few hours throughout the evening and early morning. The Board would stay the same size. It would look aesthetically better because there's a monopole right there. It's one pole. Currently, its 2 separate billboards that are back to back and they have these eye beams and it's an older look. This will look a lot better.

**Donald Roberts:** Okay thank you. Questions by the Board

**Richard Berkowicz:** You're gonna change this every 20 seconds, instead of 10?

**David Levitt:** No. 10 seconds.

**Richard Berkowicz:** Ok.

**David Levitt:** The State regs are 8 seconds.

**Richard Berkowicz:** Yeah, but the Town is different.

12/13/2021

**David Levitt:** Right, and we were proposing 10 seconds.

**Richard Berkowicz:** Ok. I'll make a motion to approve this sign contingent on being turned off from 11:00 pm to 5:00 am.

**David Levitt:** Yes. The south side, the south side.

**Donald Roberts:** The south side.

**Richard Berkowicz:** The south side. Not changing less than 10 seconds.

**David Levitt:** Correct.

**Tom Werner:** I'll second.

**Donald Roberts:** All in favor? (All were in favor) Opposed? (None were opposed) Motion Carried

**David Levitt:** Thank you very much. Happy holidays.

**Donald Roberts:** You too.

***Lamar Advertising Billboard (south of Stone Quarry Rd) – Sign  
APPROVED. Board approved a new digital billboard with conditions related to hours of operation for the sign and interval of image rotation, pursuant to the recent ZBA approval.***

**21. 148                      Hoffman Car Wash, 1589 Rt. 9 – Site Plan**

**Jason Dell:** Good evening, Jason Dell, Engineer with Lansing Engineering, here on behalf of the applicant for the Hoffman Car Wash site plan. Last we were before the Board with the project, we were proposing alternate entrance location off of Route 9. If you recall, the original approved plan, you folks approved, had a shared access with the gas station next door. The new owners of that gas station no longer honor the original agreement for that and, as such, we revised the location to be at the northern end of the site. We did reach out to DOT with this configuration and the DOT representative did conceptually approve it. We sent that correspondence along to Rich at the time we received it. Most recently, we submitted the revised engineering plans and SWIP to CHA for review and we have addressed all of CHA's comments, and as part of those comments we are asked to update the DEC adjacent area disturbance permit which we have also done. So, we're here this evening to request an approval for the project.

**Donald Roberts:** Questions by the Board?

**Tom Werner:** What's the lane configuration for exiting? You gonna have separate lanes for left turning and right turning vehicles as they exit?

**Jason Dell:** No. It's just one access, in and out.

**Tom Werner:** I'm thinking that if there's any vehicles stopped at the light in the left turn, is there a left turn lane in that, or not?

12/13/2021

**Jason Dell:** It's center lane

**Tom Werner:** Center, two-way left turn lane, yes.

**Jason Dell:** Yes.

**Tom Werner:** Ok. But if the light is red and any stacked cars stacked up, it prevents a car from making a left turn. How many feet away is the signal?

**Jason Dell:** Signal's approximately 90' away, 100' away.

**Tom Werner:** 100 feet.

**Jason Dell:** Yup.

**Tom Werner:** So, that's about 4 vehicles.

**Jason Dell:** Yeah, and we would work through all that with DOT. As I said the current configuration

**Tom Werner:** They're gonna grant the permit for the driveway as is?

**Jason Dell:** That's correct.

**Richard Berkowicz:** Ok. So, how many cars can that queue hold?

**Jason Dell:** Approximately, I would say 5 or 6.

**Richard Berkowicz:** From the main entrance all the way around I mean all the way around, yeah. From the intersection where the people come out. From right there forward. Because you don't want to block that entrance either.

**Donald Roberts:** Can you same your name please.

**Marty Andrews:** Right, Marty Andrews, Hoffman Car Wash. I don't know how many cars we've got there, probably 9, I would think coming out of there all the way in.

**Jason Dell:** You could stack all the way in through the exit and out, if that was the case.

**Don Roberts:** So, how many?

**Marty Andrews:** 9.

**Richard Berkowicz:** I'm talking stacking coming in.

**Marty Andrews:** Oh. Coming in is probably

**Richard Berkowicz:** Leaving, leaving, you can control that.

**Marty Andrews:** Yeah, there's probably 32 cars coming in. This will be one our largest stacking areas now that we've flipped the site like this. So, we have the 3 lanes. The 3 lanes with the tellers, and I don't know if you guys are familiar with our site up at Northline Road with the tellers. So, we don't have a person out there talking to you. You drive through. So, we have one lane, if you have our membership pass. Automatic, it's like an EZ-Pass. The gate goes right up, you'd drive right through.

**Richard Berkowicz:** How many can you cycle through in an hour?

**Marty Andrews:** 100. 120 cars.

**Richard Berkowicz:** Ok.

**Marty Andrews:** And, to answer that question before, for the left-hand turn, they would only be turning into the Speedway. That's the only place they could go. If they're cued up on that light.

**Jason Dell:** Yeah, the light is down here with Speedway.

**Marty Andrews:** Right.

**Jason Dell:** There is no light up here?

**Marty Andrews:** Yeah. Down here. Speedway's the only place.

**Tom Werner:** It would be helpful if you showed directional arrows on your sketch. To know the traffic, ya know, internally.

**Jason Dell:** The layout plan that was reviewed by CHA, and the final plan will have directional and does have directional signage internally.

**Tom Werner:** Showing the lane configurations, ok.

**Jason Dell:** This is a three-lane access. There's 3 tellers here, until you could stack 3 cars wide back there

**Tom Werner:** The cars exiting across cars incoming? Where's your exit when you come through the carwash?

**Jason Dell:** The exit comes out here, up and around.

**Tom Werner:** So, right there they have to

**Jason Dell:** This is all vacuums in here.

**Tom Werner:** They have to cross the incoming cars?

**Marty Andrews:** Right, there will be a stop sign right at that section, right there.

12/13/2021

**Tom Werner:** Ok.

**Marty Andrews:** Yup. Right there.

**Tom Werner:** Yup.

**Donald Roberts:** Anyone else?

**Richard Berkowicz:** Can people come in from Route 9 and go right to the vacuums?

**Marty Andrews:** Yes. They can.

**Richard Berkowicz:** Are you gonna have a stop sign.

**Marty Andrews:** There's a stop sign right here.

**Richard Berkowicz:** How about coming out.

**Marty Andrews:** We could have a yield sign for the cars coming out. Because the ones that are gonna come into the vacuums, are gonna come right in. I mean, they're

**Richard Berkowicz:** Yeah. If someone comes around that corner quick.

**Marty Andrews:** Right.

**Richard Berkowicz:** They're not gonna see them.

**Marty Andrews:** Right. That's where we'll put, we could put a yield sign right there. Probably not a stop sign, but a yield sign just, because they'll see them coming. They'll slow right down. Because the people coming out are going slow. The people coming in seem to be going a lot faster than the people leaving, so. Ya know. People have gathered themselves after they got there and slowed down a little bit.

**Richard Berkowicz:** You'd hate to smash up a clean car.

**John Higgins:** You don't have room for two-lanes going out. A right and a left. Because as they were talking about....all you need is one car going out, trying to make a left-hand turn and he could, he could back things up for quite a while.

**Marty Andrews:** Taking a left-hand turn out of here with the turning lane and the two other lanes, we don't see a, the one we have on Route 7, that's a 55 mph road and we have just, it's a right in and right out, out of that road too, and we don't have a backup there. Because we have the turning lane

**John Higgins:** Yeah. It's a right in, right out. This one, you're looking at both right out and left out. That's the point I'm trying to make.

**Lyn Murphy:** So are all the other buildings on Route 9, although other buildings surrounding this



12/13/2021

**John Higgins:** Yeah, but they're not gonna have the volume of traffic. I mean, you know, you go to a Hoffman Car Wash on Saturday and you can have 50 cars lined up, I don't....I'm just trying to make a point that you could very easily cause a major traffic jam or accident there.

**Marty Andrews:** So again, back onto the Route 7 one where we have, it is a right, it's a right and a left out. So you could take a left out onto Route 7 and again that's 55 mph. It's right across from Keehler.

**John Higgins:** And that's a fairly new one, you just opened.

**Marty Andrews:** Yup. Yeah. And we have no backup problems there, going out, especially when you have the turning lane. That seems to really help a lot. I mean, the one on Hoosick Street, we have a right and a left out.

**John Higgins:** What's the big problem with putting 2 lanes out? Ya have room. I mean, all your talking about is a little bit more pavement.

**Jason Dell:** We could certainly look into that. Ya know, that'll be up to DOT. If they'll allow it.

**Donald Roberts:** Yeah, that's right DOT would control that anyway. Yes.

**Marty Andrews:** If the guy comes back and says that what he would like to have happen, that's what we're gonna have to do.

**Donald Roberts:** Ok.

**Jason Dell:** We've had other developments right along Route 9 in that similar area when we did the Harbor Freight, for instance, they limited the size of our access there significantly to what DOT would allow. So, I'm understanding your concerns John that that's gonna be anything if we propose it and they say no, we can't do it.

**John Higgins:** Ok.

**Thomas Werner:** For vehicles that are making a left out and want to go over to Sitterly Road, which is high traffic area, I would expect there's a certain, significant percentage of vehicles would seek to go that way. They gotta go, what, across 5 lanes?

**Jason Dell:** Yes.

**Tom Werner:** That's problematic in my mind.

**Tom Koval:** You're kind of taken that road, I mean, I'm just thinking, ya gotta be a kamikaze if you're gonna decide to shoot over Sitterly Road. I just, at some point you gotta hold people personally liable for their own actions and common sense.

**Richard Berkowicz:** And also, if it's

**Tom Koval:** You can't govern stupid out of people?

**Donald Roberts:** Thanks Tom. I wasn't gonna say that, but thank you.

12/13/2021

**Richard Berkowicz:** But also, if it's too dangerous there, they're just gonna go across the street to Mobile and take a right in and a right out.

**Tom Koval:** Yeah, I mean, really \_\_\_\_\_ if they are going to try that, we need to weed them out.

**Tom Werner:** Believe me Tom, you'll see em.

**Richard Berkowicz:** I'll make a motion to have a negative declaration with seeker.

**Donald Roberts:** Can we have a second?

**Tom Koval:** Wait a minute, this has to be subject to

**Donald Roberts:** That's next, that's next. Can we have a second for seeker?

**Tom Koval:** You got it.

**Donald Roberts:** Ok. A motion and a second for seeker all in favor? (All were in favor) Opposed? (None were opposed) Motion Carried

**Richard Berkowicz:** And I make a motion to approve the site plan based on Clough Harbor's approval.

**Tom Koval:** And I'll second

**Richard Berkowicz:** Not approval, but input.

**Donald Roberts:** All in favor? (All were in favor) Opposed? (None were opposed) Motion Carried Marty, when you build, its Hoffman's of Halfmoon, don't forget now.

**Marty Andrews:** It will be Halfmoon.

**Donald Roberts:** Thank you.

**Donald Roberts:** Last, but not least. Scott, we put you last on purpose because I knew it was gonna be a long night.

**Richard Berkowicz:** No one's gonna be here. There's no one to protest.

**Hoffman Car Wash- Site Plan**

**APPROVED. Board approved a site plan amendment for the proposed new carwash, with a condition requiring final review by the Town Engineer.**

**21.190                      Twin Bridges Parking Expansion #2, 1626 Rt. 9 & 4 Oakhill Dr. (corner) – Site Plan**

**Jason Dell:** Again, Jason Dell, Engineer with Lansing Engineering here on behalf of the applicant for the parking expansion. We were before the Board a couple of weeks ago, where the Board referred this addition to the site

12/13/2021

plan to the reviewing engineer, MJ, to take a look at the stormwater and the grades. We did submit the engineering plans and revised SWIP to them. We did receive comments and, to date, we have addressed all of Joel at MJ's comments pertaining to the project. So, we are here to request an approval.

**Donald Roberts:** Questions by the Board?

**Richard Berkowicz:** I make a motion to approve the site plan with a review signoff by MJ Engineering.

**Tom Koval:** I'll second.

**Donald Roberts:** All in favor? (All were in favor) Opposed? (None were opposed) Motion Carried

***Twin Bridges Parking Expansion #2- (corner) – Site Plan***

***APPROVED. Board approved a site plan amendment to add additional parking for the Twin Bridges facility, with a condition requiring final review by the Town Engineer.***

**Donald Roberts:** Anyone else got anything?

**John Higgins:** I make a motion to adjourn.

**Rich Berkowitz:** I'll second it.

**Donald Roberts:** All in favor? (All were in favor) Opposed? (None were opposed) Motion Carried, thank you good night, Merry Christmas, Happy New Year, see you next year.