

5/10/21

**MINUTES MEETING
Town of Halfmoon Planning Board
May 10, 2021**

Those present at the May 10, 2021 Planning Board meeting were:

Planning Board Members:

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

Planning Board Alternates:

Charlie Lucia
Brendan Nielsen-absent

Coordinator- Building, Planning and Development:

Richard Harris

Senior Planner / Stormwater Management Technician:

Paul Marlow

Town Attorney:

Lyn Murphy

Deputy Town Attorney:

Cathy Drobny

Town Board Liaison(s):

John Wasielewski
Eric Catricala

Town Engineer:

Joel Bianchi

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

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

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

Mike Ziobrowski: I'll second.

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Don Roberts: All in favor aye? (All in favor) Opposed? (None were opposed) Motion carried. we have two public hearings and a public information meeting tonight. I would like to announce for those people watching online if you want to speak at either of these please go into the chat room and put your name and address in the chat room so that we may call on you when the time comes, we appreciate you doing that, also Board members please use the microphones as the notices say right, okay first item is a public hearing.

Public Hearing

21.070 Eastpointe Homes, Cemetery Road – Amendment to Final Subdivision (Site Plan)

Jason Dell: Good evening my name is Jason Dell Im an engineer with Lansing Engineering here on behalf of the applicant for the Eastpointe subdivision. As you are aware the project is currently under construction and we are here requesting a couple of minor changes to the approved subdivision. As you are aware the project is currently under construction and we are here this evening requesting a couple of minor changes to the subdivision plan. The first change is in order to provide additional area for the lots at the center of Bradley Circle. The applicant is looking to reduce the number of lots in there from 7 lots down to 6 lots, so then the total number of lots within the subdivision will be reduced from 37 lots down to 36 lots and additionally the lot line that traversed the center of the circle, we are also looking to shift that line over approximately 10 feet to give these lots a larger rear yard. The second change involves a front yard setback , the applicant is proposing a revision of the front yard setback along the outside of Bradley Circle beginning at lot # 12 which is addressed 39 Bradley Circle extending to lot #30 Bradley Circle. So the approved front yard setback is 20 feet for the project and the applicant for those lots we would like to reduce that front yard setback from 20 feet to 15 feet. So we are here this evening for the public hearing on the project.

Don Roberts: Thank you Jason, at this time we will open the public hearing is there anyone in the room here that would like to speak? Once again anyone wish to speak? Anybody online wish to speak? Anyone online wish to speak? I guess not, seeing no one wishes to speak we will close the public hearing, comments by the Board members?

Mike Ziobrowski: I would like to make a negative declaration for SEQR.

Rich Berkowitz: I second

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

Mike Ziobrowski: I would also like to make an approval under the revised section.

Marcel Nadeau: I 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

Eastpointe Homes – Amendment to Final Subdivision (Site Plan)

PUBLIC HEARING HELD & APPROVED. Board held a Public Hearing and approved a lot line adjustment and setback modifications for the Eastpointe Homes subdivision.

21.040 / 21.044

Shops of Halfmoon Drive – Thru Restaurant, Rt. 146 – Site Plan & Special Use Permit

Jason Dell: Good evening my name is Jason Dell engineer with Lansing Engineering here on behalf of the applicant for the shops of Halfmoon Drive – Thru Restaurant, I think everyone is aware of where the Shops of Halfmoon are, it's at the intersection of Route 146 and Old 146, for our project this evening the applicant is proposing construction of a 2,100 sq. ft. 46 seat drive thru restaurant in the vacant area of the Shops of Halfmoon. The original approval of this area were approved for a couple of sit down restaurants, however as the project has developed there is now an Auto Zone and the proposed Drive Thru Restaurant will be next to that. So access into the facility will be by one existing curb cut onto 9, 2 existing curb cuts onto Old 146 and the existing curb cut that is shared would be Wellness Spa. As you come into the project customers will be able to drive through and use the Kiosks in the back of the store and there is room in the back of the store for approximately 10 cars. Water, sewer and stormwater will all be, sewer and water will be fed by connections and mains that were put in as part of the original project and stormwater will also drain to some of the infrastructure that was originally proposed and constructed for the project as well as a small new stormwater area along the eastern side. At the last meeting there was a little bit of a discussion about the traffic study, the Town presented their own traffic study the applicant had a response to that traffic study that did go to DOT, we did get feed- back from DOT today where it got to this level, agreed to the mitigation and that being which would be provide striping along route 146. We have submitted detailed engineering plans to the Towns engineer, we don't anticipate significant technical comments pertaining to the plans as I mentioned the infrastructure has already been installed. Wendy is here from VHB if there is any traffic comments on our end and we are here for the public hearing for the special use permit in hopes of advancing the project.

Richard Harris: I do want to add also Mark Nadolny from Creighton Manning did the Towns analysis is also here, if the Board wants to ask specific questions.

Don Roberts: Okay thank you guys, at this time we will open the public hearing would anyone in attendance like to speak? Once again would anyone in the room like to speak? Anyone online wish to speak? No one online okay we will close the public hearing, comments by the Board members?

Tom Werner: Jason could you describe specifically what you are proposing out on 146 as they approach.

Richard Harris: Wendy I do have Marks report do you want me to get you that?

Wendy Holdsberger: Oh the picture? That's fine, or whoever you want to answer it, we can share

Richard Harris: Yea, okay

Wendy Holdsberger: I'm Wendy Holtzberger with VHB its essentially the left turn lane at the adjacent single light intersection to the east its extending that to have a short two lanes in front of that existing right of way, which there is a bigger one in here , so it's essentially extending that to be a short

Tom Werner: There will be a two way left turn there but an exclusive left turn when you get up to the signal

Wendy Holdsberger: Correct.

Rich Berkowitz: Can you use the pointer and just show us what you are talking about on there?

Wendy Holdsberger: So essentially it changed it into a hatched area there so it's a useable

Mike Ziobrowski: So that's the left turn, so if I'm heading east that's the left turn crossing two lanes correct?

Wendy Holdsberger: Right so if you are taking a left right there, which is what you do now, I mean its existing people take that left turn into the site, yes you do.

Mike Ziobrowski: And does the traffic back very up far when the light turns red on 9 and 146?

Mark Naldony: Mark Nadolny Creighton Manning Engineering, yes it does and that's one of the reasons why we're recommending to restripe the two way left turn lane so that it does queue back past the driveway so when making a left turn and staging that area while that line of cars cycles through the traffic signal and merge into the traffic so they don't have to wait until they get a gap in both directions they make a two stage left turn.

Mike Ziobrowski: Wouldn't it be safer to make a left turn at the light then versus trying to cross two lanes?

Mark Naldony: There is the option to make a left turn at the light as well, however the analysis shows that there is not an accident found today if you go back and look there aren't those types of accidents at this existing driveway, and someone could feel uncomfortable making that left turn or if it's at the busiest times of the day they could use one of the other access points to access the light, but during non-peak times their movement should be restricted DOT did review this and agreed with the recommendation we had.

Tom Werner: So that two way left turn lane would also be for left turns for traffic going west bound?

Mark Naldony: And south as well yes, and this condition around many other areas on route 146 where the main turn lanes lead into an exclusive left turn lane at the traffic signals so there are other examples of this up and down 146 within the Town of Clifton Park and not so much in Halfmoon because in Halfmoon doesn't have these facilities.

Tom Werner: There is still the need for left turns exiting east bound where we would really like to see all of the traffic go out on old 146 and use the signal for the left turn.

Mark Naldony: Right so the analysis did show that you couldn't restrict left turn, however in order to do that you would force all of the traffic to go onto Old 146 but by doing that you would have to add more green time to Old 146 that left turn then would affect the array by adding those left turns there so you would be taking time from the main line to provide it on to a whole new 146 so rather than impacting the major improvement which is the DOT road in our opinion it would be more advantageous to try those options than rather be everyone use that one

Tom Werner: if you have two west bound lanes making a left out then depending if somebody's in there to a left turn light.

Mark Naldony: Well if someone's in doing the left turn light they will be making a left in so this signal also meters traffic, so when it turns red it also almost creates gaps for people trying to make a left turn out so they could then stage in the two way left turn it almost creates a natural gap because of the traffic signal adjacent to the intersection.

Tom Werner: Okay for patrons accessing route 9 entrance what type of certain cycles internal signs to make sure they get the best route to the Popeye's and to the parking lots of the pharmacy, Autozone you know some positive guidance through the roadways especially there.

Mark Naldony: That's a good suggestion I would say that's more of a second hand recommendation where they would want to ask for signage, we distributed most of our traffic on Old route 146 because its either you go through the traffic signal at Old 146 and use route 9 you get to that intersection and it's a little more circuitous to get to Popeye's, it's a lot easier to make the left onto Old route 146 then hit a right turn right above the site so it's actually a little easier to come down 146 than it is to come down route 9 because your sort of sneaking through the existing plaza even though you are already on route 9.

Tom Werner: Okay thank you.

Rich Berkowitz: Now what happens if you make the exit out of Popeye's a right hand only, that forces you either around to Old 146 or back over to route 9.

Mark Naldony: Right that was in the sensitivity analysis which indicated that we would have to re-allocate some green time at that adjacent signal to provide more green time for the south bound laps if you pushed all of the traffic down to Old Route 146 you potentially would have to add more green time just to service that so that was the reason why we didn't feel that complete restriction was necessary.

Rich Berkowitz: But you thought that it would be good for a two way, left turn ****this portion of tape is inaudible**** because that intersection is bad with just the current signal

Mark Naldony: Right

Rich Berkowitz: And if you put a left only it would leave some gaps to help clear up that lane on 146

Tom Koval: We are adding a lot to Old 146 which is already a bad situation and kinda acting like we have to do this and we have to give this access somehow but that's not the case we don't have to give this access anywhere so what we do need to do is address what we are going to do to make it better overall because its already bad and your adding more traffic to a bad situation so that whole 146 southbound lane, the two lanes after standing further back I have no idea if there is room for or not, but there's got to be something addressed with a left arrow because currently if you want to take a left there and you've got traffic coming out of Lowe's because that's used as a thorough fare now you would sit through two or three lights at a minimum trying to take a left, its happened to me just about every time I go through there at 5 O'clock or 4:30 so I understand what you are saying but, we can do this, we can do that, but we are not really addressing the viable traffic that your adding to it. Your adding extensive traffic to this one little corner of it so I don't know what the easy answer is I do know we need to address that Old 146 a little better and I am not comfortable with people heading eastbound across two lanes with somebody coming out of that lot trying to go the opposite way, it's going to be a deadhead there and meanwhile there is cars coming in each direction, it's just a bad situation there.

Mark Naldony: You had indicated that it's sometimes problematic to make that south-bound left, so what you're advocating though is to put more traffic there so allowing the left turn from

Tom Koval: Im not advocating for any more traffic quite honestly.

Mark Naldony Well what Im saying I guess is by restricting lefts you are forcing all traffic to use that and providing the full access would allow a patron the option and the mitigation is the two way left turn.

Tom Koval: What Im proposing is fixing Old 146 and keeping somebody from, I won't say it, keeping more problems on 146 where it's a higher speed limit. I don't want, I'm dead set against anybody heading east out of that 146 entrance, that's my bottom line personally. Now what has to happen at Old 146 that makes it better is where something has to be done , just dumping more traffic out and say they can go both ways saying we have all this new traffic so let's just let them go everywhere, that's not the answer to the underlying problem that exists already .

Mark Naldony In terms of hanging or installing a left turning head there Im not sure if the span wire could handle that we may be into re-doing the entire signal.

Tom Koval: The industry made that not too long ago so

Mark Naldony It would depend on the loads on that span wire if it could handle an additional head. But again DOT has reviewed the study, they were comfortable with the restriping, but I understand that you are uncomfortable in terms of access management, providing more sometimes opportunities for people to make those turns it is better than forcing them to maybe a problematic area. I respect that your opinion is your opinion.

Mike Ziobrowski: So Im going to kind of echo where Tom left off and Im just going to address southbound on Old 146 and you're going to head west on 146 that right lane on Old 146 that turning lane can only handle que about one to two cars. This past weekend while I was heading I was taking a right there because I was heading to get to Advanced Auto Parts, I think it was que back two cars and you could see where the roadway has all of these pot holes in it from everyone driving off of the road to take that right turn right there because there is just not enough queuing ability with the roadway to let it stack up for that right turn, so people are just kind of going off the road to take a right and then on top of this I have the concerns that as people are going east on 146 we can take that left it is the same location as people heading west on 146 to try to take the left hand turn going to the back side of Advanced Auto Parts. So that's the same location of the road that they're going to be sharing that turning lane is it not?

Mark Naldony: Yes that is what a two way turning lane is built for , it's not , it doesn't occur very often but we have recorded 17 lefts into the auto parts, and 13 lefts into Saturday peak hours so to put that into perspective that's one car every 6 minutes, one car every 3 minutes making that left turn at Advanced Auto Parts so the probability that they are going to overlap is probably small and if there is an overlap you would allow someone to make a left turn and then you would make a left turn to take your two left turns so I agree during peak times , every site on 146 , I hear you it's a busy road , however the plaza has been built with multiple access points to provide those option to get in and out and I wouldn't argue that the signal will create those gaps by when it does turn red it will stop traffic in the southbound its pretty well 20 to 25 vehicles is in that southbound lane turn lane, because it doesn't make a lot of sense to come down Old 146

and make a right just to get on route 9 so it's mostly local traffic coming off of Cemetery road making that movement. So it's not really but I'm sure there is people running the shoulder trying to bypass it's not a standard left turn lane or you've got a lot of stacking but again it's why we are not advocating for more traffic on that left turn because it doesn't have a lot of storage there but the ability to sort of accommodate future traffic so again the mitigation in our minds is not that they are not mitigating anything they are actually making an existing condition better by restriping that existing area.

Mike Ziobrowski: I think that's a partial plan, I think having that right turn lane addressed as well as Old 146 southbound would be a secondary measure to try and create a better turning environment with queuing.

Lyn Murphy: With all due respect to the Board and their opinions and their experiences we have two engineering firms and DOT all of which are professional engineers saying that this works, so from a legal stand point that makes it very difficult for me to defend saying that it doesn't just so we are all clear.

Mike Ziobrowski: Well I may not be a professional engineer I'm looking at this from common sense, and it does work, it does work but there are also some better things that can be done

Lyn Murphy: The case file is just extremely clear that non-engineer opinion loses to three engineers each and every time.

Mark Naldony: The right turn that you talked about was no surprise, no one from the site would make that stop on right so they are not adding to that existing problem, that is an existing problem, that's more of a public problem that's existing on the proposed site we would not be adding right turns they'd have coming out onto the 146 access making a right turn rather than circle around and make a right.

Don Roberts: Anyone else have comments?

Rich Berkowitz: Based on the development in this area do you know what's going to happen, how does it change the flow of traffic, is it a temporary situation?

Mark Naldony: Well we didn't take into account all of the improved projects in the area and we did include a growth rate just in general, when you take a right there is that corner that is ripe for redevelopment and if that comes in with a major project then I'm sure this entire intersection will get modified.

Rich Berkowitz: Do you know how it's going to be modified?

Mark Naldony: I actually I worked on the preliminary plans for this so there is some plans to potentially re-align that so it comes out a little straighter, but there are no hard and fast plans right now that development keeps changing, so we don't really know what's going to go there until we know what would be there but yes that corner is so big that it would likely change that intersection because it would not be able to handle the traffic that a development of that size would create.

Rich Berkowitz: You said greatly improve that intersection if the preliminary plans happen?

Mark Naldony: Yes obviously this intersection would not be ignored as part of the project, this is essentially the gateway into that project so they would have to

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Don Roberts: Anyone else?

Rich Berkowitz: I guess I'll make a positive recommendation

John Higgins: Hold on, these two lanes one is a right turn lane coming out to head west on 146, correct?

Rich Berkowitz: No

John Higgins: No there are two lanes in there, one lane is the right turn straight into Lowe's and the other one is a right hand

Paul Marlow: No it's a left turn

Mark Naldony: One is a left turn and then southbound right

John Higgins: Okay it's a left and then straight or right?

Mark Naldony: Yes

John Higgins: Is there any benefit to, I think the stacking is part of the problem, you can only stack two or three cars where those two lanes are over there it's a placebo lane correct?

Mark Naldony: Correct

John Higgins: Since the applicant obviously owns the property on that side is there any benefit to increasing two lanes further back on Old 146 so more stacking can occur?

Mark Naldony: Of course there would be a benefit to providing more storage on that bit of road however, the providing full access on 146 would negate the necessity to do that as you're allowed to make a left turn out using that left turn lane. Will people make that left out of the site, yes however it's not going to fail so you're not degrading or changing levels of service? Are they responsible for upgrading existing conditions?

John Higgins: Your still going to get some people being cautious coming out onto Old 146 because they don't want to take a chance going across

Mark Naldony: I guess I do not know my right of ways out there, I don't know which way the road goes, are they benefitting the right of way where they could, why go to the I guess southwest, you would be making more of an acute angle like pushing the road that way, you would almost have to go northeast in order to widen out there to provide storage and that would be done by the side of the road.

John Higgins: Okay I wasn't talking about effecting the other side of the road, I was just trying to get more stacking in there

Mark Naldony: Right I just don't know if it will make a difference actually there may not be enough room on the back side to be able to create more of a left turn lane, I won't have looked at it until the design is ready

John Higgins: Over on route 9 your By Tractor Supply there is a similar situation and trying to come out of Tractor Supply and head north on Route 9 a lot of the time even in non -rush hours it's almost impossible to get across the two lanes and get in the center turn lane, so Im just envisioning the same kind of problem here, I don't feel it's the best way to go. Im agreeing with some of the other Board members even though we are not engineers, we've experienced what has happened in other parts of the Town in similar situations.

Mark Naldony: Im not familiar with the Tractor Supply situation

John Higgins: It's very similar there is two lanes each way and then a center turn lane that's used on both sides it can back up quite a ways. We are just trying to offer some suggestions because I know you guys feel this is the only way to do it. I know we are just being cautious thank you.

Rich Berkowitz: So basically what Im hearing is collaboration with town engineer's town traffic engineers, our lawyer?

Lyn Murphy: Im not giving an opinion on the traffic I'm just saying legally we have all of these engineers, the case law it could not be more clear that a Planning Board members opinion or experience is going to be trumped by what the traffic engineers say

Rich Berkowitz: Even though the fire departments looked at this?

Lyn Murphy: Correct, correct and Im not commenting on

Richard Harris: We did send it to fire we have not heard back comments. We sent it to them a couple of times.

Rich Berkowitz: How long have they had this for?

Richard Harris: Last week

Rich Berkowitz: So that's enough time for to

Richard Harris: Reached out a couple of times.

Don Roberts: Well let's reach out to our Town engineer Joel do you have anything to add to this?

Joel Bianchi: Not really I mean the Town Highway, the DOT has commented I don't know if I could add anymore opinion, I agree with what they already said.

Rich Berkowitz: So based on our Towns expert opinions and Halfmoon Town Board expert opinions I make a motion to approve the site plan

Don Roberts: We need a neg dec first

Richard Berkowitz: I make motion for a neg dec for SEQR

Don Roberts: Consistent with the original

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Richard Berkowitz: Consistent with the original finding.

Marcel Nadeau: Ill second it.

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

Rich Berkowitz: I'll make a motion to approve the site plan and special use permit

Richard Harris: The special use permit is specific to the drive –thru

Rich Berkowitz: That's separate so I will make a motion to approve the site plan

Mike Ziobrowski: Ill second

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

Rich Berkowitz: I'll make a motion to approve the special use permit

Marcel Nadeau: Ill second it.

Don Roberts: Okay before we vote on this Jason as you know this building is going to be in the Shops of Halfmoon , right , your before the Halfmoon Planning Board , you know where Im going with this right, we really want to see this advertised as in the Town of Halfmoon.

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

Jason Dell: Thank you.

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

PUBLIC HEARING HELD & APPROVED. Board held a Public Hearing and approved a proposal for a drive-thru fast-food restaurant at the Shops of Halfmoon.

Public Information Meeting:

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

Jason Dell: Good evening Jason Dell with Lansing Engineering here on behalf of the applicant for the Tabor road site plan, also here with me this evening are Elana Moran of VHB and Jackie Murray from the Murray Law Firm representing them. So as you mentioned we are here this evening for the public informational meeting, so I'll just give a brief overview of the project and go into the traffic analysis as well as any site issues that we have. The project site encompasses about 5 acres, it's located at 113 Tabor road. The entirety of the property being considered for development is located in the LIC. The property surrounding this property is also zoned as LI-C, light industrial commercial zoning district. So for the project the applicant is proposing the construction of a 43,250 sq. ft. warehouse /office building, associated driveway and parking area. The proposed building will have the potential to be used by multiple entities. Just to re iterate to the

Board, each one of the potential future users within this building will all have to come before the Board for a change of use / tenant permit. Our current proposal provides about 1400 feet of office space and 41, 850 sq. ft. of warehouse space and access will be into the site will be by one curb cut to Tabor road. Parking within the facility is being proposed is 70 parking stalls are being constructed out front and there is also the potential shown on the site plan for an additional parking stalls that are banked at this time, to be constructed in the future as the need presents itself. Water will be extended into the site by a connection to the water main located on Tabor road and the facility will be serviced by individual septic systems and sanitary sewer. Stormwater will be managed in accordance with all requirements there is a subsurface stormwater retention system proposed for underneath the parking lot that has been designed in accordance with all DEC regulations. So a traffic analysis was prepared and submitted as well as a MJ had done the follow up review I believe and traffic so Elana Moran here of VHB that can give a brief overview of the analysis that they project.

Elana Moran: Good evening Elana Moran with VHB we completed the traffic evaluation for this portion of the project, just a quick overview from the traffic perspective. So the Board agrees that 1000 sq. ft. building is going to have roughly 20 employees, access to the site is known as a single access, full access intersection with Tabor road. So for this project since we knew there was the potential for heavy vehicle traffic at the site distance were measured for motorists per passenger vehicle and a heavy vehicle. It takes longer for a truck to enter and exit the facility so there will be a longer gap in traffic for a longer distance for those trips to be made. The posted speed on tabor road is 40 mph but the 86 percentile operating speed is 50 mph so we compared guidelines to the 50 mph operating speed. Based upon that guidance and the measurements made in the field the site distance is currently limited by existing vegetation as well as the burm along the project frontage. So with clearing of the vegetation and then with regrading of the burms the site distances will exceed the actual guidelines for a heavy vehicle and for a passenger vehicle or that 55 mph 86 percentile operating speed. The site is expected to generate as a warehouse use about 20 employees, roughly 15 trips during the morning peak hour and 13 during the evening peak hour. So when MJ had completed an analysis showing a range of different types of land and uses that trip generation potential was kind of a low side of those potential land uses that could go into the site like this, zoned like this. So trip generation, site distances, truck traffic, truck traffic has definitely been a concern by the Board and by the Town which is why MJ went out and did some additional study of the roadway itself, but basically a site like this, roughly the 45,000 sq. ft. 20 employees which would generate 15 trucks per day based upon the institute of transportation engineers data. So it's in comparison to trucks on the road right now, we've collected data in November of 2020 and we have 1,150 vehicles on the roadway itself of those were about 300 were considered heavy vehicles, and this project has the potential to add another 15 trucks to that percentage so it's not really, you still get an increase but it's not, it's a very incremental increase in truck traffic throughout the day. If there is any questions Im happy to answer them otherwise that's it.

Richard Harris: I just want to add I had a more recent site plan package this is an older concept plan from the fall so I do have a more recent plan if anybody wants that its up here I can put that up that's better.

Jason Dell: I would just like to add to that as far as the detailed engineering plans we have gone through several rounds of technical review with MJ Engineering pertaining to the site plans and at this point I believe we addressed all of their technical comments for the site plan, so they are up to where they should be .

Don Roberts: Is that it?

Jason Dell: Yes

Don Roberts: Okay at this time we will open the public information meeting, first of all we received a number or written correspondence from the Town residents, Rich will enter that into the record right?

Richard Harris: Yes, and all Board members got copies

Don Roberts: Okay so that being said anyone in the room like to speak, come up and say your name and address and any comments you may have.

Robert Zack: Good evening thank you for this opportunity, my name is Robert Zack Im here with my wife Eva, we live at 45 Tabor road approximately ½ mile down Ushers road so in a sense we pass this site on a daily basis coming from route 9 to our home. My first concern that we wanted to bring up to at least discuss or understand better is coming from usher's road to Tabor road there is a railroad there which requires a stop. Being a member of some of the local emergency responders we understand the trains at times are stopping on the tracks for an extended period of time, it's somewhat out of our control, considering the size of trucks as well as the increase in traffic I could see it becoming the traffic hazard at that railroad crossing both going to route 9 or returning from route 9 to the site. We are also concerned that the large trucks that are being described , we don't see many of them in front of our home on 45 Tabor, the road is a very narrow two lane road it's not a divided road by all means with lines down the middle. We would be concerned with an increase in traffic and heavy trucks especially around the bend coming from Ushers road where you cross the railroad tracks about 100 meters past there, there is a sharp right hand bend, I am picturing when trucks come around that we have trouble even going straight coming from the other direction because the truck actually has to merge into the middle of the road preventing passing of cars going back and forth at that point. We are not engineers although my wife is an engineer where she works by all means it's just a concern as a resident that adding this amount of traffic, this amount of heavy trucks, large trucks would also affect our property value which is residential for about 200 meters past the site going down, that's everything, thank you very much for your time.

Don Roberts: Thank you, Jason you want to respond to that please?

Jason Dell: As everybody is aware there is a railroad crossing in the area it has all of the appropriate swing arms, the lights , as far as that being impactful on our project it would have the same impact as with any other traffic ****this portion of tape is inaudible**** anything different with anybody using this facility. As far as the large trucks go, I believe Elana has already addressed them in the summary on the traffic studies , Joes described his findings based upon that as well.

Don Roberts: thank you, would anyone else wish to speak?

Paul Marlow: You do have someone online when we are all set here.

Brian Smith: Good evening Brian Smith, 11 northern sites drive, I'm also not an engineer but I'm sort of confused , on the site plans everything is based on 20 employees , then why do we have 70 parking slots? I know sometimes things evolve but I'm concerned about that. Also I've seen what's happening on Ushers road with the warehouses and commercial buildings and all of that going up next to residential homes and thats going to happen also, especially with a warehouse the developer doesn't know who is going to be there, we don't know whose is going to be there, the hours of operation or anything else that is going on with this, and I would like to see the Board put some kind of regulations on the businesses coming in, protecting or

neighborhoods. I was here during Twin Bridges proposals and a lot of regulations were placed on them that I have seen have not come to light and I'm not here to bash Scott Earl because I think he is a pretty good guy, but I was here though the whole thing and it wasn't supposed to be open to the public they were going to take residential waste only, they were going to send the garbage out of the Town, none of that is happening. The trucks back up all of the way down to route 9 because they allow roll offs there now, it's open to the public, and they were basing it on 40 trucks a day and let me tell you there is a 100 a day, I live there I know it I see it all of the time. To his credit he did institute a no right hand turn rule and I do appreciate that and I think that bringing those trucks up that Tabor road is just going to deteriorate that road even more. They did have some studies done Rekuki did, his own engineers had found that the road was substandard it didn't have large enough rings on it and his answer was we will monitor it for a year, I don't know how that is going to resolve the problem but having built shoulders but it's an engineer so they must be right. Also I'm just confused again on having only 15 trips a day or morning and 15 at night and that's what everything is based off of and that's what we are hearing about big trucks and all of that, I'm just concerned about what's going to be in this warehouse.

Don Roberts: Any potential tenant that wants to come in there has to come before this Board so we do have some say in that, with that being said Jason can you respond please to his concerns?

Jason Dell: Yes I will echo what you just said, every potential future user will have to come before this Board, they will have to outline hours of operation, and what the intended operation is for the business, so to that point as far as the parking spots go as she said parking spots there will be an additional 30 that is smart planning, if indeed there is somebody in there that needs a little more parking then the spaces will be available, additional spots could be banked if this Board so chose, however the applicant wants the amount of parking that is proposed right now. As far as potential future commercial, Industrial growth for this area, the parcels that are zoned as part of the light industrial commercial zoning, this is an allowed use for this proposed project, the proposed use is an allowed use within that zone. And to the point I'm not aware of any issues at the Transfer station so I really can't comment on that.

Don Roberts: Thank you Jason, would anyone else wish to speak?

Bob Degnan: Bob Degnan, Northern Sites Drive, I'm just above the proposed site for this. Just a couple comments, thank you for having this public information I know this is not mandatory but you know that this is important, it's important to us, some of our neighbors are here tonight from a traffic safety perspective, a quality of life perspective. We moved out here 15 years ago and it was very quiet, quiet it was in very serene neighborhood, and now constant use of trucks, with Sysco, Twin Bridges, and another warehouse proposed warehouse in our back yards and it's literally and Jason I know you made a comment just based on the maps but it says where the warehouse is going to be it's going to be around the other commercial light industrial buildings this will be directly in the back yard of two of our friends. 113 Tabor, right by a house there is a warehouse so I take contention with that okay. So this is a public information hearing right, I got this sent to me a week ago and this is from the applicants Tom Hayden in the local Business Journal that they are proposing planning, planning not proposing 43,000 sq. ft., so my question is, is this a don't deal that this applicant puts this in the newspaper because if it's not he is putting a lot of pressure on people with this publication.

Richard Harris: I hate to tell you I received a call from the newspaper for a copy of information because they follow our agendas, so in terms of why, how I know this is they called for, Albany Business Journal called for a copy, they have done that on two or three other projects on the agenda, so it's not uncommon for

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reporters to see our agenda and particularly this newspaper ask for copies and then follow up with the applicant.

Bob Degman: Well he should follow up with the applicant, I mean it's a pretty bold statement they put out there saying this, the implication is this is all over with.

Don Roberts: Well I wouldn't say it's a deal but it does meet zoning requirements, that's one thing but also we cannot control what someone puts out there you've got to know that so.

Bob Degman: No I understand that, but he does right, the applicant certainly does so I just wanted to point that out right. So several months ago I sent in what my concerns were, which would probably represent most of my neighbors so I will check through the most important ones so, expansion without investment, what that means is, we heard Brian Smith talk about Twin Bridges, and that's expansion right so we haven't seen, and now here's another warehouse going to come in and Sysco a little further away. We haven't seen the investment in our neighborhood, now we have 11 houses, one has just been added, we don't have fire hydrants on our street but they are going to put a 43,000 sq. ft. warehouse right down the street so that's what I look at as expansion without investment, something that I would like to see. Traffic safety, I put traffic safety as a continuum on Ushers road and on the slides it's not just Tabor that's the concern its beginning with Ushers road and, I don't expect all of you ****this portion of tape is inaudible**** angles I drive them every day so I've got some photographs that will help you understand what our concerns are. All through this you will see Tabor road, this is not just from my mouth but from some of the independent studies. Tabor road is classified as a local rural road, it's not for heavy traffic ****this portion of tape is inaudible**** the noise ****this portion of tape is inaudible**** the incessant beeping that we hear when we go to bed, wake up, that's not going to go away and like I say this warehouse is misplaced, the proposal is misplaced, it's not a natural setting. And all of the unanswered questions, traffic counts ****this portion of tape is inaudible**** lessons learned I can see in another slide Twin Bridges said at the beginning one year ago it was going to be 40 trucks a day, it's probably at over 200 trucks a day, I know Brian mentioned 100 but Im retired and I sat there and counted one morning for two hours, its closer to 200 a day, so what are we to believe here, that years from now it's just 20 trucks a day we've got 70 parking spaces or do we believe the engineers on this. What's allowed and what kind of contents is going to be transported back and forth, are they going to be hazardous materials is that going to be allowed by the Town? Probably would be right? Then finally the warehouse business in my opinion we don't know what it could be, it could increase and the potential for fires and other problems. So I said I was going to continue, so are you fine with this traffic study Rich or anyone here from the Town of Clifton Park, this was done in November so the data collection system that they have here, the wire going across the road, shows the speed limit at 40 mph in fact the posted speed limit is 20, so go to the next slide and you'll see the actual there is the 20 mph speed limit.

Richard Harris: No that is not a speed limit that is a suggested on that turn.

Bob Degman: But it's the only sign there, okay without that then skies the limit okay I understand it should be white right?

Richard Harris: No by default it would be 40 correct? If there is no sign?

Elana Moran: there is a sign there,

Richard Harris: No if there is no sign for speed on that road?

Bob Degman: What would you believe if you were driving on that for the first time? If you saw that sign you would think? If you saw that sign?

Richard Harris: If I saw that sign I would remember my driver's test I would slow down.

Bob Degman: So the data suggests and this was a one week study almost 8000 vehicles average 37 highest speed 77 amazing, number of vehicles so this is where its pertinent they based on a 40 mile an hour speed limit at 25 percent, exceed the speed limit, based on the sign that sits there 20 mph is actually 83 percent of cars exceed it, so what's going on over here makes a bad situation worse, that's what I feel about what's going on here. Please anyone stop me anytime that want to challenge on this, so moving along Ushers road you can on the right pictures of the cars are backed up by the railroad tracks it's a Y intersection, the picture on the left, you see the trailer there, that goes right up, because of a train we are backed up right to route 9, ****this portion of tape is inaudible****. This is something we see every day, so I called Canadian Pacific, 11 to 14 trains a day this is not 1 or 2, 11 to 14 a day. It's been going on forever, and this isn't the applicants fault I understand that but it's going to be in addition to what we are dealing with right now. So now we look at home values, we come right around the corner from County Waste and this is what we look at some beautiful garbage right there it doesn't help the value of our home, they are still there. This is an interesting one so now we're clearly at the Y intersection and a left you're on Ushers road, Clifton Park you take a right and you continue on Tabor road, there is a sign there to the left and that says no trucks allowed, what's the intent of that? And the reason behind that was, so I'm told from the Town of Halfmoon, back when Sysco and some of the other businesses were built, tractor trailers that would come over Liebich and back down Tabor road which is a road not made for heavy traffic of tractor trailers, that sign was put on Ushers road not Tabor road for whatever reason maybe I missed it, I doubt it, so I would propose that sign because those roads are no different, that same sign should exist on Tabor road. Okay Twin Bridges, the reason I put this on the project is because the truck traffic a day is in excess and easily 200. The types of trucks have changed I heard that from Mr. Smith we see that all of the time, no left turns are allowed so to be fair to Twin Bridges they stuck to that, literally the hours of operation, you don't know what they are bringing into this warehouse, what the tenants are going to be, what the hours of operation are going to be what the contents are going to be so there are a whole list of terms with that, in addition so there is Twin Bridges, and I will give them credit for the way they have operated their business but all the new developments that are going up the road and there will more traffic coming down the road, guess which way they go, they come down Tabor road to route 9 and then out. So now this is where we are creeping in on Tabor road so bear with me, we just went past Twin Bridges and you are going to take a very severe right, you can't cut the corner because there is a house right there and I want you to also take a look at this, it's probably not the best picture but with the shoulders or lack thereof, that's the way this road is, the shoulders are 6 inches, 6 inches. So that's east bound, so here's west bound coming down Tabor road, and you've got to make this significant left hand turn, so what we see every day coming down are tractor trailers, they cannot hold the lane, they literally can't, so when we see tractor trailer coming around we pull over to get out of the way of the tractor trailers way. That's the road ****this portion of tape is inaudible**** that's the road it's not made for tractor trailers and trucks. So I read through some of the Lansing study, these are some of the responses to my letter of concern. First one is noise ordinance ****this portion of tape is inaudible**** County Waste, Twin Bridges, Sysco they responded that they had no control over their operations, and they don't; neither do we and we are not going to have any control over this warehouse they don't even know who the tenants are going to be so how can they have control over it, that is a serious concern of mine. They don't anticipate any uses that would create noise outside the hours of operation. I'm not an engineer, but how can you say that when you don't know for sure who is going to be in there, it's unbelievable to me. Tabor road is not designed for high volume traffic,

chapter and verse it is classified out of their study, it's classified as a rural, local road. 15, 20 vehicles a day. Depreciating home value, I think that's an obvious one and there is the last one the reply to my depreciating home values, my home. It's anticipated that your house values will have minimal impact. Based on what? What does that mean, how can someone say that about my house, they have no idea what we go through every day and I would ask that you consider the same thing. So conclusion, so the Town of Halfmoon did this stud, heavy vehicle or truck trips will have the greatest impact on the integrity of existing road. Heavy vehicles could accelerate roadway deterioration given minimum lane widths and less than standard should widths. So the road I'm on measures 2 lanes, 22 foot wide, 6 inch shoulders, total 23 foot wide that's it, not a lot so the preferred treatment, Brian mentioned this, this will be after what's waiting here, the preferred treatment of what's waiting here per the Highway Transportation standard, get the total pavement width to 30-feet; two 11-foot lanes plus four foot shoulders. Town of Halfmoon codes for new roads says the same, that they want 20 foot paved shoulders. So you've got two different separate organizations saying the same thing, mathematically it should be a 30-foot wide road. My recommendation, deny the project, meet the zoning. I think there is something wrong there, I've only been there 15, this would be literally in a neighborhood, a 43,000 SF neighborhood. I don't understand that but if you don't want to deal with that for whatever reason then I have a project, if you don't here are my recommendations, at the expense of the applicant conform to those standards, have them pay for expanding the width of the road make it be safe, get it to 30 foot. Correct the danger, dangerous corner of Tabor road, they should, I don't know how they are going to fix that, because there is a house right there by the corner, you can't go right because you'll be in someone's living room. Provide clear standards up front about hours of operations somehow they should have to ****this portion of tape is inaudible**** that should fall to the Town. Site distance is mentioned from a prior presentation that's got to be expanded because you can't see very well from both east and west. Another idea I had that is probably not feasible but I'm going to put it out there, a second access road off of Ushers road ****this portion of tape is inaudible****. An environmental impact study, I'm not sure if anyone has addressed that with the creek but it runs right through and borders the property. I am asking for is some infrastructure support for the existing homeowners and maybe at the expense of the applicant, I don't care frankly. When Scott Earl paved for Twin Bridges he brought water all of the way down Tabor road he made an investment of course he gets to reap the rewards for that with access too but I get, I sat down with Kevin Tollisen four years ago now, we don't have fire hydrants down our street, that's pretty scary. There are two young pregnant women that are in our neighborhood and if a firetruck comes they are going to hook their hose into a pond and its only going to be 3 feet deep at that time what happens then, so that's a big concern. So I would like to get on there on the paperwork, fire-hydrants. That might offset some of the planning negatives, that should wrap it up, that's all I have to share, thank you for your time. I hope the photographs help you get a better understanding of what's going on, we're at the end of that you know the rains coming down and we are sitting there at the end of a funnel and it's a potential problem Any questions or if you could clarify that ?

Don Roberts: Okay thank you, Jason do you have a response to this gentleman's questions?

Jason Dell: I will try to hit them as they came up, as far as the, my initial statement about the LIC zone, I misspoke I apologize I didn't intend to say that the surrounding areas were all developed with commercial properties however they are all zoned LIC, and could be constructed with something similar to what we are proposing here. So no I did not mean to say they are all constructed now but because they could be its zoned LIC. As far as this project, the narrative to this project, it does meet zoning that is in place right now with the Town of Halfmoon, it meets all of those standards, each one of the uses we run into on multiple occasions is that we have no idea of what's coming in there Each one of the entities that are going to use this building are going to have to come back before this Board, they will have to identify hours of operation, they

will have to identify what type of operation it is. They will have to identify whether or not they are going to have hazardous materials, they are going to have to identify whatever this Board asks them to identify and limitations could be placed upon them by this Board if it is somewhat of a concerns I should say. So as far as extending water down northern sites drive, you are correct with the previous project that extended water on Tabor road that was a modification to a planned development district so yes Mr. Earl did run the water all the way down there, this project is per code there is no public benefit necessary for this project. This project will connect to the existing water main that was previously run out on tabor road, a fire hydrant will be included in this facility will also be sprinkled so as far as running water down the Northern Sites drive that is not a part of this project. Nor should it be put upon them to bring water down that road. Again hours of operation restrictions, that is brought up multiple times so it will be brought before this Board again. You had mentioned speed on another portion of Ushers road , as eluded by the traffic study and the presentation by Elana that was taken before this project, looking at the site distance based upon , Elana did say 50 mph, so that was taken into account by one of the traffic studies. As far as the trains, the 11 & 14 per day the back-ups at those intersections, I'm sure that happens all along that line up and down route 9, you know in Halfmoon and Clifton Park and everywhere else 11 & 14 trains per day stop and it does force traffic to back up we've all experienced that at train stops so we really have no control over that, so I don't know if I missed anything else there?

Don Roberts: Okay, thank you, would anyone else wish to speak?

Yifan Gao: Hi Im Yifan Gao, 45 tabor road, I have my PhD in Chemical Engineering****this portion of tape is inaudible****, one of the questions I have, you are not disclosing the tenants at this time, and you all say in future. in time , business will get approved from this Board****this portion of tape is inaudible**** I feel that now and then in 5 years oh we got all of these businesses and then no one got to prove it , so it just doesn't make sense to me why they would rather do the applicants approval but not disclose it right now. So there must be something going on that we don't know about that they don't want to disclose it right now to increase the concerns ****this portion of tape is inaudible****, so that is my concern and also about the traffic study that the engineer was doing, the engineer I don't know ****this portion of tape is inaudible**** from the Town. Me and my husband we go up to the 113 lot, so I drive a Mini Cooper, a super tiny car, so when I try to get out of the driveway, the driveway is on a hill it's not on same level as the road on Tabor and we all know Tabor road is not flat and straight , it curves and the study also say it 83 percent people is driving home 50 miles per hour, so when the huge trucks are coming out of there and by some chance they can't see or we all know how high the snow bank will be and will be in the winter time, so they may have blind spots and when we were driving on the road 45 to 50 miles an hour what is going to happen, maybe hit and crash ****this portion of tape is inaudible**** so I from the ****this portion of tape is inaudible****going to the foot bridge , that portion of the road is very ****this portion of tape is inaudible**** wider than it is going into tabor but recently I had this experience when I was going out to Route 9 and there is actually a railroad track there and a curve and when the heavy trucks come in to the Twin Bridge business they over the yellow line which freak me out a couple times so I don't know who to report that to but that is a concern there with the slightly wider road with a curve. Think about how many curves go into Tabor and how that is going to be and heavier trucks that take ¾ of the roadway up. So I think for the traffic study it cannot only be just the numbers it has to take all of those considerations because we are driving as a person it not just a number ****this portion of tape is inaudible**** we all can do that but it's not a study so that's all I have to say thank you.

Don Roberts: Thank you, Jason

Jason Dell: Again as far as the intent of the building , the applicant obviously builds the 43,000 sq. ft. structure then as each individual businesses that would like to lease or purchase all or portion of the project , building would then come before this Board, identify the amount of square footage of the building that they would occupy, identify the material handling , identify basically the operational program for the space that they are going to be looking to lease and that will all have to come before this Board. And again the traffic study, traffic engineers abided by all the IT standards.

Elana Moran: Im Elana Moran with VHB as Jason was starting to say the analogy is for the traffic study was completed based on all industry standards and policies; the Institute of Transportation Engineers for trip generation estimates for both passenger vehicles and truck traffic. The American Association of State Highway Transportation Officials for all of the site distance, making sure that we are comparing to the appropriate operating speed which is the 80th percentile speed, that's why we did 2,000 vehicles to make sure that we measured right and getting the actual operating of the percentage of which 85 % of vehicles are traveling at or below. There are 15% of that are traveling above the 50 mph. And the site distances again that several people have been concerned about that but what we are talking about here today is providing clearing of vegetation , modifying the grades on the burms so that trucks entering and exiting vehicles entering and exiting they can all see adequately to enter and exit the site. The other thing to note is though when you are actually on Tabor road the stopping site distance so the vehicle speed at which the driver wants to be able to see a car in front of them to stop turning either into or out of the site, that requirement is a little bit lower because it's basically meant to be to have enough space so you can slam on your brakes if you see something happening in front of you. And the stopping distance is actually met under existing conditions right so the measured distances for the stopping site distances so again on the roadway, not somebody entering or exiting the site and just traveling along the roadway measured 70 or 90 feet in the east bound direction and 850 feet in the west bound direction and the guideline is 425 feet, so almost double that guideline for the stopping site distance which is considered a critical site distance.

Don Roberts: Thank you Elana, would anyone else wish to speak?

Shawn Smith: Hi everyone Shawn Smith, Im currently building on 14 Northern Sites, I am probably going to go over the same topics that have been gone over a few times but a few things that I wanted to touch on were specifically dealing with noise pollution and traffic and safety so for context I grew up on Northern Sites and Im going to live there again so Im making my way back. Bob mentioned two pregnant women one is my wife one is my sister and as growing up here I can tell you with certainty that those traffic guidelines aren't always followed and especially on a winding road, just for context of actually driving on Tabor road and I can tell you now seeing it every single day people aren't following the double lines, you see people crossing over the yellow lines all of the time and that is if you are into the 40 mph or and that's something Bob touched on too so, we have people who walk their dogs on the road , they used to much more frequently, they don't anymore just because of the increased traffic by the shoulder and obviously with more cars and heavier traffic you're going to see more deterioration. Just kind of touching on the noise pollution as well the applicants proposed taking down or trying to improve the site lines, however and Im no expert in this but I feel as if you are taking away the vegetation you are taking away some of that noise buffer so that's going to increase noise pollution, which anyone who already lives in the area knows there's already significantly more and obviously if you get a warehouse there it's only going to grow from there not to mention turning out of Northern Sites with those roads , thinking about Winter with a truck , it's not always the best or well-maintained road , in Winter as well so . It can be slippery it can be slick, I just have safety concerns for that as well. Other than that I just kind of want to touch on home values again I know this is light industrial for where its being built but studies show that within a ¾ mile radius of light industrial developments home

values do decrease by more than 15 % in the first four years so as someone who is building right now that gives a little increase in concern obviously not the best time to build anyway but you're at risk building even during good times so we will be seeing a decrease in home values. And again really I think touching on it again we don't know who would be occupying the space but there is potential that you are going to get someone who is operating 24 hours a day and we have already touched on it many times but the evening hours already there is potential Im not saying it's a definite but there is a potential that, that could happen here as well. A couple other points, I sent a letter today but, soil erosion and water supply quality, some homes in the area have poor water level issues, what's that mean for the water table, what that mean for the Dwass Kill rights there as far as run off if there is a septic overflow or something like that. Just a few concerns that I have but that's all I wanted to mention thank you.

Don Roberts: Thank you, Jason any response to that?

Jason Dell: Ill touch on the last point first, what you brought up about soil erosion and impacts to the Dwass Kill , as part of the project we have prepared a detailed stormwater pollution prevention plan, it has been reviewed by the Towns Engineer. It is in accordance with all DEC standards, so that is in place prior to any kind of approval that been provided, as far as noise and hours of operation again that will all be brought before this Board again with each individual user, as far as hours of operation and if there would be the potential for a 24 hour user Im not aware of that at this time , however they would have to come back before this Board, you know with the noise the backup beepers that are required for large trucks, again they would have to be discussed with this Board in the future.

Don Roberts: Thank you Jason, anyone else like to speak?

Patrick Pigget: Hi, Im Patrick Pigget I live at 89 Tabor road I've lived there about 12 and a half years, I just wanted to bring up something I doubt the traffic study has covered. We are at the sharp end of the road east of the site we have witnessed two, three or more accidents, people sliding off of the road every year since we have been here its disconcerting curve sometimes it's the weather , sometimes somebody is driving under the influence, more often than not I think it's just people going too fast. More traffic just makes the spot in front of my house more dangerous. I've got twin boys 10 years old and they are told just stay away from the road twenty feet at least. It's a bad spot it's a country road, more cars, more traffic is just problematic. I just thought you should know that, most don't know about it because cars just pull out of the ditch and drive off. The telephone pole on both sides of the road yet we had two cars in the ditch once, cars have gone into the field, thank you.

Don Roberts: We've seen a lot of traffic issues is there anyone else that wants to talk about anything else than traffic would like to speak? Anyone want to speak at all?

Bob Degman: Yea I just want to make it real clear its traffic issues yes but its deterioration of the road as well, I heard the comments about the site distance, how to remedy that situation coming in and out the fact of the matter is from the Town study and from Highway Transportation, the official study the standards are a 30-foot road, so haven't heard that how that will be addressed, 30 foot wide road and somehow fix that corner of Tabor road, so that is a continuum of the other traffic issues that we talked about but I think at the end of the day nobody is remediating it , and I keep remembering the picture of the two red flags on Ushers road, No Trucks, what's the difference between Ushers and Tabor ? Not a darn thing so that's all I have to say.

Don Roberts: Would anyone else wish to speak?

Dillon Barnum: Dillon Barnum, currently building at 94 Tabor road which is directly across from this site, so I know everybody has talked about some traffic concerns, I know that the area is all light industrial commercial, I understand that. The concerns I have are the traffic study that was done in November, the traffic in front of the location that doesn't take in to consideration all of the traffic that you are getting now for the property now Twin Bridges, also just kind of an odd thing but we are in the middle of a pandemic, middle of a pandemic nobodies traveling, that is something they really didn't take into account. Going along with that, during November, November no one is building, up the road there's all these developments, the building season they are not in the building season at all, the other thing is the trucks, what we consider large trucks they were designated what they were. Most of the trucks that I see go up and down the road are tandem dump trucks, some of the occasional garbage trucks that are coming for deliveries on the road, but the specific death turn on Tabor road, I know I've had to stop for large tractor trailers because you can't make that turn with a tractor trailer without going off of the road and my tires hit at the inside of that turn because tractor trailers are driving off of the road kicking dirt and stones into the road and that's been shortly after they ran sewer up the road. So if they are not dragging off of the road they are going in the opposite lane this is the way it is, we had to a lot wait for a tractor trailer make the turn to be able to make my turn. It's just the way that it is. If nothing else the speed limit needs to be dropped, I mean they said 85 % of the people or 83% potentially do 50 mph, put it a 40 mph road why are you doing 50, I walk down that road, bike down that road to get to the State land to get to the bike path, you take your life in your hands every single time you do it. So if nothing else I think you should be looking at, at least dropping the speed limit of the road to make it safer for not only this but for everybody on the road. Thank you.

Don Roberts: Okay thank you, anyone else? Paul we just have one person online, okay person online would you like to speak please?

Glenn LeBlanc: Glenn LeBlanc 73 Tabor road, okay I'm just bullet pointing what I agree with already that's been said, Tabor road is not wide enough or the roadbed itself is not designed for constant roadway traffic, we had issues quite some time ago when there was another proposal that came up. There's parts of Tabor road in which while there might be 6 inches of road edge there are some places where there is no road edge, as a matter of fact the road edge which is just degrading is about to give way. The traffic right now, the truck traffic pulling into Tabor road transfer station has to veer far left coming over the railroad tracks, veer far left into the west bound traffic lane and make that right hand turn into Tabor road. Where the 113 Tabor road is up basically a fairly good incline and right there where the mailbox is, that is the width of the road right there which is not wide enough to handle 18 wheel tractor traffic, etc., etc., etc. I'm in agreement with how they can come up with 15 am, 13 pm when already there is 20 employees unless they live all together there is going to be 20 extra vehicles in the am and twenty extra vehicles in the pm. Along with an 80 parking spot designed on the site so I don't know how that could be just coming up with 15 & 13. There was also issues brought up on February 21st which I didn't hear addressed at all at this meeting having to do with noise and buffer. There was an issue brought up with HVAC that was going to be going where the units were going, they said it was going to be a steel building, typically they do not put that on top of a steel building but it's got to go someplace and that's going to create noise especially for the residential unit right behind this warehouse. There is also a question about fire access I know they have sprinkler system but that was also not addressed at the February or this meeting as well, for fire department access to the building. The concern is also there is an extra, I'm gonna guesstimate another 15 acres of land behind this warehouse which potentially could be three more warehouses if this is allowed to go through. While this has been a light industrial zoned I can tell you for the past 40 or 50 years plus while it has been zoned as light industrial, the only except for the

one Tabor road transfer station is just 200 feet up Tabor road, there has not been one industrial application or building taking place as far as I know up Tabor road. It's a residential, winding, small width road that just is not meant for this type of traffic, 18 wheel traffic etc., etc. I am truly opposed for this warehouse in this area and as you can see up this slight uphill Tabor road as was mentioned is not maintained very well at all in heavy snow storms, it's just a matter of fact we are toward the tail end of getting serviced for snow plowing that road has become slush ,I have a four wheel drive vehicle and I have difficulty at times going up that road at certain points during heavy snow storms. 18 Wheel trucks are not meant to be on this roadway. They are just not. And the unknown tenants could be 24/7 that's another thing I'll just tag onto that one too. Thank you.

Don Roberts: Thank you, any response Jason?

Jason Dell: As far as emergency services Rich direct me if Im wrong but I believe that has all been addressed with the emergency services?

Richard Harris: Yes I received an email in April from the fire department that their agreement with the applicants proposal for a 26 foot wide entry /exit and are aware of the hydrant, they have raised a question regarding a hydrant on Tabor road and also had questioned whether the building would be sprinkled which they also had a meeting or I did that the building would be sprinklered.

Elana Moran: So there have been several questions about trip generation or why 13 trips for 20 employees, so the trip generation estimate is based upon data collected and compiled in the trip generation manual and it is data collected throughout the United States and Canada and based upon that information trip rates and curve equations are developed. So the reason that we don't have say 20 employees and 20 cars entering and 20 cars exit9ng during the morning or vice versa when it comes to the evening because often when it comes to warehouse or industrial type uses there is shift work you know people may come in and work a shift from whatever 6 to 3 or along those lines and then you are into those peak hour conditions where you have a certain number of employees actually entering and exiting the building, and it's not that all of the employees are going to come on at the exact same time and then everybody leave at the exact same time and that's basically proven out in the data that's used in developing these trip generations grids for the various land uses.

Don Roberts: Thank you Elana, Paul anyone else online

Paul Marlow: I do not see anyone else.

Don Roberts: Anyone else online wish to speak please? One more time anyone else online wish to speak? Okay we will close the public hearing, comments by the Board members?

John Higgins: I have a couple questions on the traffic study, the 300 heavy vehicles that you reported where exactly were those counted, were they counted at the railroad tracks or out of the site?

Elana Moran: The ATR was out of the site so the tubes go in front of the site because we want to get information that is specific to the site location.

John Higgins: So there is 300 tractor trailers going up Tabor road?

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Elana Moran: So for clarification it's not tractor trailers right, so heavy vehicles are a mix of anything from say like a box truck up to a dump truck or a tractor trailer.

John Higgins: So it includes a certain number of vehicle classifications for it to be a heavy vehicle in this instance I want to say like at 4- 13 which is like I said a box truck through a tractor trailer and so that's not including vehicles that are going into Tabor road transfer station right?

Elana Moran: Any vehicle could actually come from Ushers turn onto Tabor and then turn into the transfer station and do not go over that ATR, I put those trucks.

John Higgins: I just wanted to make sure I understood that correctly and Jason way back when you first came in and presented this to the Board I think Don made a point that you were going to let the applicant know that every single tenant that comes into this or goes into the site may not be acceptable, obviously we don't want the applicant to put the building up and then pressure the Board to accept whoever comes in. There may be some unacceptable applications that he has to understand that are not automatically going to be approved.

Jason Dell: Understood, and the applicant's attorney is here as well, she is aware of that as well.

John Higgins: Thank you.

Rich Berkowitz: Jason besides location of the building how is the noise going to be mitigated emanating from the building?

Jason Dell: The building itself will act as a bit of a noise block

Rich Berkowitz: That's my point what other things are going to be placed along that building or behind it to help mitigate noise, because you know noise is going to go over a building into a neighborhood.

Jason Dell: There is a row, I mean we are proposing a row of vegetation behind the building

Rich Berkowitz: Are the trees larger than the building?

Jason Dell: We are proposing I believe its white fur along there, they are pine trees that will grow large.

Rich Berkowitz: How long do they take to grow large by the time the people are out of their homes?

Jason Dell: I couldn't tell you exactly how long

Rich Berkowitz: Are you going to put 5 foot trees in

Jason Dell: I don't recall exactly what's on the site plan but we could propose larger trees.

Rich Berkowitz: They grow really big, you could build a burn maybe a wall??

Jason Dell: A wall would be in excess of the building height and would have to be higher than 30 feet.

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Rich Berkowitz: The trees would also have to be higher than 30 feet.

Jason Dell: They would be looking at the back of a wall

Rich Berkowitz: Im sure they would like to look at the back of a wall than have noise.

Jason Dell: How would you discern the noise coming from here versus coming off of Liebich Lane there?

Rich Berkowitz: That's not my problem you have to decide that.

Jason Dell: Understood, but we are proposing a use that is consistent with the zone and noise is going to be part of it

Rich Berkowitz: I understand the zoning was done before the neighborhood was built but the neighborhood is there, there's a lot of noise there and this building is just going to add more noise than what is there already.

Jason Dell: Understood, that can be controlled when they come back with hours of operation.

Rich Berkowitz: I'd rather control it before we get to that point because once we get to that point it's difficult to add noise abatement once the noise is already there.

Richard Harris: I believe it says on the first one 8 to 10 feet I believe it says right there?

Jason Dell: 8 to 10 ft. evergreens.

Rich Berkowitz: What if it takes 20 years for those trees to grow up to 30 feet

Richard Harris: Yea white fur 8 to 10 feet.

Tom Koval: Part of the traffic study one of the residents brought up the condition or several brought up the condition of the roads , they keep bringing up the fact that there's turns and curves that tractor trailers have to leave their lane to navigate , through all these studies has anybody taken a look at what the turn radius is of a 53 ft. trailer on a tractor making this corner, are these corners wide enough for these trailers to make these corners without leaving their lane, has anyone looked at that ?

Elana Moran: So there hasn't been a specific evaluation of the roadway itself with regards to if you have a truck come down the roadway and then turn left or turn well just to navigate the roadway there is a turn assembly on the site plan for vehicles entering and exiting as far as the highest

Tom Koval: Right, I understand I'm talking about the road not the entrance that's fine but a 100 feet up the road there's a corner that a truck can't navigate to stay in its own lane with oncoming traffic. I don't care how wide the turn radius is into the building it's still an unsafe condition up the road and that's what I was asking was any study done of that nature?

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Elana Moran: So again not a specific study but what I would suggest is that if a vehicle is able to make a 90 degree turn into a facility right then they are going to be able to navigate turns on the roadway that are less than 90 degrees while still staying within their lane, in their pavement width.

Tom Koval: Well you're not comparing apples to apples because the width of the entrance to the facility, if your turning into that facility you can make that entrance wider and you're going to stay you make 90 degree turn, however, you're not turning off a roadway on a sharp turn your trying to navigate an arch and the long straight line of the tractor trailer is longer than the arch then you are not staying within your road width.

Elana Moran: Which back to my point that we are actually making a 90 degree turn , that's an awfully tight mark, right and so the driveway width is only allowed to be so wide in order to actually make that movement so as long as you're not navigating a 90 degree turn on your roadway within a certain length of space then the vehicle is going to be able to make that turn those are certain requirements when you design a road that are required to be done, again, not a specific study but pretty good chance that everything is going to meet those kinds of standards because it has to .

Rich Berkowitz: How wide if the driveway?

Tom Koval: The fire department asked for the 60 ft. according to our

Elana Moran: Yea

Rich Berkowitz: This is a 60 ft. driveway?

Elana Moran: 26 to 28 somewhere in there

Rich Berkowitz: Well the 26 to 28

Richard Harris: Tom to clarify, the fire department spoke to the other engineer from their firm regarding it and that was the email I summarized that he feels satisfied by the driveway width, that's subsequent to that

Tom Koval: Okay

Rich Berkowitz: How wide is the road again I forgot?

Elana Moran: The road itself the lanes vary it's like 10 & 11 feet wide for your lanes

Rich Berkowitz: So you're talking the road is 22 feet wide and the driveway is 28 feet wide so do you see the difference?

Elana Moran: Yes but we are not making a 90 degree turn on the roadway your trucks are going more gentle than that.

Richard Berkowitz: How fast is a truck going into that driveway of the facility versus driving on the road?

Elana Moran: Typically we estimate a truck turning into or out its going to be a right turn and not just a truck, any vehicle is going to be on the order of say, the model goes down to like 9 mph for a right turn and then 15 for a left turn and because it's a bigger turn you can navigate that more easily

Rich Berkowitz: And there is no way on a public road 40, 50 mph, and 40 mph is the posted speed limit?

Elana Moran: Posted speed limit 40, 85th percentile at 50 and then having enough space to have that vehicle turn onto the roadway and then get up to speed, yes that can be done safe.

Rich Berkowitz: So does speed make a difference when a truck turns?

Elana Moran: The speed rates, I mean yes speed rates are different for a U turn, your vehicle so

Rich Berkowitz: So a truck coming out of a driveway at 9 mph at a 90 degree turn isn't the same as a truck going 50 mph on a 45 degree turn.

Elana Moran: Again different road but we can run some turning samples if you really need to see this.

Tom Koval: I have a 28 ft. culvert at my shop, a 26 ft. road and most tractor trailers drag their rear wheels over the ditch because they can't make that turn easily, we are going through the same thing. We have tight bends right in front of my shop, it's an approved road as you say, and they built it so it must be okay. Well I can't imagine trying, dump trucks can't even make that turn without being in the other lane, so yes I think we need to have more studies, we need to have the length of these tractor trailers and with at least a 50 ft. trailer and at least a double cad tractor trailer because if you are putting in a warehouse these are long haul trucks pulling into them, it's not today's average tractor trailer so. My biggest concern and my biggest reason for opposing this right now is that this is a country road, it wasn't built to handle this traffic, at this point it is going to cost the Town a lot of money to repair this road, widen this road when we find out that it's not properly built for this type of traffic, I think we are making a bad situation here. At minimum some more studies just to ease my mind a little bit and I need to know road conditions, some basic conditions, blacktop conditions. But I need something to prove to me this road can handle the heavy traffic that is going to be put onto this site, light industrial, or light commercial.

Elana Moran: Sir, just a quick reminder for everybody based upon ITE data, based upon the analysis we are talking about 15 trucks, we are not talking about 15 semi-tractor trailers we are talking about 15 heavy vehicles. However I understand of course your concerns are the concerns of the neighbors and the roadway width in itself right, the 10 to 11 feet wide lane and 22 foot wide roadway itself, we can certainly put a WB67 on the roadway using auto turn and navigate it down the road from the site out to Ushers road and show you that half on aerial or whatever is the best way to visualize that for the Board in order to be able to see that trucks can make these maneuvers traveling at average speed.

Tom Koval: From an engineering standpoint I would also like to see not for your traffic

Elana Moran: It's been the graze of the evening, engineers....

Tom Koval: Well I already got shut down on one project because we used your engineers as your profession, so now you have to answer the question as an engineer in your profession.

Don Roberts: At this point we are not going to act tonight right, that's obvious so let's just get some questions out there we want them to do and get back with some more information.

Mike Ziobrowski: I think in fairness to those who have been brought before us the community itself, I think we have to address the power point views so those questions are answered there is a lot of information here and traffic studies, their concerns and our concerns and if we can just look at those traffic concerns of the roadway, the entrance itself the posted signs I think those items need to be concerns as well.

John Higgins: Jason a few meetings ago I mentioned to you would the applicants be willing to restrict all trucks over 5 tons , when they have to make a right turn and that seems to have gone by the wayside . That was a question I had you would discuss it with the applicant and I've never heard an answer to that but Tabor transfer is, they're doing that, they're mandating that and enforcing that themselves; obviously with the trucks going in and out of this , potentially going in and out of this site there is no way to restrict that but if the applicant has a sign and the drivers know they are going to be ticketed if they make a left hand turn, maybe that is something that can be enforced. And again when they come before this Board that may be something that can be reinforced each time with potential occupants.

Jason Dell: Understood, you may have mentioned this to Sean from my office but I will look into it.

Tom Werner: First of all I would like to commend all of the participants tonight , you brought a lot of information here that really needs to be thought through, and there was a lot of information in their letters that we have here for the first time tonight, far more than Im willing to hear tonight for sure , we need to take a closer look and take a pause and this far we will ask our engineers to look at it and we need to sit down and look at everything we've got and come up with a list of what has to be looked at .

Don Roberts: Agreed.

Marcel Nadeau: Question for Lyn, would we be able to restrict the site to no 24-hour operation?

Lyn Murphy: Let me look into that, you can do that as part of your approval based on the studies that you've received and I think suggesting the additional studies is the perfect way to handle engineering and be in compliance with the law, I think it's a great idea, but I will look into, the hesitation I have is that it's in the zoning area but that doesn't mean that you can't take into account the surrounding factors

Marcel Nadeau: Don a question, was there maybe something presented to the Town Board, I think I brought this up before but, we need to look at zoning on both these two roads. I know it was don't years ago to entice industry but these are residential areas and these businesses don't belong, it's that simple.

Don Roberts: There is no way to change the zoning, just no way at this point.

Marcel Nadeau: I understand that now but it's something that they should look at in the future at least these other people won't be impacted like these people may be.

Don Roberts: Thank you. Jason so you heard a lot of concerns right we can get more to you but we need some more information before we move forward.

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Jason Dell: Rich if you could, I believe you already emailed the letters over and anything else that comes in if you could send it our way please do so we can respond to it.

Richard Harris: Yes I will send you anything new after tonight and you are up to date on everything the Board received

Don Roberts: Okay thank you,

113 Tabor Road Warehouse/Office Building – Site Plan

TABLED. The Board held a Public Informational Meeting on the proposed warehouse and tabled the application to allow the applicant to address questions and concerns raised by residents and the Board.

New Business:

21.040/21.044 Lot 2 Shops of Halfmoon Drive-Thru Restaurant, Rt. 146 – Site Plan & Special Use Permit

Duane Rabideau: Duane Rabideau from VanGuilder & Associates. I'm here tonight to represent Bruce Tanski before the Board for a proposed 2 lot subdivision located within the Shops of Halfmoon. The proposal is to subdivide Lot #2 which is this, highlighted in yellow at this point in time into two commercial lots of a proposed Lot 3, which is this lot right here, being the site of the proposed Popeye's Restaurant from Lansing Engineering. The proposed new Lot 3 would be 1.3 acres of the size with the remaining portion Lot 2 being 2.7 acres in size, so basically Lot 3 would be this lot here. The remainder of Lot 2. The appropriate crossings will be put in place. This is the same subdivision that was approved by the Board on May 28, 2019 but apparently never got signoff from the Saratoga County Clerk's office. That's why we're back tonight and then that is our proposal before the Board.

Don Roberts: Thank you Duane. Now this was reviewed by the Saratoga County Planning Board and we had a focus hearing, that being said, any comments by the Board?

Rich Berkowicz: Ok, I'd like to set a Public Hearing for May 24th.

Marcel Nadeau: I'll second.

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

Duane Rabideau: Ok. Thank you.

Lot 2 Subdivision, Shops of Halfmoon – Minor Subdivision

PUBLIC HEARING SET. Board set a May 24, 2021 Public Hearing for the proposed two-lot subdivision.

21.080 Pinebrook Hills Subdivision Sign, Farm to Market Road/Wheatfield Way – Sign

Brandon Marini: Good evening, my name is Brandon Marini with Marini Homes. I handle all the marketing over there. We're seeking approval of a new Monument sign at our Pinebrook Hills facility which is located at the

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corner of Farm-to-Market Road and Wheatfield Way. All the detailed construction drawings are included as well as sign and pavement.

Don Roberts: Thank you. Questions by the Board?

John Higgins: That can be set back 20' from the right-of-way?

Brandon Marini: That was originally for the entertainment but I had to discuss that with Rich. He let me know that it needs to be 20, 15' but we're planning on doing 20' off any easement, right-of-way, anything like that to meet all required setbacks.

John Higgins: Yeah, because otherwise, ya know, I think that would definitely affect, in some instances, the cars are trying to pull out of the driveway.

Brandon Marini: Understood.

John Higgins: Thank you.

Don Roberts: Anyone else?

Tom Koval: I make a motion to approve the sign with a condition that it's 20'.

Marcel Nadeau: I'll second it.

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

Brandon Marini: Thank you for your time.

Don Roberts: You're welcome.

Rich Harris: He did give a much more colorful packet so I apologize that it's in black and white. You know what their signs look like.

Pinebrook Hills Subdivision Sign – Sign

APPROVED. Board approved the proposed residential subdivision sign for Pinebrook Hills with the condition that the setback shall be at least 20-feet from the right-of-way.

21.084 / 21.085

David Kobylar, CPA, 4 Executive Park Drive – Change of Use/Tenant & Sign

David Kobylar, CPA, 4 Executive Park Drive – Change of Use/Tenant & Sign

TABLED. The applicant failed to appear.

21/089, 21/085

Wright-Pierce Engineering Consultants, PC, 6 Executive Park Drive – Change of Use/Tenant & Sign

Ryan Sear: Good evening, Ryan Sear from Wright-Pierce. Proposed to use the office at 6 Executive Drive for professional use space.

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Rich Harris: Can I ask you a favor. Because the machine's not working, we're trying to record it on this, so talk like as loud as you can.

Ryan Sear: Ok.

Rich Harris: Some people were because they were

Ryan Sear: Ok. I'm Ryan Sear, here representing Wright-Pierce Consulting Engineering proposing for a change in the occupancy use or occupancy or occupancy of 6 Executive Park Drive to professional consulting firm.

Don Roberts: Ok. How many employees you having?

Ryan Sear: They'll be three employees that will be occupying the office space.

Don Roberts: Are you going to have a sign or no

Ryan Sear: That'll be part of the.

Don Roberts: You gotta talk clearly, we can't

Ryan Sear: We haven't gotten a sign yet, but it'll be part of the original sign complex that's already there.

Don Roberts: Ok. Well, you'll have to come back for approval for the sign. As long as you know that, that's fine.

Ryan Sear: Yup.

Don Roberts: Ok. Questions by the Board.

Tom Koval: When were you planning on moving in?

Ryan Sear: June 1st.

Rich Berkowicz: I make a motion to approve the Change of use and Tenant.

Mike Ziobrowski: I'll second it.

Don Roberts: All in favor aye? (All in favor) Opposed? (None were opposed) Motion carried, don't forget you have to come back for a sign.

Ryan Sear: Ok. Thank you.

***Wright-Pierce Engineering Consultants, PC. – Change of Use/Tenant
APPROVED. Board approved the use of office space for a civil engineering firm at 6 Executive Park Drive.***

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21.088 Full Mag Guns, 37C Pointe West Drive – Home Occupation

Don Roberts: Al righty.

Lyn Murphy: There's nobody on line.

Paul Marlow: There are two people on line, but

Don Roberts: They're supposed to be here though. Well, who's on?

Paul Marlow: There's a Ken

Lyn Murphy: Richardson.

Don Roberts: Anybody on line for David Kobylar or Full Mag Guns?

Paul Marlow: There's a Ken and then just a guest, but they're both muted right now.

Lyn Murphy: What did you say that the name of the person was?

Paul Marlow: It's Kevin.

Don Roberts: Anybody on line for David Kobylar or Full Mag Guns?

Rich Harris: One of the others is Glen LeBlanc, he already spoke. Is the person on named, Ken? Here for one of the two applications, either Full Mag Guns or David Kobylar?

Paul Marlow: They may be muted on line.

Rich Harris: I can't unmute him. He's gotta do it himself.

Don Roberts: They gotta be hearing us anyway.

Lyn Murphy: Alright.

Full Mag Guns – Home Occupation

TABLED. The applicant failed to appear.

Don Roberts: Ok, wanna make a motion to adjourn.

Mike Zibrowski: I make a motion to adjourn.

John Higgins: I'll second it.

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