

5/13/24

**Town of Halfmoon Planning Board
May 13, 2024**

Those present at the May 13, 2024, Planning Board meeting were:

Planning Board Members:

Don Roberts –Chairman
Marcel Nadeau- Vice Chairman
Tom Koval
Rich Berkowitz
Thomas Werner
Charlie Lucia
Laurie Barton

Planning Board Alternates:

Alison Pingelski - absent
Joe Landy

Coordinator- Building, Planning and Development:

Richard Harris-absent

Senior Planner / Stormwater Management Technician:

Paul Marlow

Town Attorney:

Lyn Murphy

Deputy Town Attorney:

Cathy Drobny

Town Board Liaison(s):

John Wasielewski
Eric Catricala

Town Engineers:

Joel Bianchi

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

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

Tom Koval: I make a motion to approve the minutes of March 11th.

Marcel Nadeau: I'll second it.

5/13/24

Don Roberts: All in favor Aye? (All were in favor) Opposed? (None were opposed) Motion Carried. Rich you recluse yourself?

Rich Berkowitz: I will recluse myself, yea.

Don Roberts: Okay, thank you. Before we start, just a reminder that two weeks from today is Memorial Day weekend so this is our only meeting in May, our next meeting after tonight will be Monday June 10th, just so everyone knows that alright, thank you.

Public Hearings:

Proctor & Eggleston Subdivision, 28 & 28B Firehouse Rd – Minor Subdivision (24.048)

Don Roberts: Would anyone here like the notice read? (No comments)

Pat Jarosz: Good evening I'm Pat with VanGuilder Associates, I'm just here tonight on behalf of the owners for the public hearing for the lot line adjustment between 28 & 28B Firehouse Road. To recap lot 28 is in the front would like to annex about 5/8 of an acre, to lot 28B in the rear. After adjustment lot 28 will be 1.51 acres and lot 28B will be 2.94 acres and both lots are zoned R-1 Residential.

Don Roberts: Okay thank you. At this time, we'll open up the public hearing, would anyone wish to comment? (No comments) Anyone online wish to comment? (No comments) Okay we'll close the public hearing, comments by the Board?

Rich Berkowitz: I make a motion for a neg dec on SEQR

Marcel Nadeau: I'll second that

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

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

Marcel Nadeau: I second.

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

Pat Jarosz: Thank you.

Don Roberts: Your welcome

Proctor & Eggleston Subdivision – Minor Subdivision

PUBLIC HEARING HELD & APPROVED. Board held a Public Hearing and subsequently approved a subdivision (lot-line adjustment) between 28 & 28B Firehouse Road.

Tabor Road Warehouse Revised Plan, 113 Tabor Road – Site Plan (24.043)

Don Roberts: Laurie recluses herself.

John Lapper: Good evening, everyone, for the record John Lapper with Luigi Palleschi from ABD Engineering and Joe Rekucki and Meghan Rekucki are here to answer any questions on behalf of the applicant. So, we have an approved site plan and a fully constructed building and we're here seeking modifications. In the site plan review

the applicant agreed that there would be no left turns out so that trucks wouldn't be going towards a residential neighborhood. So, in order to accommodate the turning radius of trucks that are turning right we've changed the turning radius of the driveway just to make it easier to turn into the right lane and that's to help the neighbors. With respect to the lighting what we're requesting, we eliminated the lights on the back of the building and the pole lights and the parking lot so there is only about a third of the lights that were approved and those lights are down lights, but because the grade, you're looking up at that building you can see them, but it's only a third of the lights that were there and they are facing down. And then the third item is the stormwater plan, originally it was going to be under the parking lot but when the applicant acquired the land next door it's better to make it a basin so this is what's proposed as to relocate it to where it's been constructed on the land next door with an easement and the Town engineer has reviewed and given approval to that stormwater plan.

Don Roberts: That's it? Okay thank you. At this time, we'll open the public informational meeting anyone wish to comment please come up and say your name and address and any comment you may have.

Robert Zack: Good evening, everyone Robert Zack, 45 Tabor Road. I presented myself roughly a year ago here to this Board while they were proposing the site work for this project. During that meeting I said looks like the curb cuts being increased from what was approved, which was roughly 32 feet, which was the information I got working with your Planning Board. During that meeting I was assured by their engineer, nope we've done traffic studies, we're not changing, and it will stay at what we've been approved for which was again roughly 32, 34 feet. Yet now when I stand out at the road at the property line measures roughly 128 feet so we will call that 4 times the process. I understand it's for a turning radius to the right, I would ask the Board to request of the applicant to do a new traffic study so we can determine since their traffic study wasn't sufficient last time for what they were approved and said they'd be building at 32 feet we request that they do a new traffic study for 60 days including the time period that they're working with the school busses and children on the road so we can actually see what is necessary to get their trucks in and out of the property. I understand things do change and we just ask that they do the appropriate background. Obviously, the background they did a year ago was not sufficient. Thank you.

Don Roberts: Thank you, John your comment on that?

John Lapper: Yes, this isn't a traffic report issue, it's not a capacity or number of truck trips. What this is about is the dimension of and the angle to make it easier to turn into the right lane so its only a 32 wide driveway, it gets wider at the apron for trucks to maneuver but that doesn't change anything about the use or the amount of traffic, it just makes it easier for the trucks to get into the right lane because they are not turning left.

Tom Koval: I'm not defending you at all, but I do feel it makes the road safer for trucks. We haven't approved any tenants yet so we're not sure what the truck driver will be. I do think that wider turning aprons will keep any trucks in the future when they are approved from entering the oncoming lane when they pull out of the site.

John Lapper: Thank you, that's the goal.

Lyn Murphy: And just so the Board is clear, once tenants start being named or come forward then at that point in time you could always request the traffic control, I'm sorry the traffic study and you could also put in an additional limitation based on who is actually there.

Tom Koval: Once we have the knowledge of what vehicles will be coming in and out, we can decide to at that point to possibly ask for a traffic study or I may possibly like to see one.

John Lapper: We're just trying to get a c/o so we can find some tenants

Rich Berkowitz: What's the size of the truck if it's limited by the road right now?

Luigi Palleschi: Luigi Palleschi with ABD Engineers, I wasn't part of the original design of this, we came in after, but my understanding is it's not a full blown 53-foot trailer it's the one step below that and all truck traffic has to turn right out of there, no left turns. We are involved in the property next door which will be happy to come before this Board which will have another entrance which will supposedly become the main entrance and reduce the amount of traffic at this curb cut but all traffic is to take a right out of here and it is a limited sized vehicle if it were to go larger there are some improvements that need to be done on Tabor Road, that's my understanding.

Rich Berkowitz: So, before those improvements are made what's the size of the truck that can get into that property?

Luigi Palleschi: I think it's a WB-40

Rich Berkowitz: Which is how long?

Tom Koval: 40-foot trailer.

Luigi Palleschi: 40-foot, yea. It's not the full blown 53-footer.

Rich Berkowitz: And when you market this, this will be marketed to companies that have that size trailer?

Luigi Palleschi: Yea that's my understanding

Rich Berkowitz: And nothing can be done before Tabor Road is fixed, for a larger trailer

Luigi Palleschi: That's my understanding yes.

Rich Berkowitz: Well, it's either yes or no.

Luigi Palleschi: Yes

Rich Berkowitz: Okay

John Lapper: I just want to expand on what Luigi said, ultimately this is on the road next door, we're in the process of designing something for additional buildings to the west and when that happens as a condition of that all trucks from this 113 Tabor Road would use the other entrance would keep even farther from the residential subdivision but we're not there yet.

Rich Berkowitz: No, but the point is to fix the road so you can get a truck safely on that road.

John Lapper: Correct, thank you.

Tom Koval: And I think that falls back, which is we haven't approved any tenants and that would be a condition a temp condition

Rich Berkowitz: I understand that but I just want to know any future tenants would be limited on their truck size so they don't come back to us with a larger truck size later on, creating their own, I can't remember the word, their own hardship yes, thank you.

Tom Koval: The problem will be enforcing all of this.

Don Roberts: Okay would anyone else like to speak?

Bill Herman: Bill Herman, I live off Johnson Road, I go up Tabor quite a bit and I didn't come here to talk about this tonight but I did share pictures with Rich Harris regarding the lighting on this building, whereas supposedly is look down and it's supposed to be straight down, I don't know where this light can go more down but I rode up the hill so I wasn't just looking up at the lights but the lights, and I got a picture to show the Board, these lights are not facing straight down and if they can't be faced straight down they should be shielded. So here it is, you can see how it's not facing straight down and that's the reason why the glare is so intrusive. So, if the lights cannot be straight down, they need to put shielding on like they have on

Tom Koval: Those lights can be faced straight down that's a rad fixture, yea I've installed them

Bill Herman: They are not facing straight down

Tom Koval: They can take that spacer block out and actually make them a wall packet down like instead of up.

Bill Herman: Right

Charlie Lucia: That's a good point Tom, that needs to be intentional.

Don Roberts: Okay can you, will you make them face straight down? Force shield or one of the other?

Luigi Palleschi: Yea so after reviewing the original plan that Lansing had designed the light fixtures that weren't a down type facing, they're actually ones that protruded straight out. I think John had mentioned also the light poles that were proposed and approved by this Board as well as lighting around the entire building. We've reduced the amount of lighting significantly and the lighting that you see here in these pictures do not go beyond the property lines, right so its just enough to keep the pavement safe for the customers, the tenants moving in and out of this building and it does not go out. This one picture there yea the site itself sits up the top picture, so even if it were a true down type lighting your still going to see the light bulbs so even if it were a true down type lighting your still going to see the light bulbs or the LEDs underneath this canopy. Even if you put a shield, I believe you're still gonna see those light bulbs but its not protruding off .

Don Roberts: I think we would like to see something done with those lights.

Tom Koval: Part of the issue here if you look at this picture, these were taken on a wet day, so the glare looks a lot worse than it probably is on a dry day.

Marcel Nadeau: But you're going to get wet days

Tom Koval: There are wet days yea

John Lapper: I would agree with you, I visited

Tom Koval: I mean the photo metrics on your plan are showing only spillage what 20 feet out

John Lapper: Yes

Tom Koval: 30 feet out and you obviously have spillage other than that out.

John Lapper: Well, that's the what, one foot candle right, so you're going to get a little bit more beyond that. The half a foot candle, we typically showed just the one foot. So yes, your right but

Tom Koval: In the pictures they look like more of a traditional wall pack than they are. I like I said I know their a down light.

John Lapper: We feel like for safety and security there have to be lights, since we've eliminated the pole lights in the parking lot and the lights in the back of the building, this is pretty minimal for a building of that size, and they are facing down.

Tom Koval: Yea on the, on your spec sheet your order sheet you filled in wattage but you didn't fill in any of the other options such as the cut off because these can come with a 7 ½ degree cut off, a 10 degree cut off, and a 15 degree cut off, but you didn't fill in which cut off you ordered it with, all you put in was your 80 watts and everything else was deleted off of this.

John Lapper: Yea I mean either with one of those would still be better than what was originally approved. That would just shoot straight out.

Luigi Palleschi: And even when you're looking from off site because you're looking up even with a longer cut off, you're still going to see bulbs.

Tom Koval: You're still going to see the bulbs but the only thing I can assume is that being it's a blank, although you have a lot of blanks here, that you ordered it with a 15-degree cut off.

John Lapper: Yea they are 15's Joe just confirmed they are 15's. So, our point is that it's very minimal compared to what was approved by this Board with the wall packs that shine out.

Don Roberts: But there still is a concern that they are shining out, what would be the big deal to either have them face straight down or shield them, what's the big deal with that?

Tom Koval: It may not be a shield it may be a whole new light fixture, I'm not sure on rad I don't thin it's a shield, I think its part of the reflector inside the fixture, how it's made so to make him do that would entail new light fixtures. How many poles did you eliminate?

John Lapper: I don't know the exact number but there are no parking lot poles.

Lyn Murphy: And no lights along the back?

John Lapper: Correct

Luigi Palleschi: When I talked to Rich Harris today he said it was about a 1/3 of what was approved.

John Lapper: I mean if the one light itself that's mounted on the building, the one facing Tabor Road is the most concerning, like we could put that like a motion sensor on that so that for the most part could be turned off and then it would motion on when needed, if that's the most concern, you know.

Tom Koval: Or just change it out

John Lapper: Or just change that one fixture out?

Tom Koval: With a full cut off, 0 degree so it's just illuminating the side of the building.

Luigi Palleschi: That's fine, yup

Don Roberts: That would help

Tom Koval: That way it's not at the road at all, it's just illuminating your siding

Don Roberts: That would help a lot and there's nothing on the back you said.

Tom Koval: I realize you have to have lighting you already did a lot to reduce it with no lights on the back. We're trying to strike a happy solution here for everybody.

Luigi Palleschi: Changing that front fixture is agreeable.

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

Dylan Barnum: Dylan Barnum, 94 Tabor Road, I'm directly across from this building. As mentioned previously, the lighting right, I understand you have to light your parking lot and all of that, I request an update to their landscaping. Originally there was a berm in front of the place, they took that away now they are rebuilding it. I see originally there was actually both trees along the whole back of this as well as screening trees with the change to the driveway, so just requesting what their plan is for road screening. I know that one building, or the one light on the end of the building we're talking about but right now they're constructing a berm so it might mitigate some of that already but none of the updated landscaping is available at this time which ultimately would help with some of this. They also did, in taking out a telephone pole for their widened driveway, right they took out some of the actual road screening as well which affects their lighting so just requesting that updated landscaping plan and to see what their final plan is. Also, I understand that this building's up for sale right now and this is like the third change to this building right, went through one approval for making it larger, adjusting the property line now we're going through this approval. Just requesting, what's the plan for this site overall, because it's changed three times so far so what's to say it's not going to change again and again and again, and it's for sale so that being said.

Tom Koval: That all falls under anybody that goes in there has to go through a change of tenant, so they can sell it, it doesn't mean we are going to approve who's going in there. As you know our eyes are wide open to everybody's concerns on this, we will let him answer to your screening, I don't have the original screening.

John Lapper: He is completely correct the trees are all onsite to be planted along the whole back of the building and the berm came down when they were doing work for the utilities, so the berm is going to be reconstructed exactly as in the site plan, we're not asking for anything to be changed.

Tom Koval: Do you recall how big that berm was? And what your plantings are, the trees are there, what are they 6 footers, 10 footers?

Joe Rekucki: Joe Rekucki with MJ Properties. Onsite right now we have, we were able to acquire between 5, 6-foot-tall pine trees for the back of the building, which is on the drawing, and then we have assorted maple trees that is on the site plan for as you come in and then across the far portion of the parking lot.

Don Roberts: And how big is the berm going to be?

Joe Rekucki: Berm should be right around 11 feet over finished floor, 11 foot tall.

Don Roberts: Thank you.

Tom Koval: 11-foot berm with 6-foot trees on top of it?

Joe Rekucki: Their plan did not show any trees on top of the berm. The trees were behind the building where you see the gap between the natural, which were left, we have to fill that gap back

Tom Koval: You said Maples are going there, and you have Pines going in the rear you said?

Joe Rekucki: Yea the pines are going in the rear of the building and then the Maples are in the entry way and then across the back of the parking lot, there was nothing on the original design on the top of the berm for trees.

Don Roberts: Okay thank you.

Tom Koval: So, this will all be done before you get your c/o?

Joe Rekucki: Yes, there is a letter of credit with the Town of Halfmoon to complete the landscaping.

Don Roberts: Anyone else wish to speak? Again, anyone else wish to speak? (No comments) Anyone online wish to speak? (No comments) okay at this time we will close the public hearing, comments by the Board members?

Tom Koval: Covered it if it will have to be a condition that we spoke of tonight.

Don Roberts: Oh, yea it will all be, yea.

Joe Rekucki: Yes

Tom Koval: Okay then what prior conditions did we have on this?

Lyn Murphy: The applicant shall provide updated information related to the maximum speed to ensure WB – 40 Trucks remain within the appropriate lane on Tabor Road prior to the review of future tenants and the applicant shall limit the vehicles at the site to no larger than WB-40 trucks until the time that the identified Tabor Road improvements including shoulder, widening and guiderail installation are constructed at the turn west of the site on Tabor Road.

Joe Rekucki: Thank you.

Rich Berkowitz: I make a motion to approve the site plan with the following conditions that Lyn has stated also the conditions on the lighting package that we discussed.

Don Roberts: And everything else we discussed

Rich Berkowitz: And everything else we discussed at this meeting.

Joe Rekucki: Agreed, thank you.

Tom Koval: I'll second.

Lyn Murphy: So, when you say everything else you mean switching out that first light that shines onto Tabor so that it direct shines down, right?

Tom Koval: Correct, 0 degree

Lyn Murphy: 0 degree and comply with the landscaping that they already approved.

Don Roberts: Okay we've got a motion do we have a second?

Tom Koval: And that they, even though they were approved for parking lot lights and rear building lights that they understand they are not putting those in now.

Don Roberts: Right

Joe Rekucki: Yes.

Don Roberts: And they're going back to the 10 x 20 parking spaces

Joe Rekucki: Yes

Tom Koval: I second

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

Joe Rekucki: Thanks everybody I appreciate it.

Don Roberts: Good Luck

Tabor Road Warehouse Revised Plan– Site Plan

PUBLIC INFORMATIONAL MEETING & APPROVED. Board held a Public Informational Meeting and approved the proposed site plan amendment with all prior conditions included, and new conditions related to lighting, parking space size and landscaping.

New Business:

Juniper Ridge, Betts Lane – Sign (24.042)

Emma Heck: Good evening, everyone, my name is Emma Heck. I'm here on behalf of my clients Abele Builders. We are requesting approval for a single sided monument sign at their new residential subdivision. It's internally lit, has a block base, it's an aluminum construction sign and we are asking to have it in the roundabout at Betts Lane.

Don Roberts: It meets the requirements

Rich Berkowitz: Who's responsible for the landscaping in the circle?

Emma Heck: So, the Town does own that piece of property, but if the Town were to request some sort of landscaping, whether that's shrubs or bushes or anything like that I'm sure the Abele's would be willing to kind of spruce up around the sign.

Rich Berkowitz: No, I'm talking about lawn cutting, is a part of the HOA?

Emma Heck: I don't know so that's something that the Abele's have worked out with the Town they did not disclose that information to me, we can certainly find that out or I don't know if it's on record from previous conversations.

Lyn Murphy: Basically, the permit to build the sign won't be granted unless and until an agreement is signed with the Town outlining that they will be maintaining the sign, that they will hold the Town harmless that they'll indemnify us for anybody that gets hurt on that property based on the fact that you're putting the sign there.

Emma Heck: Yup I did speak with the client earlier this afternoon about the Hold Harmless so they are completely willing to sign that, as for mowing and maintaining, I'm sure they probably won't have an issue with that I just don't want to speak on their behalf, but I'm sure that's something that can definitely be discussed and that they would of course be willing to entertain regarding the sign.

Tom Koval: And the Town is alright with giving them an easement for the power as well, the meter that's required to light this sign?

Lyn Murphy: Yes, it's my understanding.

Rich Berkowitz: Now if you and the Town can't come to an agreement there's not going to be a sign?

Lyn Murphy: That is correct.

Emma Heck: I know we did get the approval from the Supervisor; we wrote him a letter and he did do the sign off. I know obviously the big portion of the approval is the Board, but we did have it approved by him.

Lyn Murphy: So, when she's saying it was approved, what she is saying is the Supervisor signed an owner authorization to allow them to make the applications for the sign, he didn't approve the sign in any way shape or form, he just said you can go ahead and make the application.

Marcel Nadeau: We will need more definite information as to who's taking care of what.

Lyn Murphy: Well, they can't get a permit to put it up or to build it until they sign off on the agreement

Rich Berkowitz: So can we make this contingent on

Tom Koval: Contingent on legal?

Emma Heck: Now were their previous discussions with them, like had the Board asked them to do certain things? Just so when I do go back to them to talk to them about this.

Lyn Murphy: The Board as a whole has not. Mr. Harris has explained to him that this is a very unusual circumstance and because of that we're going to have to do some extra steps for them to go forward and they are aware of it.

Emma Heck: Okay, perfect.

Rich Berkowitz: So, I make a motion to approve the sign contingent on holding the Town Harmless for any activities within that circle, also with the Abeles doing the landscaping and the Abele's taking care of the lawn or intersection of that circle.

Tom Koval: And the sign itself, not falling into disrepair.

Charlie Lucia: Did you want something Tom to make note of the electrical part in all this.?

Tom Koval: It will all fall into the same easement I think so

Marcel Nadeau: I second it.

Don Roberts: We have a motion and a second, all in favor Aye? (All were in favor) Opposed? (None were opposed) Motion Carried, not done yet okay. Now I've got a request for you to take back to your client okay

Emma Heck: Okay

Don Roberts: It has come to our attention that your advertising Juniper Ridge, which is great, it's fine, but the advertisement states, minutes from Clifton Park. Nowhere in the advertisement does it say you're in the Town of Halfmoon. Can you please take it back and please put that you're in the Town of Halfmoon?

Tom Koval: I saw the commercial and I didn't know where Juniper Ridge is, it was always Betts Subdivision and I live around the corner

Don Roberts: See so you might be losing a customer right here.

Emma Heck: Okay, I will relay that information, I'll make that request.

Don Roberts: Thank you very much.

Emma Heck: No problem, have a good night thank you.

Juniper Ridge– Sign

APPROVED. Board approved the proposed sign for the residential subdivision, with the condition that the applicant provide the necessary legal documents to the Town and maintain the sign and associated areas.

Evexia Therapeutics LLC/ dba Evexia Cannabis, 217 Guideboard Rd – Sign (24.070)

Nicole Hadsell: Hi, everyone Nicole Hadsell here yes, here's the sign its about 10 foot by 1 ½ foot tall. It does meet requirements, it's actually under the requirements I believe. Just a simple box will be lit, any questions?

Rich Berkowitz: What does Evexia mean?

Nicole Hadsell: It means wellness in Greek.

Don Roberts: Now when you first came in for approval, I mentioned this and I just want to reiterate, no onsite consumption.

Nicole Hadsell: Correct

Don Roberts: Correct, okay thank you very much.

Nicole Hadsell: And we will advertise that we're in Halfmoon.

Don Roberts: Thank you very much, we appreciate that you know.

Nicole Hadsell: We do too.

Tom Koval: I make a motion to approve the sign panel swap.

Marcel Nadeau: I'll second.

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

***Evexia Therapeutics LLC/ dba Evexia Cannabis– Sign
APPROVED. Board approved the proposed sign for the approved tenant, Evexia Cannabis.***

Two Buttons Deep, 1403 Rt 9 – Change of Use/Tenant (24.062)

Taylor Rao: Taylor Rao I'm the co-founder of Two Buttons Deep. We are a digital media company founded right here in the Capital Region in 2016. We are requesting to take over a lease here at 1403 Route 9 for our first official office space because we have been just completely remote prior to right now.

Don Roberts: What do you do?

Taylor Rao: We are a digital media entertainment company so we create all sorts of social media content, we will use this space primarily as a production studio, a place to host meetings and our team for ideally about 3 to 4 people during the normal 9 to 5 hours.

Don Roberts: Alright, questions by the Board?

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

Rich Berkowitz: I'll second

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

Tom Koval: If you put a sign up you have to come back

Taylor Rao: I will happily come back

Don Roberts: You've got to come back alright, thank you.

Taylor Rao: I will happily come back, you guys sure about this, you like it? Alright cool.

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

Taylor Rao: Love that, thank you guys so much.

Don Roberts: Advertise Halfmoon too, right?

Taylor Rao: Proudly displayed in Halfmoon.

Two Buttons Deep – Change of Use/Tenant

APPROVED. Board approved the use of space at 1403 Route for their digital media and marketing company.

Aria Kabab, 1525 Rt 9 – Change of Use/Tenant (24.064)

Ahmed Rahimi: Akhmed Rahimi, so we have 2 locations back in New York City, I have 1 location Colonie, New York. So, we are planning to open in Halfmoon to bring the good food here hopefully.

Don Roberts: Okay, and how many employees are you going to have here?

Ahmed Rahimi: Okay so we don't know yet it depends on business how much volume we will have. I am renting 2200 square feet for now and they currently have 64 parking spots for the whole lot and its 7 units. I was talking to I think Richard so he says, I told him I don't know how many seats I can have, so he said I'll put it to the Board how many they have, they have between 2 ½ or 3 seats per parking lot, per parking space so I'm not sure how many you guys approved. Back in Colonie per parking spot we have 2.5 so based on the employer, I don't know yet like how much volume. Minimum it's going to be 2 or 3 for sure in the beginning as soon as we get more busy, more come, eat more food we can hire more people.

Don Roberts: How many seats do you want?

Ahmed Rahimi: The maximum what I want I cannot have

Rich Berkowitz: Legally how many can you have there in that space?

Ahmed Rahimi: Legally we have 64 parking spots

Rich Berkowitz: No, how many chairs can you have in your restaurant?

Ahmed Rahimi: I can have around 50, 45 okay

Don Roberts: Okay, I think you do know if you want a sign you've got to come back for a sign too.

Ahmed Rahimi: Sure yea, because I was not sure I have to get the lease from my landlord he is here, so then I will do the sign permit later on, so I don't know how much bigger sign I can have so for that I have to do a survey, after that once I get the lease.

Don Roberts: He has sign panels up there already?

Rich Berkowitz: That place hasn't been rented yet, so I don't think there is anything.

Ahmed Rahimi: They have different I think layouts in the Plaza, every store has a little bit different so I'm not sure right now how big of a sign I can have so for that I have to come back.

Rich Berkowitz: Which space are you taking?

Ahmed Rahimi: It's the unit, it's the one in the middle, so I don't know.

Rich Berkowitz: Are you right next door to Will Nails or the Tobacco shop?

Ahmed Rahimi: It's not next to the smoke shop, it's the one in the middle with the arch.

Rich Berkowitz: Okay

Don Roberts: You're getting some help here so

Raffi Bardakjian: Raffin Bardakjian member with the BBC it's unit #6, thank you.

Don Roberts: Okay

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

Tom Koval: Second

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

Ahmed Rahimi: Thank you guys, thank you. I'll see you for the sign.

Aria Kabab – Change of Use/Tenant

APPROVED. Board approved the use of space for a restaurant with take-out and in-house seating options.

Sunbelt Rentals, 1651 & 1653 Rt. 9 – Change of Use/Tenant & Sign (24.072 & 24.013)

Tony Casale: Tony Casale, 24 Ferguson St. Waterford here as the property owner. As many of you know we sold Casale Rental to Sunbelt and they're looking to keep the property, put a new sign up. In the meantime, site 1 has moved on to a 12-acre lot, they only had 2 acres there and Sunbelt wanted the extra property just for storage of equipment and things like that. Nothing is really going to change. Site 1 had grown so much over the years that it was really a conflict and I think Sunbelt wants to make sure with the driveway and everything so many trucks from Sunbelt and from site 1 coming in and out by limiting one of them it cuts down on the amount of traffic.

Don Roberts: And no real changes?

Tony Casale: No

Don Roberts: Okay

Tony Casale: There's a gentleman here from Adirondack Sign on the sign.

Don Roberts: Okay

Adam: Good evening, I'm Adam from Adirondack Sign here for Sunbelt. We're just basically doing a for the freestanding sign out by the road we're just doing a face swap out. We're going to reconfigure the cabinet just a little bit so it's just one clean face rather than broken up like that and the building we're just going to update it with

the Sunbelt rental channel letter sign and all the other the toro, the coyote and the other things will be coming off of the building, so it will be just that one sign up in the upper band of the building.

Tom Koval: What's the height of the monument sign out front again?

Adam: I don't know, if you give me a second, I can tell you

Tom Koval: It's not increasing in height, is it?

Adam: No all we're doing is changing the face, we're not reconstructing anything, it's just a graphic change.

Tom Koval: We don't allow them that tall anymore but it's there, it's there so

Don Roberts: We did it because it was so low.

Tom Koval: In a hole?

Rich Berkowitz: Yea.

Don Roberts: Okay, comments by the Board?

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

Marcel Nadeau: Second

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

Tom Koval: I'll make a motion to approve the change of signage.

Marcel Nadeau: I second

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

Tony Casale: Thank you

Don Roberts: Your welcome

Sunbelt Rentals – Change of Use/Tenant & Sign

APPROVED. Board approved the use of the existing building and site for the leasing and rental of large equipment for construction activities, along with associated new signage.

Gabriel Subdivision, 45 Spice Mill Blvd – Minor Subdivision (24.063)

Rich Gabriel: Hello Rich Gabriel, I'm looking to subdivide, take out 2 lots. 1 will be about .6 and the other is about .8 of an acre and we'll still retain our 45 Spice Mill.

Don Roberts: We'll need a public hearing on this, but comments by the Board?

Rich Berkowitz: I make a motion to have a public hearing on June 10th.

Tom Koval: I'll second.

Don Roberts: All in favor Aye? (All were in favor) Opposed? (None were opposed) Motion Carried, see you June 10th.

Gabriel Subdivision – Minor Subdivision

PUBLIC HEARING SET. Board received a presentation on a request for a three lot subdivision of the existing parcel at 45 Spice Mill Blvd and set a Public Hearing for June 10, 2024.

The Learning Experience, 5 Halfmoon Crossing – Change of Use/Tenant & Site Plan (24.068 & 24.069)

Paul Sheehan: Hello Paul Sheehan, property manager for Equinox Companies, which includes Solar Associates, the owner of 5 Halfmoon Crossing. We're here tonight because we were previously approved for a site plan for 5 Halfmoon Crossing which included 21,250 square foot building and we've since found a tenant here that was not interested in being part of a building with other tenants, wanted to be separate from them so we came up with a concept changed the site plan, as you know most of that site plan is built out, Town Fair Tire is included in 5 Halfmoon Crossing, they are built and open. So again, that site plan I you know mostly built out as that previously approved site plan was planned so we're keeping the parking, the same amount of parking spaces and you know there's going to be the separation between the two buildings will be the playground area for the daycare.

Don Roberts: Okay, before we proceed, we have to refer this to our Town Engineer MJ Engineering for review and also Saratoga County Planning Board. Comments by the Board?

Tom Koval: I don't know if you were here for the pre-meeting but several of us have a lot of concerns about the traffic there. In and out early morning drop offs with children, it's already a loggerhead at Trader Joes and Home Depot. And that was before Town Fair Tire was open, I haven't

Paul Sheehan: They don't generate a lot of traffic but

Tom Koval: It's still additional traffic

Paul Sheehan: Additional, sure

Tom Koval: It was bad before they were there so its additional traffic. This is a high traffic usage and peak hours morning and afternoon.

Paul Sheehan: Yes, during peak and they do stagger their drop off and pick up per age, per age group so it wouldn't be all at one time.

Tom Koval: Do you know the amount of students that are, I didn't notice if it was in here approximately 140 students, but up to 190, so they're staggering them. I'd like to, when you do come back, I'd like to see their breakdown.

Paul Sheehan: Yup it should be in the documentation I sent previously.

Tom Koval: Yea, 7:00 to 7:30 there's 33 cars, 44 that's a lot of cars and you'll be using the same entrance and exits that already exist?

Paul Sheehan: That's correct, yup.

Tom Koval: I don't see how that could possibly work.

Paul Sheehan: And we did a traffic study back in I think it was 2021 with the full, was it Todd 263,000 square feet of the whole PDD and submitted that you know I don't think there was any issue there.

Tom Koval: But we've seen the real life.

Todd Fischer: Yea, we had original approval for 263,000 square feet in the PDD we've got considerably less than that. Now I understand exactly what you're saying but I think maybe if we, I know some of the things that you were given but maybe if we make that a little more clear on the drop off times, you'll see that it's staggered quite a bit and I don't think it's going to be nearly the problem you're thinking it might be Tom.

Tom Koval: Well, I'll be 100% honest it's already a problem. It's already a problem without this there. I come in and out of Home Depot and Trader Joes's often and nobody knows where to turn, you're coming around that bend from the traffic light, it's brutal there right now. So, I understand that the traffic study might of showed what it could potentially be but in real life it's just not working right now.

Todd Fischer: Are you mainly concerned about the traffic movement from Home Depot out?

Tom Koval: When you're coming out of Trader Joe's and coming out of Home Depot and then you have cars coming each way the people sit forever and they stack up in Home Depot and they stack up in Trader Joes and then inevitably someone always ends up jogging out in front of somebody trying to make their move and it's a dangerous situation there's accidents there.

Todd Fischer: Yea I understand what you're saying but the other thing too is we wanted to stagger those entrances way back when and the Town didn't want that, they wanted them across from each other

Tom Koval: Well, it's not working, that was then, and this is now, I would kind of like to see maybe another entrance further down where you have a wider viewing area across from Home Depot, between the liquor store and the school because your site distance is much better. Coming in off of route 9 people are coming in fast and we have Red Robin and the car wash very close to that too, so we have 4 entrances all within maybe 100 to 150 feet of one another.

Todd Fischer: So, we have, you're suggesting another entrance between the liquor store and where.

Tom Koval: That's what I think

Todd Fischer: And where?

Tom Koval: Between this school and the liquor store maybe towards Berkshire Bank

Todd Fischer: We have one.

Tom Koval: So can we get this traffic to go that way instead of out Trader Joe's?

Todd Fischer: Well, my experience with traffic is it will go whatever way the easiest way to go is, and if they see a back up, they will find another way out.

Tom Koval: I've driven through there 100 times and I, that's not a well marked second exit. It's towards the back of the property. You have to look around and if you did a more direct path to that entrance within your property, I think you would see it being utilized much more.

Todd Fischer: Well, we could certainly look at that, I don't know how we can get a more direct path without going through the parking area.

Tom Koval: You're talking the second entrance in front of the liquor store, that second entrance? I'm talking another one further up.

Marcel Nadeau: Tom, I think part of the problem is the intersection with the red light on route 9, those cars will be backed up all the way to Home Depot at times between the car wash and the store so we've got , I think we have a multitude of problems it's not just the entrances that are there we have the traffic light that's controlling that situation.

Don Roberts: Don't forget Joel you're going to review this, Joel will have some good responses

Marcel Nadeau: We need to make them aware of that

Tom Koval: There is definitely some traffic improvements needed.

Todd Fischer: I mean I understand at times there's going to be some traffic back up, I don't think it's, you think it's that often.

Tom Koval: I'm up there almost daily.

Rich Berkowitz: Tom, one way to fix that is 9 and Crossings. They should change the arrows because now you have going straight and left and then one just going right. If you have one going straight and right and one going left, that clears up a lot of that

Todd Fischer: And that's where Rich?

Rich Berkowitz: The Crossings and Route 9.

Todd Fischer: Crossings and Route 9, if you switch those arrows around

Marcel Nadeau: The main red light.

Rich Berkowitz: They'll get more people a pass to go straight into Watkins and take a right onto south on 9

Tom Koval: So, you're talking about adding another lane?

Rich Berkowitz: No, no, no switching arrows to make that traffic flow more.

Tom Koval: I understand yea, there is no left turn arrow

Marcel Nadeau: What you're getting is deadlocked if you are coming out of Watkins Plaza or each person doesn't know which way to go.

Todd Fischer: You're looking for a straight through and left only?

Rich Berkowitz: Yea

Todd Fischer: Yea okay.

Rich Berkowitz: That would fix at least some of it.

Todd Fischer: Just wondering if we are going to get into what the state might say about that?

Don Roberts: Oh, they're gonna, they're gonna.

Marcel Nadeau: It's going to affect it, it's as simple as that. And now we're going to add all of these vehicles.

Don Roberts: Okay, anyone else?

Charlie Lucia: Yea, just I think there may be opportunities if you look at the property and they talked about a 3rd a 4th a three exit kind of thing for these learning centers.

Paul Sheehan: I don't think we'll be able to maintain the amount of parking spaces but

Lyn Murphy: Well until the engineers can come and look at it and

Don Roberts: Anyone else? Well as I said we will refer this to the Saratoga County Planning Board and MJ Engineering for a review and we'll get back to you.

Paul Sheehan: Thank you

Don Roberts: Thank you very much.

The Learning Experience – Change of Use/Tenant & Site Plan

TABLED/REFERRED TO AGENCIES. Board heard a presentation for a new 10,000 SF childcare facility at 5 Halfmoon Crossing Blvd and referred the application to the necessary agencies for review.

Old Business:

Shea Pointe PDD, 12 Dunsbach Road – PDD Recommendation (20.131)

Alanna Moran: Good evening, Alanna Moran with VHB I figure I'll start things off for the team here. We completed the traffic evaluation at the request of the Town for this proposed project. When we were here recently, maybe a month or two ago the findings of the traffic evaluation had noted that there is the potential need for a

traffic signal at the intersection there with Dunsbach and Crescent Vischer Ferry. So, we've done data collection getting brand new data in 2014 the data that had been completed earlier was really during Covid, so we wanted to make sure we had a good count of recent trends and findings. So basically, cutting to the chase the findings of the evaluation show that a traffic signal would be warranted in future conditions with construction of Shea Point and other developments. So, the traffic, this evaluation is recommending that the applicant for Shea Point contribute a fair share contribution towards the construction of a traffic signal at that intersection. Happy to answer any questions for you.

Rich Berkowitz: Has anybody thought about bonding that so that you get it done immediately instead of 244 homes, because we know you need one.

Alanna Moran: Right after a certain point right so it's not warranted until you reach that certain threshold of units.

Rich Berkowitz: But you know you can be proactive, and you can be less expensive to put it in now instead of wasting money 2 or 3 years or 4 years down the line, instead of costing, I don't know what does it cost a quarter million?

Alanna Moran: So right now, it's roughly 250 to 300 thousand depending upon all the other features that need to be included at the location for a signal right, and timing certainly is a part of that I mean signal pulls have been taking about a year to get in, right now they're about half of a year to get in. So doing the work or bonding now certainly is helpful to the process.

Rich Berkowitz: You're saving money by doing that.

Alanna Moran: Absolutely yea put it in yes except for the fact then the applicant, a single applicant is doing the work unless getting reimbursed by the Town.

Rich Berkowitz: There are two applicants that are sharing in this, they were supposed to then it's a third or two thirds whatever you guys work out and then instead of costing 400,000 7,8 years from now because you're talking there is a shortage now, probably a shortage later on.

Alanna Moran: So, the other piece to consider and just to consider as you all are working through this is that the, we have the most recent version of the MUTCD out right, that's what controls the traffic signal warrant evaluations, it provides those thresholds and the previous versions have always said that you essentially shall meet a signal warrant criteria before a signal should be installed. Things are a little bit more flexible now for communities so that it's not a shall condition to install so you do have more flexibility to install it more in a shorter term whereas you didn't previously. This is definitely something that the applicant and the other project coming in will need to work together with the Town to identify timing and funding allocations for that, but I think the long and short of it is with these two projects going in the intersection would be better off with a traffic signal.

Tom Koval: When was your last traffic study done?

Alanna Moran: So, the counts for this particular analysis were completed in March of 2024 is when the counts were conducted.

Tom Koval: Do you have the exact dates?

Alanna Moran: Yes, let me pull them real quick. The 4th starting on March 4th and it was, you would have seen tubes on 3 of the approaches and a camera on the 4th approach because it has a right turn movement, so we wanted to make sure we were getting what was going on right turn versus left turn on that southbound approach to the intersection.

Tom Koval: What's it a one week?

Alanna Moran: It's for a total of 72 hours, like a 3-day period, which is pretty typical. We got a full Tuesday, Wednesday, and Thursday.

Tom Koval: Okay.

Alanna Moran: You have questions?

Rich Berkowitz: You know what the weather was like, did it snow?

Alanna Moran: It was not snowing as far as I understand.

Tom Koval: It was the week before school break.

Alanna Moran: Well, that's a key too right we've got to be in when schools not happening and thankfully it wasn't that snowstorm right before we all left for April break so alright.

Jared George: Jared George Shae Point. We submitted a response to the traffic evaluation. I don't know if there's any questions as far as our conceptual proposal.

Don Roberts: I've got a question but now about the traffic at this point but refresh my memory because we asked this when you were here before, it's a PDD but standard subdivision how many homes would have been allowed?

Jared George: We didn't, Nick Costa you know probably could answer that for us, we didn't, I think we did an analysis of maybe about 36 does that sound right?

Don Roberts: I think it was yeah around 36, 37 something like that I think right, and now you're proposing almost triple right?

Jared George: Correct, different housing type you know caters to a different side.

Don Roberts: I just wanted to make the Board aware of that again, that's all thank you.

Tom Koval: And you are proposing extending that water main up Belleard?

Jared George: That's correct.

Don Roberts: Anyone have any other comments, or no? Okay we are going to have, Joel, are you going to review the traffic study right, and we can schedule a public information meeting for our last meeting in June, which is June 24th.

Rich Berkowitz: I make a motion to schedule the public information meeting June 24th.

Tom Koval: I'll second

Don Roberts: With expanded notice, okay, motion and a second for a public informational meeting on June 24th all in favor Aye? (All were in favor) Opposed? (None were opposed) Motion Carried, see you then.

Jared George: Okay thank you.

Shea Pointe PDD – PDD Recommendation

PUBLIC HEARING SET. Board received a presentation on the findings of a supplemental traffic study for a 110-unit residential PDD and set a Public Informational Meeting, with expanded notice, for June 24, 2024

Mott Orchard PDD, 165 Farm to Market Rd – Major Subdivision (24.044)

Walt Lippmann: Good evening, Walt Lippmann from MJ Engineering as the Chairman said we did provide a response, I just want to take the time to review, to go through this letter real quick. The first thing I can go through the history real quick of 2014 to 2018 we went through the PDD process along with the approvals and so on and so forth. Stormwater management that came up at the last meeting you know there was an extensive drainage assessment that was done to be able to come up with the stormwater management that was implemented as part of this project which meets all of the design standards of the Town and the State. The water system design we are extending the water main from Pruyn Hill about 3,400 feet west into our site, also we are extending that even further west to go to Highview Way, so that will all be 12 inch main along Farm to Market and we're also providing a loop connection through our site onto Gorsline so it will be one complete loop. The water system on Farm to Market when we do put that water main in from Pruyn Hill to Highview Way we are providing water services to each of the properties that front Farm to Market so they'll have a service with a shut off at the property line and then it would be the homeowners responsibility if they would like to they can certainly connect into that service but it's not a mandatory requirement for them. Sanitary sewer, we're proposing a low-pressure system during one point there was a main pump station within the site that was modified so the south side was always a low-pressure system that will be pumping across Farm to Market into the northern piece, that's all-low pressure, it's going to be connecting into the system, Saratoga County Sewer District system on Gorsline Drive. So, we do have a low-pressure system if in the future people are interested along Farm to Market an extension would have to then be created to go down Farm to Market to extend the district for other users. Natural Gas, Natural Gas right now stops at Highview Way it would have to be extended east to the property. I know also during the Howland Park project gas was also extended on the north through there. National Grid really doesn't get into too much details with you until you have a final approval with the Town so they'll have to dictate which direction would be best for them to come up with the gas line if it would be from Highview Way or if it would be from Gorsline Drive. Landscaping went over nothing has changed on the Landscaping especially on Gorsline Drive with the residents had the couple of questions that will remain so that they'll still have the screening available. Site access from Farm to Market, we have both a north and a south driveway that are completely opposite of one another. Originally it was planned for the barn to stay where it was so that was a limitation on site distance at one point it ended up being dismantled and repurposed and now the as it is proposed there is adequate site distance for the driveways onto Farm to Market. Pedestrian

crossing came up at the public hearing, there is no crosswalk proposed nor was it a discussion item originally, however we did reach out to Saratoga County DPW we have not heard back yet to see if that's something that would be acceptable to them. In this location where typically it's not. We do ask that you know that the Board consider that as a condition of approval waiting for the word from Saratoga County DPW. Pedestrian connectivity for the system, there was a comprehensive analysis that was done throughout the PDD process and with the Planning Board this project does provide a multi use trail throughout Mott Orchard from the south to the north that connects to the Howland Park PDD on Gorsline. Going through that process the 2006 trail master plan was followed, was considered with these connecting points. The initial project did contemplate providing trails throughout the development primarily in the open space, but at the time when Howland Park PDD was going in and the regulatory review of the wetlands came up with that one also with this one the wetlands were quite extensive, and then creating that connection point was very difficult and basically unachievable. Same thing goes for the southside extending that to the Town open space originally it was looked at to connect those two areas, however the wetlands that were delineated on the site did extend to the southern part and also onto the Town of Halfmoon making it very challenging to make that connection. Public benefit, the project will be contributing two thousand dollars per unit for general traffic improvements it's 182,000 dollars. Water main extension along Farm to Market and the water services provided to those properties that have frontage on Farm to Market, also natural gas maybe the ability there for properties to connect into that providing a multi use, installation of an 8-foot wide multi use path throughout the development. Also paying 1,500 dollars per unit for parkland fees, 136,500 also just under 4,100 per lot for GEIS mitigation fees so it's just under 373,000 dollars being contributed to the Town for that. That's all-Mr. Chairman.

Don Roberts: Now Walt, correct me if I'm wrong that proposed cross walk it's in a 55 mile an hour zone and its a cross walk to no where, right?

Walt Lippmann: Correct

Don Roberts: Just so the Boards aware of that alright, okay. I don't think we need to wait to hear back from the County personally. Comments by the Board?

Tom Koval: My only thing with this was originally those neighbors were told they were going to have water, sewer, and gas and now they are not getting sewer. I understand you extending the water main is a lot, but we have some irritated people.

Walt Lippmann: Yea so the sewer was never part of extending the sanitary sewer, water was always there to create that interconnection with the Town system on either side. It doesn't say that residents along Farm to Market couldn't ask the Town to form an extension to sewer, Saratoga County.

Tom Koval: It was something that was in the minutes from one of the previous meetings that I saw so somebody spoke out of line obviously but.

Don Roberts: Any other comments by the Board? Now again this was approved in the past, it lapsed their back for re-approval, alright.

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

Laurie Barton: I'll second

Don Roberts: I have a motion by Rich and a second by Laurie to approve the new final subdivision proposal all in favor Aye? (All were in favor) Opposed? (None were opposed) Motion Carried, good luck.

Mott Orchard PDD – Major Subdivision

APPROVED. Board approved the Major Subdivision for a proposed 91-lot single family home development at 165 Farm to Market Road.

Lyn Murphy: Just for purposes of the record, the SEQR that was completed at the time of the original approval of this application is consistent with what is currently proposed, there aren't enough changes to make another SEQR review necessary.

Don Roberts: Thank you, Lyn, good luck.

Laurie Barton: I make a motion to adjourn our meeting

Charlie Lucia: I'll second.

Don Roberts: Laurie made a motion to adjourn and Charlie seconds so all in favor Aye? (All were in favor) Opposed? (None were opposed) Motion Carried, good night, don't forget we don't meet until June 10th, okay.