

6/24/24

**Town of Halfmoon Planning Board
June 24, 2024**

Those present at the June 24, 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
Joe Landy-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 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?

Rich Berkowitz: I make a motion to approve the minutes of May 13th minutes

Tom Koval: I'll second it.

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

Public Hearing:

Lock One Marina, 461 Hudson River Rd – Minor Subdivision (lot line adjustment) (24.001)

Jacob Hesby: Good evening my name is Jacob Hesby I work for Brian Holbritter, I'm here to represent the Ascenzi's aka Lock One Marina in a lot line adjustment along Hudson River Road. The proposed is to add .12 acres to the Lock One Marina property from the neighboring property. We did need to obtain a variance from Zoning which we did a couple of months ago, that's all I have. If there is any questions, I'll be happy to answer them.

Don Roberts: Okay at this time we will open the public hearing, would anyone in the public wish to speak? (No comments) Anyone online wish to speak? (No comments) Okay we'll close the public hearing. Paul, have we heard back from the County?

Paul Marlow: Yup they have no issues with it.

Don Roberts: Okay, comments by the Board?

Tom Koval: I'll make a motion to do a negative declaration on SEQR.

Marcel Nadeau: I'll second

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

Tom Koval: I make a motion to approve the minor subdivision, lot line adjustment.

Marcel Nadeau: I'll second.

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

Jacob Hesby: Thank you.

Don Roberts: You're welcome.

Lock One Marina – Minor Subdivision (lot line adjustment)

APPROVED. Board held a Public Hearing and approved a lot-line adjustment at 461 Hudson River Road.

Hank's Hollow Lot Line Adjustments, Island Dr – Major Subdivision (24.058)

Pat Jarosz: Good evening, my name is Pat Jarosz with VanGuilder Land Surveyors here on behalf of the owner Bruce Tanski for the public hearing for the lot line adjustment for the 14 lots on Island Drive in Hanks Hollow Subdivision. To recap the lots are slightly larger to accommodate a popular house model that just is a little bit wider that he needs to fit on the lots. So that's all we have for tonight.

Don Roberts: Okay we'll open the public hearing, anyone from the public wish to speak? (No comments) Anyone online wish to speak? (No comments) Close the public hearing, comments by the Board?

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

6/24/24

Tom Koval: I'll second

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 major subdivision application.

Tom Werner: I'll second

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

Hank's Hollow Lot Line Adjustments – Major Subdivision

APPROVED. Board held a Public Hearing and approved a lot-line adjustment to several lots on Island Drive.

Russell Subdivision, 37 Raylinsky Ln – Minor Subdivision (24.084)

Pat Jarosz: Thank you, so my name is Pat Jarosz again with VanGuilder Associates, I'm just here on behalf of Bruce Tanski again for the public hearing for the three-lot subdivision on Raylinsky Road. This subdivision was previously approved by the Planning Board on December 11th of 2023 and is back before the Board only because the signatures have expired, no changes to the original approval. Thank you.

Don Roberts: Okay at this time we'll open the public hearing, anyone from the public wish to speak? (No comments) Anyone online wish to speak? (No comments) Close the public hearing, comments by the Board?

Tom Koval: I'll make a motion for a negative declaration on SEQR.

Rich Berkowitz: I'll second

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

Tom Koval: Ill make a motion to approve the minor subdivision as was previously approved

Tom Werner: I'll second

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

Pat Jarosz: Thank you.

Russell Subdivision- Minor Subdivision

APPROVED. Board held a Public Hearing and approved a three-lot subdivision at 37 Raylinsky Lane.

Griner Construction Subdivision, 8 Linden Park Dr – Minor Subdivision (24.071)

Joe Griner: Joe Griner with Griner Construction, this is a two-lot minor subdivision, the lot to the right has an existing house, the lot to the left would be proposed new single family construction home. That's pretty much it, the lot to the left is about an acre, the lot to the right would be 1.22 acres.

Don Roberts: That's it?

Joe Griner: Yes.

Don Roberts: At this time, we will open up the public hearing.

Richard Harris: We did receive a number of letters that have been distributed to the Board but a frequent question that came up would be, do you have an idea of how you'll orient the house, the new house and the driveway location, and a third thing landscaping buffering, what are you going to do along the property line particularly to the north and the south with existing vegetation to accommodate that driveway, if you could just touch on that.

Joe Griner: Yea we are looking to clear as least amount as possible of trees. We're looking to keep as much buffer as we can. The south bend of the map there makes most sense to keep the driveway where it is, you know the houses are closer to the Linden Park Drive road rather than the other driveway where we are proposing, that's where the driveway makes most sense like coming into the new construction house.

Richard Harris: Sorry, do you mean along here?

Joe Griner: Yes, yup correct and we're looking to keep as much buffer as we can you know, so that's our goal.

Dan Griner: Dan Griner with Griner Construction. With regard to positioning of the house, 32 A I would probably position it like that, I don't have it in front of us, but it's tilted toward the road kind of towards the driveway, but we'd be open to if you have any suggestions.

Richard Harris: We don't have any rules about that in Town, but it was a question that came up, you're saying the front of the home it would be facing the east side

Dan Griner: It would be kind of facing just when you pull in you can see the home, yea, yea yup. Then the buffer, I don't think, I did read some of the emails and the buffer that the neighbors have all of those woods are theirs so none of that would be taken out because obviously it isn't our.

Joe Griner: You can see the tree line at the bottom of the map towards the driveway, yup so there's the tree line, I don't know if it's 100 percent accurate, but it should be close, I think it's about 20 feet of trees and vegetation. Now we wouldn't be against doing something coming in, but we only have 20 feet to work. After you do a driveway you put trees, you know you could burn your driveway over time and also overgrowth onto the driveway and I don't know if it would make sense doing that.

Don Roberts: Okay, at this time we will open the public hearing and Rich as you've said we received numerous letters we are going to enter them into the record right.

Richard Harris: We will make them part of the record, and again the Board has hard copies of them all probably almost everyone has been sent to you guys maybe one I got today did not, this afternoon but the Board has copies.

Don Roberts: Okay the public hearing is open if anyone wishes to speak, please come up and say your name and address and any comment that you may have, anyone?

Pat Terriello: Pat Terriello I'm at 14 Linden Park I'm on the lower, so did you decide the way the driveway would be going then?

Richard Harris: The Board did not the applicant stated that

Pat Terriello: Are they preferring the south?

Richard Harris: That was stated along just along the south side

Pat Terriello: Because we have the least, you know the most shallow lots and we would be the most affected by that. The other side you know their like 20, 30, 40,000 square foot lots and they'd have a little more buffer, so that would be our preference, thank you.

Don Roberts: Okay, thank you.

Richard: Hi, my name is Richard, and my concern is similar to hers you know there's houses on the south side they are really close to that line so having a driveway there would be pretty close to the back of those houses that's where the bedrooms are so there would be traffic behind the houses.

Linda: Hi, my name is Linda we are at 10 Linden Park Drive, so that map is cutting off the lots on the north end, those lots are much bigger than that, if you guys have actually looked at the neighborhood, so on the south end all of our lots are much smaller and there's more houses that are going to be affected. I see that you've plotted some trees in our backyard, those trees are not that big so the driveway is going to be very clear so I don't know if the construction company would be willing if they really are going to be going there, are you going to be adding more trees because we don't have that wooded area by our house and then the other concern is that obviously the closer they are to our house like safety concerns with pets and children because our lots again are much smaller, not as set back. The other concern we had was that the HOA for a neighborhood would this house be part of the HOA so then who's maintaining this driveway, we've had issues with the neighbor at 8 Linden Park Drive currently plowing his snow into the HOA common area and that damages the HOA common areas so what's the plan with that? So, yea we just had a lot of questions regarding that.

Don Roberts: Could you address that please?

Joe Griner: Yea so I don't think we would be part of the HOA, I think you just wouldn't be able to be part of that, nor do I think the HOA would want to be part of that because it's a big parcel to mow and plow so with regards to the plowing. I was at 32A and 32 Linden Park. I never had an issue when I plowed, I always kept it on the property I never went out into the roadside, and I never had an issue I always kept it on my property when I plowed.

Don Roberts: And for the driveway location that is still??

Joe Griner: Yea I just don't think it makes sense to go up and around the other lot just for so many reasons. You know to have a; the property line would have to go up and around the property

Richard Harris: I think they're talking like from ??? up and around.

Rich Berkowitz: Correct

Joe Griner: Yea I just don't know if you know aesthetically it makes sense this way, I just don't think it would make sense the other way.

Don Roberts: Okay, anyone else wish to speak?

Richard: They haven't really addressed you know the issue of the driveway being behind peoples back yards so I know there are woods on the maps but they are not substantial woods so you know often times they are actually

visible from most of the houses they can see through it most of the time, especially in the Winter it's pretty clear and once the leaves fall, so that wasn't really addressed.

Linda: And regarding the HOA they wouldn't, you know there's two parts to this neighborhood, some of them are maintenance free homes and some are non-maintenance free, so I think its fair for them to join the HOA so that way they're literally right in the middle of the neighborhood. I think they should be part of the HOA and contribute and also be held to the same standards since so many houses are going to be looking at this house.

Don Roberts: Okay, we have no control whether they are going to join an HOA or not, that's not our jurisdiction, okay just so you know that. Would anyone else wish to speak?

Vance Nash: Yes, my name is Vance Nash and actually own the house to the west of that lot, I'm not sure what number it is up there but it's pretty, pretty private back there. That main driveway that they're using or going to be using was actually my original driveway to my house. So there is, it's pretty private back there I know in the Fall and the Winter yea you lose the trees, leaves on the trees but there is a pretty good boundary between there and lie Dan said there is a 20 foot barrier of trees in there . Like I said that used to be my original driveway and then when they re-did the whole development, I come in from Linden Park now and I talked to Dan prior so he build two houses there he's pretty understanding but to ship that driveway all of the way over around the other side that wouldn't be feasible, I don't believe so. Thank you.

Don Roberts: Thank you, anyone else? Yes

Mary Burgess: Hi, my name is Mary Burgess, I live at number 6 Linden Park Drive. I previously lived at number 12, which is on the other side of the land. I'm right next to the road that is presently being used as a driveway, it is not a problem in the least. The barrier of woods behind number 10, number 12 and all of those others down there is narrow, it's true, but it's not very narrow if you don't clear it out, as Mr. Lem has done. I want to tell the truth when I lived at number 12, I intended to do that and I didn't mind seeing the house behind me at all they are not party people, they are not bad neighbors at all, in fact they are very good neighbors, and Daniel Craver plows that driveway and keeps it very, very clear and he also plows my driveway full disclosure. As far as being in the HOA is concerned, I understand that you don't have control over that. I myself am not allowed to be a full member of the HOA. I pay my part for maintaining the common areas, but I don't get any of the benefits for which I would be happy to pay but apparently that's not my problem. Not allowed. I would just like to support this; I think it is a very good idea and a very good use of land that is not presently being used and I don't see any downside whatsoever or any disturbance added to the neighborhood. Thank you.

Don Roberts: Thank you, anyone else? Someone online wish to speak?

Mohan Boddu: Hello, I am a resident of 66 Linden Park that is on the back side of the layout. So, our question basically was we would like to see a no cut buffer in the layout here so the major question is if they take out all of the shrubs then we wouldn't have any privacy between the two houses.

Don Roberts: Okay, gentleman did you hear that question?

Lyn Murphy: This is 66 Linden and they're concerned about the fact that they're not seeing a no cut buffer and they want to make sure that there will be in fact a buffer in between them and this property.

Joe Griner: Yup so the only clearing that we would do has about, there's a hill with woods there, we just want to give the people that buy the house enough back yard to use. We wouldn't be looking to come in and clear cut everything I told Vance earlier there is trees along his property as well, we wouldn't be taking those out, we're just going to make it whatever can get us a house to build there, sell it, but we're not looking to come in and clear cut everything.

Don Roberts: Now based on what you heard tonight is there any possibility you could add some buffering in there?

Joe Griner: Like some trees in places?

Don Roberts: Yes

Joe Griner: We're not against it, I can talk to our engineer and see what he comes up with and see where he would like to put some stuff.

Don Roberts: Okay, that would help thank you. Anyone else online wish to speak?

Mohan Boddu: I'm sorry it came out a little muffled so I would just like to explain what I understood, so did I understand, let me know if this is right, you are going to plant trees along the border? That's what you mentioned?

Joe Griner: It's always hard to see how a house lays out until your done with it, so our goal again is to take out a little bit of the trees in that you know back left corner as the house is finished if we you know, we can always take into consideration when we're doing our landscaping.

Mohan Boddu: Okay, but I heard there is a no cut buffer zone, is that what I understand?

Don Roberts: There is not any no cut buffer zone, no.

Mohan Boddu: And you are going to cut the trees off the border of your property line?

Joe Griner: We don't plan on cutting the trees on the border, is that what she said? No, we don't plan on taking trees on the border, definitely not. We want privacy as much as they want privacy. We just want to have enough space that someone can live there and enjoy the property.

Don Roberts: Okay

Mohan Boddu: Look I would, my only intention is our backyard is mutually coinciding so we would like some privacy between the two houses that's all is my intention.

Joe Griner: That's our goal as well.

Don Roberts: Okay so you're on the same page with that, alright.

Lyn Murphy: Just so you're aware you can always plant on your own property screening as well.

Mohan Boddu: I mean I do like the trees but with the trees right now, but if they chop those trees, I won't have any privacy.

Lyn Murphy: If it's your back yard they are not going to chop them, they can't.

Mohan Boddu: Okay

Tom Koval: If the trees are on your own property, they're not going to cut them down, now if the trees are on their property they can cut them down right now, but they are saying they are not going to.

Mohan Boddu: Okay, okay that is all my question and that's it I have no more questions thank you.

Don Roberts: Thank you, would anyone else online wish to speak? (No comments) One more time would anyone in the room wish to speak? (No comments) Okay, we'll close the public hearing, comments by the Board.

Tom Koval: Would you be willing to put some evergreens alongside this driveway, I know you're concerned about overgrowth into the driveway; however, an evergreen is a slow growing tree. It would produce a year-round buffering for them, it would ease a lot of the neighbors' issues, it would ease some of our future concerns.

Joe Griner: Yea it's not something we're opposed to; we want the privacy just like they want the privacy. My only concern is, when I did 32 A Linden Park it was my driveway was right on the boundary, like you know your going 14-foot width your 20 feet it gets, it's tighter than you think when you're doing it plus you've got to run your sewer and water and everything in there, so it's tight getting back there you know.

Tom Koval: Right so once you clear your water and sewer, you're going to be removing a lot of this existing vegetation in order to do that.

Joe Griner: No, that's what I'm saying I don't think and again I would have to have it professionally surveyed, I don't think that those trees are ours, and if they are it's maybe 2 feet.

Tom Koval: Maybe before we vote on this you should come back with some firm plans showing what's on yours and maybe come back with a planting schedule that would make me feel better, that would make the resident feel better, instead of being on a handshake that your going to do what you can and later on find out oh we cant or its not financially feasible for us, I would rather see it on a piece of paper saying this is what we're doing so I could tell these residents this is what we're doing and it would ease their concerns. I don't think it's a lot to ask for a two-lot subdivision being someone that builds homes myself, you can buy six-foot trees.

Joe Griner: How many would you be looking for going ahead?

Tom Koval: I would like to see them maybe every twenty feet so that overtime they can fill in.

Joe Griner: Sure, yea I mean so we came in and this is a professional survey, it is as I believe that those trees there buffers not on our property, that's my understanding you could see the survey, but yes, I'm not against if you want something to ease

Tom Koval: Some aerial photographs with the lines, actual aerial photographs with the lines on here showing it.

Joe Griner: It's tough to do the aerial because the trees overhanging, the shadows it's hard to actually see it because we've done that but it's hard to see, you know when you're done it's hard to see.

Tom Koval: I understand their concerns, once again they bought lots with not a lot of back yard and everybody clears their yards right to the property line. It's also on residents if you don't want to see the neighbors you put your own trees up too, but I think in good faith you should include some landscaping to take this. As far as traffic

goes and everyone's comments, it's a house driveway. I don't leave my house a hundred times a day I don't think everybody else does so traffic concerns with your children playing in your backyard, they are not driving out their driveway and running across your yard, they are not going to hit little johnny playing on his bike but some landscaping, a little more detail here. We've had our public meeting now, once we see that this is only my personal opinion, I'm not speaking for the whole Board, but I think you should come back with a little more detail on that.

Joe Griner: Okay

Don Roberts: Sir the public hearing is closed but if there is something you want to say I'll open it back up for you. Come on up, okay we'll open the public hearing for this gentleman.

Dan Craver: I'm Dan Craver I live at 8 Linden Park Drive the barrier is 20 foot wide, and as of right now you can't see the houses in front of us of course come Fall, Winter you're going to see them okay. The back side of our lot they had just put in evergreens, the whole row, two houses so that takes care of that border, and I'm not sure if you guys were aware of it, so that takes care of them two pieces of property.

Tom Koval: Dan you've heard the comments by the neighbors, and I haven't gone over or done the site visit so I'm speaking from what I'm told. If I had a better visual from these gentlemen of what's existing and whose property, it's on I probably would be able to make a more enlightened decision but

Dan Craver: If you want you can come over and take a look

Tom Koval: Well at this point I think

Dan Craver: You can see clearly that it is private

Tom Koval: My concern is whose property is it on? Is it going to stay private once they cut the driveway in?

Dan Craver: Where the driveway is going to go it's going to go up in front of our house to the back lot.

Tom Koval: In a twenty-foot wide

Dan Craver: And a twenty-foot barrier is going to be on the left side where it's all enclosed.

Tom Koval: So, you're cutting in a minimum of a twelve-foot driveway.

Joe Griner: With this current driveway, the proposed driveway is a clear path already grass right now, like he said we are not fully, it's very close to, it's fully cleared already the driveway.

Dan Craver: Our surveyor went out there and did it, just he didn't stake the actual line but you can see it's, our property is, we're not cutting any trees.

Tom Koval: Is it currently staked?

Dan Craver: I don't know is it staked?

Joe Griner: Yea it is, it's staked yea.

Tom Koval: Do we want to do a site visit?

Rich Berkowitz: There's an easement there, what side of the driveway is the easement going on?

Joe Griner: What do you mean?

Dan Craver: When you go up the driveway 8 Linden?

Rich Berkowitz: I'm looking at an aerial of your house right now, how close is it to your house?

Dan Craver: How close is our house?

Rich Berkowitz: To the driveway.

Joe Griner: Right in front there's seventy minus twenty, its fifty feet right is that what you're asking,

Dan Craver: Fifty feet from the corner of my house is where the blacktop is going to go.

Rich Berkowitz: And there's a group of trees to the south of that, how close is it going to those group of trees?

Joe Griner: Those trees are their property.

Rich Berkowitz: That's their property?

Joe Griner: I think they have forty feet

Dan Craver: When we built Linden Park Drive my parents asked for a buffer zone, a twenty-foot buffer zone all of the way down and that's what they did.

Rich Berkowitz: Okay, that's where the driveways going?

Dan Craver: That's where the driveway is going.

Lyn Murphy: Outside of the buffer?

Joe Griner: Outside the buffer, yes

Dan Craver: On the right side of the buffer

Joe Griner: They own the buffer, they own, they can't touch the buffer is my understanding. I dealt with this for 32 Linden Park same thing.

Rich Berkowitz: So, it's going to come up your driveway to the north of that one tree through the yard to the back.

Joe Griner: Yes, it's going to turn just like that, so right here the driveway comes up it turns right here and goes right through here and then up here, so this is the property back here.

Rich Berkowitz: So, it goes to the north of those tuft of trees or through those trees?

Joe Griner: The what does?

Rich Berkowitz: The driveway

Tom Koval: It stays on the outside of the tree line, correct?

Joe Griner: That's what we're saying

Tom Koval: It's in the mowed area

Joe Griner: Yes, I just don't want to give a definitive that our property might be like one foot of those trees, but I don't think it even is so

Tom Koval: So, they are all mature trees and you're not going to be taking down any more trees?

Joe Griner: It's all woods it's not

Tom Koval: They are all mature trees and everything

Joe Griner: We don't need the room either, if we have twenty feet to work with, with utilities we'll have plenty to work with utilities and the driveway.

Don Roberts: Marcel, do you want to say something?

Marcel Nadeau: Yea now this is a legal subdivision that meets the Towns requirements as far as buffering we always require buffering on commercial to residential. This is residential to residential it's up to the applicant if he wants to appease the neighbors but it's not a requirement as to our Town Zoning Law.

Don Roberts: And they seem willing to help out with that.

Marcel Nadeau: Again, it's not a requirement. It's hard to say until we're don't with the project to see where everything lands with grading and everything so we can definitely take it into consideration though.

Don Roberts: Okay, that's all you have to say sir, you all set. I'll close the public hearing again and it's not going to be reopened alright. Okay what's the Boards pleasure here?

Marcel Nadeau: I'll make the motion to approve the subdivision as presented

Don Roberts: We need SEQR

Marcel Nadeau: Okay I'll make a negative dec on SEQR

Rich Berkowitz: Okay I'll second

Don Roberts: Okay we have a motion and a second on SEQR all in favor Aye? (All were in favor) Opposed? (None were opposed) Motion Carried.

Marcel Nadeau: I'll make a motion to approve the subdivision as presented

Rich Berkowitz: I'll second

Don Roberts: All in favor Aye? (All were in favor) Opposed? (None were opposed) Motion Carried, all set thank you.

Griner Construction Subdivision– Minor Subdivision

APPROVED. Board held a Public Hearing and approved a two-lot subdivision at 8 Linden Park Drive.

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

Nick Costa: Good evening, Nick Costa from Advanced Engineering & Survey, we're here on behalf of Shea Pointe LLC. And as the Board has seen this project previously, the applicant is proposing to develop this parcel with 110 units. It's in the residential zone and this is the proposal for the residential planned development district. The parcel is about 45 acres in size and there would be a new road that would be built as shown on the drawing that's behind me.

Richard Harris: Nick I'm going to switch to the phased plan I think it's a little bit easier for the public

Nick Costa: That's fine Rich, yea that's fine Rich yup. So this is Dunsbach and the new driveway would be located here and it would go back and as Rich mentioned this is a phasing plan and everything that's in orange here is a phase one which would include the construction of all of the roads, those would all be constructed in phase one and this portion of the development would be the homes would be the first phase and then the second phase would be what's shown in green for the homes. There would be extension of sanitary sewer and water to serve, you know municipal services for this proposed development and then there would be storm water management that would be constructed to take care of the storm water run off from the new impervious areas that would be taking it to a new stormwater management practice located generally where I'm pointing right now that would have a alloy control structure that would discharge the stormwater at a controlled rate as it does in the, it would meet the predevelopment run off so that's a quick summary of the proposal. The existing site does have a tower, a communication, telecommunication tower back here and it does have a couple of homes that will remain on a separate lot that is shown here and as I mentioned the entire parcel is about 45 acres and there are wetlands on the site that are noted back here and this area and it's a rolling topography so there is flatter area where the roads are shown and then it, the topography goes down towards this drainage swale in this area right here. This is the Adirondack Northway on this side so that's the proposal I know we presented other plans as a conventional and also as a cluster subdivision and thanks Rich, that's a conventional subdivision that would be based on the zoning of residential the R-1 criteria.

Don Roberts: And that has how many units the conventional?

Nick Costa: That has fifty lots

Don Roberts: And the PDD has?

Nick Costa: The PDD has 110

Don Roberts: Okay thank you

Nick Costa: And I do want to mention that all the units, 110 units for sale, I know that in the narrative some would be for rental, and some would be for sale, the applicant informed me that they will all be for sale.

Richard Harris: So, the idea is owner occupied

Nick Costa: That is correct

Richard Harris: Obviously anybody can rent out their own property, but it wouldn't be an apartment complex necessarily

6/24/24

Nick Costa: It wouldn't be an apartment complex in the sense that the owners of Shea Pointe would hold onto owning all of the units

Richard Harris: Manage them

Nick Costa: That's correct, yes

Don Roberts: That it?

Nick Costa: Yes.

Don Roberts: At this time, we will open the public informational meeting and this Boards responsibility is to gather the information and make either recommendation to the Town Board who makes their decision after that. Rich we received numerous letters on this application as well, we will enter them into the record.

Richard Harris: Yes see the emails and letters the Boards all been provided copies of them, I did have a deadline of noon in the notice I sent out, I know some came in since I've been in this room the last couple of hours it was after the deadline so I was not able to share them with the Board while getting prepped for this meeting but I will share them with the Board tonight or tomorrow morning.

Don Roberts: We will put them in the record as well yes.

Richard Harris: I think the last one I received for the packet was around 2:30 or 3:00 but there were others sent to me within the last hour.

Don Roberts: Alright, thank you. Okay the public informational meeting is open; would anyone wish to speak? Please come up and say your name and address and any comments you may have.

Don Roberts: Let this lady go first, we'll get you don't worry we'll get you.

Becky LaMere: Hi I'm Becky LeMere and I live at 48 Dunsbach, and my concern, well I have a lot of concerns but one of my big ones is the traffic. We have a lot of bikers, we've got an avid walker, we have people that are out there with their children in strollers and the traffic as is, is hectic and several times right in front of my house there is accidents, I mean taking out mailboxes, hitting telephone poles, hitting each other, hitting a person. I mean we have had problems with the traffic there and let alone at the end of the street with Dunsbach and Crescent. We've had numerous accidents so the other day I sat out at three different times and I wanted to see what the traffic was going by my house, so for an hour I sat out on two different occasions and it was 129 cars at one point, 130 another time, but that didn't count the cars that came onto Dunsbach before my road and Riverview the bridge that goes over the Northway, that was closed so the numbers would be higher and I think about 110 unit apartment there and your talking another 220 cars, and then down on Canal Road it's not open yet the condos that are down there, that's going to bring in an unbelievable amount of traffic. I even went out and I sat on an off time it was about 2:20 to 3:00 and I counted 84 cars going by at an off time. So, if the amount that that road is used, I'm very concerned about that amount of traffic coming and more accidents more people getting hurt that's a huge concern. I'm sure everybody else has theirs too but one other thing that I had too because I've been there and I watched Sandy Rock go in and I've seen the water problems and that was a small development, so I was curious to see if

there was an environmental impact statement that was going to be done for this project, because water is a huge concern. We've seen our neighbors being flooded out, it's a wet area, so those are my concerns.

Don Roberts: Okay, thank you.

Lana Norton: Hi, I'm Lana Norton. This is my husband Bob Norton, we're at 6 Dunsbach, so where this proposed phase II development literally will come out basically right along the side of our property line in the rear. I as well have many concerns regarding the traffic, so not only do we have DelSignore traffic everyday which I'm sure has been brought up many times, the jake brakes with the big trucks and all of that, the big trucks again on that residential street, but not only that Krause's has not been finished yet, that I don't remember the exact number but will be over 200 units, this proposed units an average home has 2 vehicles, 2 people driving everyday your talking on average an additional 700 cars that will be going because that will be a direct route from the Northway down to Krause's and to this development is on Dunsbach. Your talking an additional 700 vehicles everyday, not only that I have, I know you cant see it but if you bring up the aerial map of that area, like an aerial view and so where this is proposed to be built is a very large wooded area. If you spread that out further the only other wooded area is what DelSignore owns on Clamsteam Road. Where are all of these animals going to go. The deer the wildlife we have in our back yard? We have deer all of the time we have fishers we have all sorts of wildlife, where are they going to go are they going to cross the Northway to go over to Vischer Ferry Preserve? They're not going to make it there. These are just a few of my concerns along with the water that she had mentioned the side of our property facing where this development will be is very wet, it's wet all year round and as many of you know living in Clifton Park it's mostly sand so what happens when you, its mostly sand so water filters through sand when your displacing all of this land and all of these trees where's that water going to go? It's going to spread out and go even further and make more water issues for the surrounding area, those are just a few of my concerns.

Don Roberts: Okay thank you.

Lana Norton: I guess I said it all

Don Roberts: Smart man

John Zobel: Thank you Board for being here tonight for us, I'm John Zobel. I live at 35 Dunsbach and this is Cindy Zobel. My main concern is not only the people who live here right now because we deal with this day to day, the traffic the traveling, it's the individuals that are going to be moving here and the little children that are going to be on their bikes now to go to the CVS which is pretty far away, there is no services within this area, this road is very narrow and even if the developer puts a sidewalk in there well guess what you just lost a lot of your land which you can do Town you can take our land away, believe me imminent domain we understand that but now you are going to be butting up to a lot of peoples homes so that sidewalk is going to be walking right up next to peoples homes, hi how you doing. We didn't pay for that we were expecting a little bit of privacy but if that's what they are going to do put a sidewalk in that's the option that we have, but it's not a very good option, so right now when the children are on their bikes or they need to go to the McDonalds which is over on Visscher's Ferry you've got to get there and to get there is going to be very dangerous. Right now we have that challenge, that's a challenge that I have every day but the people that are going to be moving here are going to have to dal with that challenge and its going to be double the amount of people that are currently there so I just want to bring out those challenges that are going to happen to the, not only that we live there right now but to the future people that are

coming into this area and the challenges that they are going to have to get to the main road to get to the areas. The school to walk there it's going to be very difficult, there's no sidewalks there's no way to get around. This place is landlocked quite honestly, there's homes all around, you mentioned homes, but these are actually apartments, so clarify what they are they're not homes okay. A home is different, that's something that I care about. When someone comes here and they are transient and they're only here for a year or two they don't care about my home, they're going to litter the place and now I've got to have to lock everything up quite honestly, I am sorry but I'm going to have to lock my stuff up. I apologize, I'm sorry, that's all I have to say.

Don Roberts: Okay, thank you.

Cindy Zobel: Cindy Zobel, 35 Dunsbach Road, we live right on the crust of, it's like a hill right in the middle of Dunsbach which is, when we come out of our driveway especially in the Winter it's a blind, it's very blind we can't see coming out of there. Our neighbors that live at 37 and then we have other neighbors on the same side they can't see us totally blind coming out of their driveway, I know my neighbor has turned out of her driveway and had cars come up right along side of her because they fly down our road so fast, she's almost been rear ended multiple times. So that's a problem so once again I'm going to bring up speed on our road and I know every time I bring it up it's DOT's problem but how can we fix this speed on our road? How can we slow the traffic down on our road? Can we put in stop signs throughout Dunsbach and slow down the traffic? Maybe at Forest Lane another one at Belleard Lane in Sandy Rock and if this is built maybe put stop signs there just to slow the traffic down like a development would have. And I have a couple of questions, you mentioned that this may be single homes or apartments, there's two different plans?

Nick Costa: No

Cindy Zobel: No

Nick Costa: No, these are gonna be more like condominiums, per se.

Cindy Zobel: Alright are they going to garages?

Nick Costa: Yes, they will.

Cindy Zobel: Each unit will have a garage?

Nick Costa: Yes

Cindy Zobel: And if this is passed, we're just wondering if we can make it more like a neighborhood, so could we have single family homes built, like a Sandy Rock or something a little bit smaller not 110 units or even 50 units, something more of the size of 20 to 30 homes in there

Don Roberts: They did prepare a plan for 50 homes, but they are going with this instead.

Cindy Costa: Okay, alright so that's all I got right now. Thank you.

Don Roberts: Okay, thank you

Jim Guyette: Good evening, Jim Guyette Belleard Lane, my property borders this in the back, what do you have in store for the future after this development, nothing, it's just going to stay forever wild?

Nick Costa: Yes, you can see that the road can't be extended

Jim Guyette: Wow it probably can be, between those two houses it looks like it can continue on to the cell tower and develop north to south.

Nick Costa: No, the only reason we have that driveway is so that it can serve the existing tower, which there is already a driveway there.

Jim Guyette: Correct, so you don't plan on building and what public benefit do we get for this? Any public benefit besides, did the traffic study come in, how did that traffic study work out?

Nick Costa: There was a professional traffic study was done by VHB and shows the number of trips that are generated by this development.

Jim Guyette: I believe that traffic study was done during a holiday when the kids were out of school as well, so you've got less traffic, I don't know if you had the dates did you guys see the dates to that traffic study?

Don Roberts: I don't recall it no.

Jim Guyette: I believe it's a holiday for the school, so you had less cars.

Rich Berkowitz: It's also the only traffic study that we saw that recommended a light, so it's a failing intersection.

Jim Guyette: I don't have a problem to the developing of that property I just have a problem with the apartments, that's my only concern and I still have yet to hear what public benefit we get for another development you know what do we get?

Nick Costa: If I may the benefit for this project is that it will extend public water to Belleard Road.

Joel Constantine: Joel Constantine Shea Pointe. I just wanted to respond to the further development back adjacent to your property, I think we had mentioned it at the previous Board meeting that we would deed restrict that property from any further development. There is three current public benefits, the Belleard lane water that we talked about the Timberwick sewer and then the traffic signal that we talked about last night we would pay our fair contribution to that so three items them I want to clear up. These are not apartments and we had contemplated that early on these are going to be for sale condos. The builder that would come in here sees about 10% having children so it would be primarily empty nesters coming in downsizing from their home, living in a maintenance free living conditions. So, I just wanted to clarify that a little bit.

Don Roberts: Okay thank you

Jim Guyette: Well, seeing as how you are going to be putting water down why don't you give us sewer as well, that would be another public benefit that I would look forward to. That's pretty much it, that's all I have.

Don Roberts: Okay thank you.

Cindy Zobel: Hi, Cindy Zobel, 35 Dunsbach Road again, on that map that you have there's a dotted line underneath where the cull de sac is in the green and it says future road, what is that?

Richard Harris: I think the applicant put that in there if the property below ever got developed, they might possibly want to connect it as a road, but we don't have any proposal for that right now before the Town from that landowner there is no actual draft or proposal. Generally, when people do plans that end a cull de sac at the property line, they show a prospective in the future possibly, but that's up to the landowner, we have no understanding that they want to do that.

Cindy Zobel: Okay, okay also wondering the drainage you talked about with water where are you draining the water to where is it going to go, which direction and where is it draining because there's a lot of water, we have 2 sub pumps in our basement alone that are going constantly so I'm just wondering where all of this drainage is going to go?

Nick Costa: So, the roadways and the routes from the new homes will be picked up in a closed drainage system and conveyed over to a stormwater management practice in accordance with DEC requirements, and then it would discharge into the existing drainage ways that exist on the site. So, there's a

Cindy Zobel: Where's it go from

Bob Norton: Bob Norton 6 Dunsbach, where you're pointing that drainage is a massive wetland and it has a million-year-old ditch dug through there that is full of trees and mud and everything else okay and nothing flows. Where you have that, point to that again where you want to put that drainage, you see that go right below that, right there okay that's mostly my right off the side of my property, it's a swamp so you're going to add more water to that existing mess already?

Nick Costa: Into that ditch

Bob Norton: Yea no that ditch is not suited to handle any kind of run off, trust me and furthermore I don't remember you asking me about drawing that road through my back yard.

Nick Costa: We're doing that as planning

Bob Norton: Oh, as a maybe

Nick Costa: Yea as a plan, if we were to stop this road short

Bob Norton: If you stop that road right there, I'm staring at it in my nice wooded back yard which is the reason I bought the house.

Nick Costa: If we were to stop that road, and not had this connection possible, you know this possible connection it would be landlocked, this gives us an opportunity to

Bob Norton: Oh, that's unfortunate that you'd be landlocked because I'd be staring at all of that and listening to all of that construction and down there where you call that, what did you call that earlier, there is a nice stream that runs right through there like a real one

Nick Costa: Also, this goes into it

Bob Norton: Yea, and we already have city water, thank you though, not that you offered it to us.

Don Roberts: Okay, Sir.

Jim Bennett: My name is Jim Bennett. I live at 8 Dunsbach Road, he is my neighbor. He's carved out a nice little plot of land for himself I have too. We moved to Dunsbach Road to these locations because of the wetlands because of the forest. We deal with the wetlands now we have a little bit of water in our basements but we're accepting that, what he's planning on doing is dumping all of their water into our wetlands which would be into our yards, our basements and everything, that is, and then the road is going to go right through properties. I don't see this as a viable solution for anybody but the builder. It's a money grab.

Don Roberts: Okay thank you.

Michelle Belleard: Hi, Michelle Belleard 40 Dunsbach Road, so I live on the corner of Belleard Lane and Dunsbach Road which is the lowest point on that road. I have had with two sub pumps four, four foot of water in my basement. I've had the fire department coming and he's planning on putting more water, displacing more water I don't know where its going to. I'm very, very concerned about the water, never mind the traffic on that road, it's not wide enough to handle this kind of construction. We've already got, I've lived at my house for 35 years. When I moved in it was very residential it was so nice, it was quiet. Now you hear cars running up and down the road probably about I'd say about 65, 70 miles an hour because it's a little straight away there, you know it's terrible, I've walked the road on almost a daily basis and I've been hit, almost hit several times. From cars that don't move over because they can't move over there's cars coming, okay. They don't know how to slow down, so I have jumped off the road several times. So, I'm just concerned about the water, which is my main concern, and the traffic on that road. Thank you.

Don Roberts: Thank you. You already spoke right?

Lana Norton: I did

Don Roberts: Let's wait till the end, let other people who haven't spoken yet please.

Tom Koval: Could the people in the audience keep the chatter down so we can hear everybody and get everything on the recording, thank you.

Don Roberts: Go ahead

Nicole Leneau: Hi Nicole Leneau I live on Clamsteam Road, I have just a couple of clarifications if you don't mind. Exactly what kind of units are going in there?

Nick Costa: Condominiums

Nicole Leneau: Condominiums so there multi family condominiums, it's like one building with what, 2,3 4 in each building, and you're going to sell all of the condominiums so you're going to have a homeowner's association, a condominium association? Okay, and if they get approved for a condominium and they decide and if you approve the PDD today let's just say for these condominiums

Lyn Murphy: This Board cannot do that

Nicole Leneau: Well anyway if they get approved the PDD my question is if they decide to change it later to apartments are they going to be able to do that?

Don Roberts: They have to come back.

Nicole Leneau: They would have to come back and get re-approved for that? Okay, okay and then I know everybody is concerned, the people who live on Dunsbach Road, rightfully so about the amount of traffic because we don't even, we haven't even realized the impacts that the Krause project is going to have on that stretch of road, 500 plus more cars a day potentially and then now your adding potentially another 2 to 250 so it is going to be significant impact and I don't know if any of you have driven down that road but they, it is narrow, it is like gully along the one side so there's really no where for pedestrians to even step off the road you'd be in the ditch basically. It is a

Lyn Murphy: Could you just excuse me for one second, to the gentleman in the back there are microphones directly over your head you are completely interfering with this woman's right to get her point on the record so if you could keep it down that would be greatly appreciated. Thank you.

Nicole Leneau: So, I just think you know you should just be aware of what that, if you've ever driven down, probably would be a good idea to drive down that road and see what it's about because it is very narrow and there's no where for people to walk. It's not safe at all for pedestrian traffic. That's all.

Don Roberts: Thank you.

Erin Dougan: Erin Dougan 39 Dunsbach. I'm really just want to back up everything everyone has already said, that road is dangerous, it's dangerous for traffic as it is, and to even think about adding, Krause's is not done, we went there. To add 110 units on top of that to the traffic. I take my life in my hands every day pulling out of my driveway, I just have to say it because cars whip around the corner going 65, 70 miles an hour, even though the speed limits 40. I can't tell you how many times I've almost gotten creamed pulling out of my driveway trying to get to work. It's very dangerous, the water is also a huge concern just backing up when everybody else has stated it's really concerning for everyone on Dunsbach Road and in the surrounding area. So, thank you.

Don Roberts: Thank you, is there anyone who has not spoken yet that would like to speak?

Walt Fedden: Walt Fedden, I live at 51 Dunsbach what sewer? I've been waiting sewer for 15 years, there's no sewer. Is it coming from Krause's? Is it coming from this place? When's that happening?

Lyn Murphy: The sewer is done by the County we do not have any jurisdiction over where sewer goes or when it goes so go ahead call them feel free, Saratoga County Sewer District.

Walt Fedden: No, no you were just saying there was sewer and water going in?

Don Roberts: No, we didn't say that

Lyn Murphy: No, we did not say that the other people who spoke.

Walt Fedden: Alright, thanks.

Don Roberts: Anyone else? Anyone else wish to speak at all? Anyone online wish to speak?

Karen DeNooyer: Hi can you hear me, okay?

Richard Harris: Yes

Karen DeNooyer: Hi my name is Karen DeNooyer, I'm also a resident 69 Dunsbach Road. We've been here for 30 years; we have some grave concerns just like everyone else that came up and spoke. Number one, the traffic is a real concern. I'm unable to walk up and down this road already because there are no sidewalks and there really is no room to put sidewalks. Adding additional traffic is a real safety concern. It's also a concern of ours specifically because we are close to the corner of Dunsbach Road. If you add that much more traffic on top of what we're already expecting for Krause's we're going to have people backed up past our driveway to try and make a left onto Crescent Road which you take your life in your hands every time you try to do that at certain times of the day. I know because I've been to the meeting before and was told that Crescent Road is a State road and the Town is unable to put a light at that intersection. I really feel like if this project gets approved which I completely oppose, but if it does get approved, I think the Town needs to get approval from the State in order to have a light there. Because someone is going to get killed at that corner. There was just another pretty serious accident again just a couple of weeks ago. One of our own children almost died at that corner of getting hit. So, we're very aware of the problem. The water issue that everyone else has complained about is also a huge concern, like I said we've been here 30 years and in the past five years and the past three years specifically our yard has become a lake. The back yard is completely unusable most times of the year it is flooded the Sandy Pointe Development I think definitely impacted, we are on that side of Dunsbach Road, so while we are on the other side of the property that is being proposed here, it is going to have massive impacts to everybody else on this road. There is nowhere for that water to go, we are all flooded already, and yea that's all I really wanted to say about that, thank you.

Don Roberts: Okay, thank you anyone else online wish to speak? (No comments) do you want to speak again?

Lana Norton: Lana Norton 6 Dunsbach, I just have one more question, so in the letter that was sent to us regarding this development it was proposed that a red light would be as consolation, put in at the end of Dunsbach on Crescent Road but now we're being told that Crescent Road is a state road so is your development going to the state for your business going to the state to ask them to put in a light on that road?

Richard Harris: Can I just, I wrote the letter. They contribute towards a signal they do not have authority to just put one in they would have to get a permit

Lana Norton: And that's what I'm asking are they going to the state to get approval towards? Yes, donate money is that a guarantee that a light will be put there?

Nick Costa: No

Lana Norton: So everyday I drive my 17 year old daughter to work at McDonalds coming from Dunsbach onto Crescent Road, she has to be to work at 5 o'clock, I literally have to leave my house less than one mile away 20 minutes before she has to be at work because I can't get from Dunsbach onto Crescent Road to make a left hand turn, and again Krause's is not finished yet and your proposing more traffic, thank you.

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

Kelly Fedden: Kelly Fedden: 51 Dunsbach Road the water is the main concern for me because I live basically at the end of Sandy Rock division, that one came in I can't use my driveway anymore on 51 Dunsbach Road because it's flooded out. I have to actually enter from Sandy Rock, so the water concern is a real problem. I mean if you ever want to drive by my driveway, it's a lake and I cannot drive up my own driveway. I have to walk down Sandy Rock to actually get to my mailbox to get my mail, I cannot stop and use my mailbox so I think the water is the main concern and I think that's something you really need to address and also to get out onto Crescent is ridiculous and its very dangerous and my children are just starting to drive so it's a big concern for me also. I mean some of our neighbors have actually been hit down there on Crescent it's horrible. At the end of Sandy Rock within the past year there was an accident there, they ran into the telephone pole, so I mean the accidents there was also another accident and caught the trees at the end of my driveway on fire, so I mean the road is very dangerous, I just don't want you to think that this is all just hearsay. I mean if could get the information and we'll try, and we are going to get all of these accidents to you but it's really a hazard and the amount of new traffic that would be coming would be detrimental. Thank you.

Don Roberts: Anyone else? (No comments) Okay we'll close the public information meeting I want to thank everyone for coming out and giving us your comments, again this Boards responsibility is to make a recommendation to the Town Board, positive or negative so we'll open up for the Board to comment.

Tom Koval: I would like to make a negative recommendation to the apartment units, and I agree with the traffic issues on the road and all 22 properties on that road the water issues need to be addressed. This would be detrimental to the neighborhood.

Rich Berkowitz: Would you like to give them a chance to remove their application or should we just

Don Roberts: No, we make a recommendation that's it.

Rich Berkowitz: I second that.

Don Roberts: Okay we have motion for a negative recommendation and a second all in favor for a negative recommendation say Aye? (All were in favor) Opposed? (None were opposed) Motion carried, thank you.

Shea Pointe PDD – PDD Recommendation

NEGATIVE RECOMMENDATION. Board held a Public Hearing and issued a Negative Recommendation for a proposed 110-town home/condominium Planned Development District (PDD).

New Business:

Mi Mexico Lindo Tienda y Taqueria LLC, 1509 Rt 9 – Change of Use/Tenant (24.090)

Jimmy Martinez: Jimmy Martinez and I have a currently a space where I have my business that is a grocery store and a taqueria too, we sell food.

Don Roberts: I've been there, it's very good by the way

Jimmy Martinez: Most of the food we have is to go we have. It's a small place, like 950 square feet, and we have three tables, four tables and the space next to us Nona Maria's, all of you know it because it was a popular

restaurant. The guy retired so we are going to, we have his space already, so we are trying to expand our business so that's what I'm here to let you know we are going to be using the other side too so.

Don Roberts: How many tables over, or is it the same amount of tables he had?

Jimmy Martinez: He had 14 tables, we are going to move a few things that is going to give us space for 15 tables and also, we like to build a small bar for probably three seats, that's what we want to do.

Don Roberts: Okay, questions by the Board?

Rich Berkowitz: Do you have a sign application also?

Jimmy Martinez: I don't have a sign application but

Tom Koval: Are you putting up any new signage or are you sticking with your existing sign?

Jimmy Martinez: I am going to keep my same sign that I have but I would like to contract someone to do I'm sorry I want to say I want to keep the same name and everything, but I would like to contract someone, get someone to do maybe a bigger sign, to have the space from one side and have space from the other side.

Rich Berkowitz: When you do that, you just have to give an application you know?

Jimmy Martinez: Yes, I know

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

Marcel Nadeau: I'll second it.

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

Jimmy Martinez: Thank you so much have a good night, thank you

Don Roberts: You too.

Mi Mexico Lindo Tienda y Taqueria LLC – Change of Use/Tenant APPROVED. Board approved the use of 1,556 SF for an expansion of the existing market/restaurant.

Cruet Wood Fired Pizza Truck, 1500 Rt 9 – Change of Use/Tenant (24.092)

Nercessian Kettle Corn Truck, 1500 Rt 9 – Change of Use/Tenant (24.098)

Marilyn Sehgal: Marilyn Sehgal, we have the Sunoco on the corner of Route 9 and Grooms Road, and I thought it would be a good idea to try out food trucks. I think it would be really good for the community, so I put the word out there to a couple of vendors that are current on all of their NYS permits. They have all of the proper insurances, and I informed them that they could try to get approval through the Town and if you guys are okay with it, we would like to try it out. It's new, maybe they would never both be there at the same time. One is a kettle corn food truck, and one is a wood fired pizza food truck. So, I wanted to present the idea to you. As you know there is a large community behind our gas station, as well as a very high traffic flow of landscapers coming

6/24/24

through at lunch time. It would be Wednesday, Thursday, Friday and Saturday, not every day because they also have different events, so I just wanted to present it to you and get some feedback.

Don Roberts: Okay just to clear things up we're doing the pizza truck and the kettle corn truck at the same time here okay?

Lyn Murphy: She is saying they will not physically be there at the same time

Don Roberts: No for the application, for the application we're doing it because rather than repeat ourselves again we're doing both applications at the same time, but they will not be there the same time?

Marilyn Sehgal: Yes sir

Don Roberts: But they will not be there the same time?

Marilyn Sehgal: That's correct

Don Roberts: Correct okay, is that it.

Marilyn Sehgal: That's it.

Don Roberts: Okay, questions by the Board?

Rich Berkowitz: How do you control traffic there, because that's an awful intersection. You have people trying to take a left hand turn out of your station, illegally trying to go west on Grooms Road

Marilyn Sehgal: Yes, Sir that's a very fair question. Well two really good things because I talked with both of our vendors about this, is they have experience with working in high traffic areas. They have signage they have roping off they have cones.

Rich Berkowitz: It's not them, it's the patrons who go there, the patrons that use the gas station they're trying to make illegal movements out of your parking lot so it's nothing against you or the proposed tenants, it's just people not obeying the proper traffic signals and proper traffic movements.

Marilyn Sehgal: That's correct

Rich Berkowitz: It's a difficult intersection as it is.

Marilyn Sehgal: The plow takes signs out every single year, yea.

Rich Berkowitz: So even the County who plows that has difficulty in that area.

Marilyn Sehgal: Yea

Rich Berkowitz: Professional drivers

Marilyn Sehgal: So, what our plan is for the people that are visiting the gas station where the food trucks, we were talking about being up by the front hedges.

Lyn Murphy: There is a little red pointer laser thing to use

Ankit Sehgal: Hi, my name is Ankit and we both own it, so this was the space which we were looking at to block it, and if we can block it in this area, we can have cones in this area so people can park here, or they can park here so they can use the trucks here. So, like if you have parking spots here right now this all the parking spots and if they can park the truck here so they can park the people that are coming to the food trucks they can park the cars here only.

Marilyn Sehgal: So, what we're saying is where the food truck would be, it wouldn't be interfering with any of the people that are currently getting gas or coming in and out of the store.

Ankit Sehgal: So, people are filling the gas here and they are coming into the store here. They are just, the trucks will be here, and the cars will be parked here only.

Marilyn Sehgal: But we're here for feedback guys we're here for your thoughts, this isn't just this is what we want to do, we're here for okay well maybe it would work if they park here or maybe it would work if , we're here for this is what we would like to do but if it will work because maybe if they parked somewhere else o what your thoughts are. We're here for feedback.

Marcel Nadeau: The hours in the afternoon are 5 to 7 and I've been to that intersection numerous times and at that time to only see the traffic backed all of the way down almost down to the bridge, and there's an awful lot of traffic in that little circle there.

Tom Koval: That's my biggest concern too, the traffic and Grooms backs up past Birchwood and it backs up almost to 236 heading north, its going to be tough for the customers, for fuel customers even to get in and out let alone the customers for the food trucks. My other big concern is the amount of illegal lefts that I see it all of the time.

Marilyn Sehgal: I know if you guys have a suggestion of how we can fix that I would be more than open other than we have 2 signs that currently say you cannot take a left and we have a sign that says you cannot take a left into there. Unfortunately, I cannot control illegal driving.

Marcel Nadeau: When we looked at the site originally when it got developed that was our biggest concern and we knew we almost could not control it.

Marilyn Sehgal: Yes

Marcel Nadeau: But we did give him that exit that way

Tom Koval: I don't feel it's the best place for food trucks to be honest with you

Marcel Nadeau: I would agree with that

Rich Berkowitz: I think it's a good idea just the wrong location

Marilyn Sehgal: Okay, okay

Don Roberts: We need a motion and

6/24/24

Rich Berkowitz: I make a motion to deny the change of use and tenant for both applications just based on traffic concerns.

Marilyn Sehgal: And I just want to make sure for my guys if your application gets denied do you get the refund of the application fee or no?

Don Roberts: No

Marilyn Sehgal: Okay, alright thank you guys

Don Roberts: We have a motion and a second to deny both applications for the pizza truck and the kettle corn truck, all in favor to Deny this say Aye? (All were in favor) Opposed? (None were opposed) Motion carried sorry

Marilyn Sehgal: Okay thank you.

Carla DeRasmo: Hi Carla from the popcorn truck, can I add a comment?

Don Roberts: You can comment sure it's not going to change our decision but go ahead and comment

Carla DeRasmo: Is it possible to do a provisional, like a trial?

Don Roberts: No

Carla DeRasmo: Okay, thank you

Don Roberts: Your welcome

Cruet Wood Fired Pizza Truck – Change of Use/Tenant

DENIED. Board denied the application to allow a pizza food truck to utilize a portion of the existing parking lot at 1500 Route 9.

Nercessian Kettle Corn Truck– Change of Use/Tenant

DENIED. Board denied the application to allow a popcorn food truck to utilize a portion of the existing parking lot at 1500 Route 9.

Clifton Park Halal Market, 1525 Rt 9 – Change of Use/Tenant (24.097)

Davol Qamar: Hello my name is Davol Qamar we are trying to open a Halal grocery store for the south Asian community at 1525 US 9 Halfmoon.

Don Roberts: Starting out right away could you call it Halfmoon instead of Clifton Park? I mean it says Clifton Park, I mean could you call it Halfmoon.

Davol Qamar: The name of the store?

Don Roberts: Yea

Davol Qamar: Well, we can

Don Roberts: Because you're in Halfmoon not Clifton Park, just so you know

Davol Qamar: Sure, we can, not a problem.

Don Roberts: Okay thank you, thank you well go ahead. What are you going to do, is it going to be a market?

Davol Qamar: Yea it's going to be a Halal grocery store for Indian, South Asian community so stuff like rice tables, meat and etc...

Don Roberts: Okay questions by the Board?

Davol Qamar: There is plenty of parking still because it's not fully built out, right.

Rich Berkowitz: No there's never any parking problems in that area. The one thing that's probably going to happen though and it's not your concern, firework tent there, that will never be there again.

Davol Qamar: It was an empty building so that's why they are doing it

Rich Berkowitz: Right but now that building will be almost full so that probably will be the last year of that.

Davol Qamar: Yes, it won't be there, I don't think so.

Don Roberts: Any other questions?

Tom Koval: I'll make a motion to approve the change of use/tenant putting it on record that this is pretty much filling out parking available for this spot so any future tenants may have an issue with getting approvals with the limited amount of parking.

Rich Berkowitz: Ill second that

on Roberts: Okay we've got a motion and a second for the Halfmoon Market, all in favor Aye? (All were in favor) Opposed? (None were opposed) Motion carried, good luck.

Rich Berkowitz: Are you going to have a sign?

Davol Qamar: We're going to have two signs, one on the building and one on, there is a sign space already there but later on

Don Roberts: You have to come back for that

Rich Berkowitz: You have to come back for that

Davol Qamar: Yes, we will come back for that

Don Roberts: Thank you, good luck.

Clifton Park Halal Market – Change of Use/Tenant

APPROVED. Board approved the use of 3,000 SF for a Halal market.

Lands of Hickok Subdivision, Firehouse Rd (284.02-3-28.1) – Minor Subdivision (24.094)

Fred Metzger: Fred Metzger, here this evening with Mr. Hickok regarding his proposed 2-lot subdivision. Mr. Hickok has a parcel of land located on Firehouse Road, it's about 2.64 acres looking to divide it into 2 parcels to

be developed and improved with 2 duplexes. There is existing water, no sewer so we would tie into the municipal water and prepare septic designs for each unit. Kind of a flag lot with the second one. The access areas you can see to the northeast of the parcel it would have a single driveway coming up to service both units where it would get to about the subdivision line between the two parcels, split in half and service each one of the new duplexes. As the lots stand, they meet all of the existing codes for that area.

Don Roberts: Okay, questions by the Board? This will need a public hearing by the way but questions by the Board?

Tom Koval: I'll make a motion to set a public hearing for July 22nd

Marcel Nadeau: I'll second

on Roberts: All in favor Aye? (All were in favor) Opposed? (None were opposed) Motion carried, see you July 22nd.

Fred Metzger: Thanks guys.

Richard Harris: Just so people know in the audience and anyone else our next meeting isn't until July 22nd so there's no early July meeting. Just so you're aware. Plus, we have to look at County.

Lands of Hickok Subdivision – Minor Subdivision & Special Use Permit

PUBLIC HEARING SET. Board received a presentation on a request for a two-lot subdivision and proposed duplexes and set a Public Hearing for July 22, 2024.

Davey's Realty Office/Storage Bldg., 1615 Rt 9 – Site Plan (24.009)

Dave Kimmer: Good evening, everybody my name is Dave Kimmer from ABD Engineers I'm here on behalf of John Cole Jr. Davey's Realty. They are the owners of this about 2-acre parcel here behind the Harbor Freight on Route 9, 1615 Route 9. Right now, the lot is vacant, it contains part of some of the parking lot and some cleared area and the storm water area from the Harbor Freight. I don't know if any of you were on the Board in 2017 when Harbor Freight was approved but sort of, part of that master plan was kind of carving out this sort of keyhole lot which for a future development. Nothing was approved at the time, but it was designed to be developed and as such there is actually an existing storm water area on this lot and some stormwater infrastructure already. But as you can see John Cole Jr. and Davey's Realty are looking to build a approximately 19,000 square foot office storage building for their business. It's going to be a one-story storage building with about 2000 square foot of office space and the rest of the building is going will be for storage for vehicles, equipment, supplies. There will be overhead doors on the front and side of the building, there will be parking for I think 19 vehicles. There will be landscaping, sidewalk in front, the front and side will be fenced in as well and actually on the back as well because there will be access around the back of the building. You can see too another kind of unique thing about this proposal is that there is a, there was an existing kind of verbal agreement with Devoe's Orchard in the rear for them to have access through this lot so what we've done is provide a gravel drive around the back of the building so Devoe's can still get to the back of their orchard, and that's kind of at the top of the lot there. As far as other utilities go there is water set up for this lot, there is a water line kind of going right up the keyhole portion of the lot and there is no sewer available, there actually there I an existing easement that would allow for a forced main

connection in the future but that's not likely to happen any time soon so we're proposing septic, a system similar to what Harbor Freight has. There obviously is the orchard behind the lot but there are residential back yards here, so we are staying over 100 feet away to respect that setback. That's about all there is to it, and I'd be happy to answer any further questions you have.

Don Roberts: Okay thank you and we will be referring this to our Town engineer for review and Saratoga County Planning Board and as you said it does border residential area so in the future, we will be having a public information meeting.

Dave Kimmer: Right

Don Roberts: Comments by the Board?

Tom Koval: I see that you have 17 thousand square feet of storage and then I noticed that it says self storage in one spot, are you going to be renting out storage units?

Dave Kimmer: No, I'm not sure where it says self storage but that's a mistake.

Richard Harris: I put that in the topics that's my fault, I think when we originally talked like 6 months ago, we were under the impression that it was going to be self storage so that's my brain not correcting.

Tom Koval: So, there is not going to be any automotive work going on inside this building?

Dave Kimmer: No, when yea when Rich said we've been kind of thinking about this project for a while and they were thinking about maybe doing flex storage for like to rent out for contractor storage but they're kind of taking that idea and just using it for themselves at this point.

Rich Berkowitz: What kind of trucks are going to be there as far as delivery?

Dave Kimmer: There shouldn't really be any deliveries, they're not planning on having deliveries

Rich Berkowitz: But you're storing materials there?

Dave Kimmer: Yup and vehicles

Rich Berkowitz: How do they get there the materials?

Dave Kimmer: They would be delivered by a truck

Rich Berkowitz: Okay, what truck

Dave Kimmer: A small truck I don't think your going to have big trucks, what I guess I'm trying to say is that there's not going to be daily deliveries

Rich Berkowitz: Are we talking boxes? You can't fit a tractor trailer back there.

Dave Kimmer: There will be no tractor trailers

Rich Berkowitz: Okay, so you're talking box trucks?

Dave Kimmer: Yes

6/24/24

Don Roberts: Anyone else? Okay we'll have our Town engineer look at it and the County and we'll get back to you.

Dave Kimmer: Okay thank you

Don Roberts: Thank you.

Davey's Realty Office/Storage Bldg. – Site Plan

TABLED/REFERRED TO AGENCIES. Board received a presentation for a new 19,200 SF office and storage building for their real estate business.

Next Generation Roofing (2nd Fl. Addition), 1890 Rt 9 – Site Plan (24.083)

Chad Gregory: Hello how is everybody tonight, I'm Chad Gregory with Next Generation Roofing and I'm proposing that we put a second story addition on our building that was already approved. The site plan location of the building did not move nor did the already approved foundation plan move. The only thing that's changing is that we are adding a second floor to an approved one-floor building.

Don Roberts: Okay, questions by the Board?

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

Richard Harris: We do have to get, the plan you submitted still says 1480 square foot, we need a plan that shows the second floor to make sure it meets the height, 35 foot and it shows the actual square footage this is the old, approved plan.

Chad Gregory: So, you just need the plan to update the square footage on that little map?

Richard Harris: Yea even if it's just one sheet that we'll add to the approved plan from a year ago just showing the amendment with the accurate, because it doubled in size, so we've got to have that.

Don Roberts: And we can do this contingent.

Rich Berkowitz: I'll make a motion to approve this contingent on you getting us the proper site plans.

Tom Koval: I'll second.

Don Roberts: All in favor Aye? (All were in favor) Opposed? (None were opposed) Motion carried, so get the site plan to us and your all set.

Chad Gregory: Okay then from my understanding my building application was

Richard Harris: I'll meet you outside to talk about it.

Chad Gregory: Okay

Lyn Murphy: Without that site plan you cannot build, I want to make sure your very clear on that.

Chad Gregory: I'm confused as to when I put in my amendment those questions weren't asked of me then that way I would be prepared while I was here today?

Richard Harris: That's why we conditioned it, so that you submitted the whole plan

Chad Gregory: But she just stated that I couldn't continue to build if that is not there.

Tom Koval: If you bring it to them tomorrow your good to go.

Chad Gregory: Okay, but I can build in the morning then?

Lyn Murphy: If you get here, they can't authorize you to build a second floor with no plan showing that the second floor is a feasible building.

Tom Koval: So, all you've got to do Chad is take that number that is a 1480 and change it to the new square foot

Richard Harris: It's a stamped engineered plan

Tom Koval: Your engineer has to do that

Chad Gregory: Okay I un that but I'm still kind of confused on the 1480, I'll get it taken care of tomorrow morning.

Lyn Murphy: And I think Mr. Harris is planning on talking to you and explaining it a little more in depth, I just didn't based on past practices we've had some issues with things going forth that should not have gone forth so I wanted to be very clear with you that although its approved, it's approved with a contingency, so you have to meet that contingency.

Chad Gregory: Understandable

Rich Berkowitz: Are you done with the first floor yet, or no?

Chad Gregory: Yes, you know we're past that.

Don Roberts: Rich will take care of you don't worry he'll take care of you.

Chad Gregory: Okay, thank you.

Richard Harris: Chad hold on one second, we do have the building permit from your architect saying that everything meets building code we just need this one page updated to show, because that's separate by the building guys and my office. These guys need to have a plan that the chairman stamps and approves the total square footage so it shouldn't be

Chad Gregory: No, it shouldn't be, it's a feasible thing that's going to happen because the building department wouldn't approve a building that wouldn't meet certain height requirements and things of that nature, so that's just my confusion on that part. The building department had approved it.

Richard Harris: The building department did not approve it yet.

Chad Gregory: Not yet, the hopeful, I'm hopeful that they do that I could move forward with the building tomorrow morning.

6/24/24

Richard Harris: I'm comfortable with allowing the building permit but we need to have the revised site plan before c/o I would go along with that.

Don Roberts: Yea, that's fine.

Chag Gregory: Ill have it by the end of the day tomorrow. It's just very hard to do that at 8 o'clock in the morning. I was hopeful that we would get approved, and I could be picking up my building permit tomorrow morning and that my framers can continue to work.

Don Roberts: Get it here tomorrow, you're all set keep it simple okay, don't worry about it.

Next Generation Roofing (2nd Fl. Addition) – Site Plan

APPROVED. Board approved the proposed second story addition for their existing office at 1890 Route 9 with a condition to provide an updated site plan.

Old Business:

Christopher Subdivision, 98 Werner Road – Minor Subdivision (24.038)

Pat Jarosz: Back again. Again, my name's Pat Jarosz of VanGuilder Associates. I'm here tonight on behalf of the owner to continue the request for a 4-lot subdivision of 1.72 acres of it is located on the corner of Cemetery and Werner Road. Mr. Christopher is a long-time resident who would like to subdivide the lot as proposed for State planning purposes for his 4 grandchildren. The lot is located in AR agricultural residential zone, is served with public water and sewer. Lots 1, 2 and 3 will be a little over 20,000 square feet and lot number 4 has received an area variance on June 3 from the ZBA per the Planning Board request. Thank you.

Don Roberts: Comments by the Board?

Tom Koval: I make a motion to set a Public Hearing at the July 22 meeting.

Marcel Nadeau: I'll second it.

Don Roberts: All in favor aye? (All were in favor) opposed? (None were opposed) motion carried. See you on the 22nd.

Pat Jarosz: Thank you.

Don Roberts: You're welcome. Next item.

Christopher Subdivision– Minor Subdivision

PUBLIC HEARING SET. Board received a presentation on a request for a four-lot subdivision and set a Public Hearing for July 22, 2024.

Murray Auto Sales, 315 Route 146 – Site Plan (24.035)

Robert Murray: Robert Murray. Where did everybody go? I'm looking to putting another car lot on Route 146. I was here previously and the Town Engineer and the engineer firm that I hired have been going back and forth. I don't do this for a living, so I believe they've been in contact with Rich. But I did hear a couple concerns when I walked in.

One was the parking lot not being sizeable and I spoke to my engineer but we're not allowing the public to drive in there. Only the cars, and we will move cars through there to avoid anyone hitting a car or theft of any parts off a car. So, the public will come into their parking spots. They will walk between the cars. The next concern I heard was something to do with visibility because of their houses close by. On the back of the property, there is a, and I'm going to call them green, tall trees. May they're arborvitaes or something. I don't know what they are. But we left them up there. Then you'll see the back of the shop which was a concern about a overhang or something that was put on there prior to me buying the property, which fell down. So, we did remove it and bring it over to your \$20 a truck dump week. And the back of the yard, we're doing nothing with because that's where our utilities come in. So, the only thing I can think of is looking at the property, on the right is road. On the left is like a forest and behind me I think there's like 3 or 4 houses which that should be blocked. They shouldn't really see anything.

Rich Harris: You can see some of what you're talking about on here Rob. There's the trees there to the west, those are arborvitaes.

Robert Murray: All that was left back through there and then you have the garage there and there was an overhang on the backside that, I guess it infringed on right-of-way.

Rich Harris: Yeah. Yep, could see it there.

Robert Murray: That had collapsed and been removed. The backyard there's for the septic system is the water comes in and the sewer line runs back there. We're mainly going to be in the front of the house and then off to the right on the east side in that field. But, when you come in through the driveway, that's for customers would park. Again, we're going to mainly do this on-line its saying its 441

Rich Harris: Yeah. I do want to touch on that because Joel brought it up in his review letter regarding the isle widths and if this was a typical parking lot open to the public, the minimum width in our code is 22' for a 2-lane road and in the past, and Joel comments on this in his letter, this Board, when there's one way isle width 14-16', somewhere in there. But their engineer's argument back or comment back was that this area is for supply for auto vehicle supply, not for public use so I think the Board should talk about that. How do you feel about tighter isles for storage of vehicles. Not necessarily for the public.

Don Roberts: Well, before that even, when you were here before, I said you're proposing 60 cars, right?

Robert Murray: Correct.

Don Roberts: I think that's too many. I really think 60 cars is too many for that lot.

Robert Murray: Alright, I'll be honest with you. I just turned this to an engineer and then he drew, Kevin Weid did all the drawings for me and that's what he came back with, 60 cars. I don't know. I don't do this for a living. The drawing I asked him to do it. Pay them and that's what he came back with, 60 cars. So, if we have to change it or adjust it. All I said to him was 3315 just, what can I do there? How cars can I put there? That's a drawing that I received so that's why that was presented to you.

Don Roberts: Ok, well Joe, you reviewed this and you, with what you're recommending it's gonna take up some space, right? I mean, more space.

Joel Bianchi: Yeah. I think if you were to go, first of all I drove by your other car lot on 146. So, in your front yard most of your parking's in the back there.

Robert Murray: Correct.

Joel Bianchi: And based on the way I looked at that parking in the back, it would be 20-22' isle widths is what you have there. In the front you have a single loaded stall, but you have maybe 10 cars up front. So, everything's in the back?

Robert Murray: 7 cars in the front and we'd have to put an orange cone out there now because we had somebody go in there, hit a car and left that night.

Joel Bianchi: Right, so, to my point is what are you proposing, our suggestion to you and to your engineer was hey, show us where this has worked successfully, and we'll consider it. He hasn't given us anything. And we went to at least 7 used car lots in town and none of them have this size, at 15'. I, from an engineering perspective I don't know how you could double-stack and park a car in a 15' isle with a car on the other side.

Robert Murray: My engineer's older and I'm dealing with him too, he's a friend of a friend so.

Joel Bianchi: Understood.

Robert Murray: I kicked it to him. Yeah, I mean, all I'm trying to do is figure where I go with this. I don't do this, ya know, this planning and setting up so whatever, I'm just looking to get started. So, if that needs to be changed, I can call Kevin Weid and I can tell him, change the drawing, and see what we come out with.

Joel Bianchi: So, Don just high level, if they were to high level look at this, if you were to make those isle widths to conform, you would probably lose that row. You'd probably lose 10-15 spaces. So, it goes from 60 down to 45.

Don Roberts: Do you think 45 would be comfortable on that?

Joel Bianchi: I think 45 is probably a reasonable number where you would start. You don't start by over developing the site, it addresses I think the Boards concern in part.

Rich Harris: To supplement what Joel's saying, I think since the residential area here is, yes there is to the west but to the north across Fellows Road, if in doing that, argument's sake, eliminate this row, get your 22' and then pull this office parking area further away from the residential area a little bit. Probably 20' you could probably do that. Get them a little closer to your office. Give a little bit at least visual distance between you and the homes along here. You'd have a much better plan

Robert Murray: Well, let me ask you a question where the driveway is going into the house and then the shop there there's a fence there. If we take out that fenced area and we put a couple spots there and remove the back?

Rich Harris: You've just got to watch what it does to your leach field there

Robert Murray: Yeah. Just make sure, yeah, the leach field is, I tried to get drawings, but the leach field is over, we're not on top of it or near it. I mean, I can go back to Kevin and ask him to redraw this.

6/24/24

Rich Harris: Swap that right there.

Robert Murray: Swap that to there and then what do we do, take that middle one and move it back a little bit.

Richard Harris: Does the Board want to talk about a number of cars and give them to Billy to design? Joel, you're saying 45.

Joel Bianchi: Joel you're saying 45 so 40 cars should work without any issues.

Joel Bianchi: I would think so. I mean, if you don't know how many cars

Marcel Nadeau: Let's do 40 cars.

Robert Murray: I think our other lot has 47.

Rich Harris: That would be 40 plus the 5-office parking you mean?

Tom Koval: The other lot's quite a bit bigger though, isn't it?

Robert Murray: No. This is bigger.

Joel Bianchi: No, this is a bigger lot by at least

Marcel Nadeau: Joel feels 45 will work. 40 should not be a problem.

Don Roberts: Because again, you're near a residential area also. I mean and we should.... typically, when this nears a residential area, we do have a public information meeting. I think we probably should.

Richard Harri: Yeah, I think you should.

Don Roberts: You really should.

Rich Harris: I mean we should get input from neighbors, sure.

Tom Koval: You do have four houses that close to you there.

Don Roberts: Yeah, we do.

Marcel Nadeau: Now let's anticipate 40 cars.

Don Roberts: Ok, 40? Does that sound good to everybody, 40?

Rich Harris: Can I just clarify, does that include the 5 he has for office parking or 40 inventory plus 5?

Marcel Nadeau: Inventory.

Rich Harris: 40 Inventory, plus 5?

Charlie Lucia: What we can do is mark a plan based on the Board's comments and some directions to help you consult him.

Robert Murray: Yeah, whatever I have to do, I'll send it to Kevin, and I'll get new drawings.

Marcel Nadeau: Do we want to set a Public Hearing?

Don Roberts: Public Information Meeting.

Rich Harris: I'd like to have that revised plan back though for the public to look at before at least 10 days before...

Don Roberts: So, we'll do it in August instead of July?

Rich Harris: Well, I mean, if he thinks he can get to us within 2 weeks

Robert Murray: Yeah. I'll get hold of Kevin. He's pretty quick and does good drawings.

Don Roberts: Ok.

Rich Harris: Kevin's not the person on this though, this is a different Kevin.

Robert Murray: No, Ken Martin, Ken Martin is the Engineer he's overseeing, I don't know what, he's handling that

Rich Harris: Ok.

Robert Murray: What happened when it started was, we were going to put a medical buildup in but we changed our mind so I handed the address to Kevin Weed and I said, Kevin, what can I put here for a car lot? Do me some drawings. This is the drawing he handed me. That's when I approached you and then we needed an Engineer to talk with your Engineer, so I got a hold of Ken Martin again who is friends of the family and put it in his corner, but he doesn't do the drawings and that stuff so they kind of work together, I guess. So, I can go back to Kevin Weid and ask him to adjust the drawing. I mean, I'm fine with that. I'm just trying to, I don't, I'll be honest with you, I repair medical equipment. This is a hobby, so.

Marcel Nadeau: I make a motion for a public information meeting for July 22.

Rich Berkowitz: I'll second.

Don Roberts: All in favor, aye. (all approved). Opposed? Motion carried. We'll see you on the 22nd.

Robert Murray: Let me just make this clear. I am going to move them spots in the back to over where the fenced in area is.

Robert Murray: Right Joel?

Joel Bianchi: I've got a question. Bob, we'll send you a markup of what we discussed

6/24/24

Tom Werner: Are you planning any type of vegetational along 146 to kind of soften it, ya know, low shrubs or something.

Robert Murray: Well, I wasn't going to put anything there because of the, I'll say dip where the water runs. So, I wasn't going to put anything there. So, we're just going to a line of cars all parked up against the right-of-way?

Robert Murray: No, no, no. You'll have grass there. I mean

Tom Werner: Have what, grass?

Robert Murray: You'll have grass. I mean you

Tom Werner: Can't you plant some shrubs in the grass area?

Richard Harris: This would all be State right-of-way.

Marcel Nadeau: We can look at this

Tom Werner: The State will give you an, they may give you an exception.

Tom Werner: I just thinking something that's soft in here a little bit. Break it up so you don't just see a row of cars.

Rich Harris: You'd have to pull these, which isn't a problem but pull these spots further up towards the building to leave room to do that is what you're saying, right? To keep it on the private property.

Don Roberts: Ok? Alright.

Robert Murray: I wasn't planning on putting anything there, so you could kind of see the cars.

Lyn Murphy: Joe's going to mark it up

Robert Murray: Alright. Yeah, and then I'll just. Alright, now I'll turn it over to Kevin Weid and then they'll redo the drawings and then I'll have them into you

Rich Harris: By the 10th of July would be great because we'll get it out

Robert Murray: You're going to have them within a week.

Rich Harris: Ok.

Don Roberts: Ok, good. Alright. Thank you.

Robert Murray: I'll stop here for the drawings.

Rich Harris: We'll email you, probably, I'll talk to Joel. Paul and I will talk to Joel.

Robert Murray: And I think Kevin Weed is in the email chain.

Rich Harris: Ok.

Robert Murray: If you want to include him.

Rich Harris: Sure, that's a good idea

Robert Murray: And then I'll touch base with him tomorrow and give him my version, alright?

Don Roberts: Okay good.

Robert Murray: Thanks so much.

Don Roberts: Okay, thank you.

Robert Murray: Have a good night.

Don Roberts: You too.

Murray Auto Sales– Site Plan

PUBLIC INFORMATIONAL MEETING. Board received a presentation on a request for a used automobile sales lot and set a Public Informational Meeting for July 22, 2024.

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

Paul Goldman: Good evening, Paul Goldman, for Equinox Company. It's nice to see everyone here. I've got Paul Sheehan and Todd Fischer, and this is a revisit of presentation that was made. So, what we have here, and we can either kid of get right to it, or we can just have a discussion, but we

All: Let's just get right to it.

Paul Goldman: Okay so let's talk about the traffic right, is that the issue. We have a fully approved site plan; we're fully vested in this site plan. So, when this thing was first approved it had 21,250 sq. ft., single building and we are bringing in, we've separated the building into two buildings for a reduction of 1,750. In my letter, there was a detailed letter where I sent forth for the Board the pickup times for the Learning Experience. It's 140 students max. This company's got many facilities across the country. There is a significant shortage of day care in this area. So, the pickup times run on the front side from 6:30 a.m.-9:30 a.m. That drop off time is really not the difficult period that, ya know, the bank is not open until 9:00. Town Fair Tire opens up right around 9:00. So that the morning period, and I've been over there myself to check is not your issue. So, the issue is the pickup in the evening hours that runs from 4:00-6:30, okay, and the bank is closed at that point so that's the place right next door is closed and the Town Fair Tire closes at 6:00. So, we went from 4:00 to 6:30. The drop off, or the pickup times are staggered as I set forth in my letter, every eight minutes. So, the maximum period of time from 5:00-5:30 is 34 children from that half-hour increment. Now importantly with this site when we went through the approval on this property for Trader Joe's it showed that the access point. There was some discussion about moving that access point further to the west. It was the Board's prerogative that it would line up with Home Depot. So that's how we settled on that, and that's why we're back. But importantly, what this site has is we've designed the site and it's been longstanding in the design for the circulation behind the back of the building so that goes behind the Exit 9 Wine and Liquor and now out to Crossing Boulevard. Then there's

another access point in the front next to Berkshire Bank and it has a common access point to Berkshire Bank and Exit 9 Wine and Liquor. So, if there's any kind of traffic, ya know, we are humans. We all drive, we all know kind of how to drive and we want to avoid staying in line. That's how we are. Those people are going to go and go west. They're going to go to the single access point if they want to go that direction between Exit 9 and the back. Because that's not going to be open at that point and it'll be easy to go. So, there's 33 children at the peak periods. So, the point of this is this use fits very well with that location. Importantly, the busiest time at Trader Joe's is the weekend. This place is not open on the weekend. Ok, so importantly, also the second Hoffman Car Wash has opened up and that's freed up a lot of the traffic concerns at 9 and Halfmoon Crossing. We're willing to put in the internal directional signs and just to one repeat, there's a... if it's a regular retail use, we're going to have the same level of traffic problems that we have. Maybe a little less but the picked times are 5 and 8 minutes on each side. So, this use fits as well as it can with any use for that location. And we have an approved use, we have adequate access points. The tenant has said that they're going to direct the parents that they should head west if there's any traffic buildup. We received a letter from VHB has reviewed that and I'm here to answer any questions. I was there at 6:30 tonight and I have some pictures of it. The viewpoint from the main Trader Joe's, I didn't have any problem getting out. We've had no history of any accidents. It's important use for the community and we're here to ask for the Board's approval because, again, it's a vested site plan and all we're doing, really what we're doing is splitting the two buildings. The one building approved, into two with less square footage.

Don Roberts: Okay, questions by the Board?

Tom Werner: How does the staggering of the, how does that work? How do you stagger the arrivals?

Paul Goldman: Ok, so what happens is the arrivals come every, they're broken up into that half-hour increments as is set forth in the letter and they pick, the children drop off and drop the children off in take them to their cubicle or where they sit, and the parents leave. So, the average visit on the way in is 5 minutes and the average visit on the way out is 8 minutes. So, they've arranged the children to be staggered at the drop off as set forth in the letter.

Tom Werner: So, the parents sign some sort of agreement that they will come during that half hour and not before and not after?

Todd Fischer: Good evening, Todd Fischer. What happens is they do it by age group. In other words, the young kids come in at a certain period, what do they call them, they've got 6 months to 5 years here, so they divide up by age group. It's how it's spaced out.

Tom Koval: And what about events that all the daycares have, because I have grandchildren at daycare. They'll have graduation day, or they'll have this. I have a large influx of cars. I keep getting, I keep hearing this is an approved use, this is an approved use. This was an approved concept as every approval we give we specifically say until the proposed tenant is front of us nothing's approved. So, it's an approved commercial building, yes, but we didn't approve any tenants as of yet and we do that for a specific reason of dealing with traffic. I service Trader Joe's. I'm there all the time at 8 o'clock or a hare before. Those stores pack at 8:00. People on their way to work and whatever. It's very busy at 8:00. Not just the weekend, I'm not done. You still have Home Depot across the street. I haven't heard you bring up Home Depot at all. 7 o'clock in the morning Home Depot opens. All contractors are filing in with trailers and everything else. So, you're glazing over a lot of the other traffic, and you keep pointing to the bank and to Exit 9 Liquor but you're not pointing out the big players in the area. Hoffman's is still almost as packed as it always was. I still use that Hoffman's all the time myself. So, the traffic is a big concern there. You've traveled it tonight and I don't know how often you travel. I travel that every single day.

6/24/24

Paul Goldman: I'm here once a week.

Tom Koval: I'm there every single day at those hours.

Paul Goldman: I don't want to talk over your.

Tom Koval: No. That's fine. I'm done.

Paul Goldman: Seriously, I don't want to talk over you. The point of this is this is for this one site, 5 Halfmoon Crossing and I understand you have some concerns about the traffic but the point of this is that with the staggering and the multiple off site or off Halfmoon Crossing Boulevard access points, there's many means to disperse the traffic off of the road and it's available. That's how it was designed. So, I think it works. I'm not trying to

Marcel Nadeau: So, why is it so congested now then if that's supposed to work?

Paul Goldman: I think Trader Joe's has a lot of traffic. Ok, I mean, you go to the one on Wolf Road.

Marcel Nadeau: And we know that.

Paul Goldman: Yeah, but the point of this is that when you experience traffic, you're not going to take the left into the main Trader Joe's access. You can easily take the right, go behind or front of the bank and head around the gate to Route 9.

Marcel Nadeau: But the Crossing is almost constantly filled all the time, that road

Tom Koval: It's a hammerhead right there. Home Depot's coming out, Trader Joe's is coming out, and you've got traffic coming both ways, so they now stack back up into

Paul Goldman: I understand. I can't fix the traffic. DOT, that's why we're trying to control it here, but, of all the uses for, that are permitted in that, for the PDD this is a pretty innocuous use and blends well with what we can put in there. I mean you could have a retail use of more demand.

Tom Koval: We don't have to approve that either.

Paul Goldman: I understand your position, Mr. Koval. I've learned to appreciate you very much but I'm saying there's a need for this use.

Marcel Nadeau: And we understand that.

Paul Goldman: And it's the way it's set with the staggering works really well with the uses. I was there at 8:00, 9:00, 9:30 in the morning. The morning is not your issue, respectfully. It's the evening, 5:00 peak p.m. traffic period that most of the people will have left because if you look at it, we'll have half of the children gone by 5:00. The employees are parked off of and behind the building so that people can move around this site, and I think it works. I think it does work. It's, that curb cut has been approved and we were just kind of putting, we're going to put something in there so this I think is a downsizing of what was shown, and I think the use in the timing works and I think the turn right to go left works for the community as best as it can.

6/24/24

Rich Berkowitz: Can I add something?

Paul Goldman: Yes sir.

Rich Berkowitz: Have they ever considered using the back of the building as a pickup/drop off. Because if you use the back of the building, you can go behind the bank, you can go behind Exit 9 Liquors and you can use Crossing Boulevard which isn't as busy.

Rich Berkowitz: They can alter their pickup; they can alter the circulation of the parking lot.

Paul Goldman: Sometimes the state has requirements of day care facilities and how people come in and out

Todd Fisher: It's not just the state Paul but Rich that's a good idea except that they have such tight control over the entry and exit. It's amazing what they do. We have the other

Rich Berkowitz: Even if they do that, can they just control the traffic. Go around the back end of the building and come out between the bank and the liquor store or behind the bank and behind the liquor store and use Crossing Boulevard and that solves the problem of the congestion at that 4-way intersection.

Todd Fisher The only other thing we have is we have an elevation problem in the back there.

Rich Berkowitz: There is?

Todd Fisher: Yeah. So, there wouldn't be a great entry back there and I don't think you're ever going to get a day care that's going to allow two separate entries. They have such tight control.

Rich Berkowitz: Why can't it just be one in the back?

Todd Fisher: No, because of the elevation.

Rich Berkowitz: In the back of the building?

Todd Fisher Yeah.

Tom Koval: It can't be cut down?

Todd Fisher: No. No, it

Tom Koval: Trader Joe's is same elevation front and back.

Todd Fisher: That's true but if you looked at the contour lines that, in there, there's a good, and it's some places I the back there, there's a good 3' between the floor elevation. Because we've got to keep the floor elevation the same as the tire store. That can't change.

Tom Koval: There's isn't the same front and back? Don't they pull the cars in back?

Todd Fisher: They pull the cars in the back. But that's further uphill. There's no grade there. It comes down.

Rich Berkowitz: Ya know, I have to believe if I was a parent I'm going to go to the path of least resistance. I'm going to learn to go into those other entrances.

Todd Fisher Well, that's a good point

Rich Berkowitz: They can suggest that can't they?

Todd Fisher: That's a good point. There's one thing I don't think we've mentioned here tonight. Now all these people are coming from Halfmoon. They going to be coming from part of them from Clifton Park. So, they're going to be going west.

Rich Berkowitz: And they're also going to be going on Sitterly Road.

Todd Fisher: Right. And you know yourself when you drive, if you're coming in and out of a place and you're used to it, you know the path of least resistance. There's no question about it. Don and I had a conversation earlier. Sunday morning is absolutely the worst time at Trader Joe's. Absolutely, and the daycare would not be open. Now, tonight I sat there in the parking lot from 4:30 until 5:30 and watched. There was absolutely no problem with anybody getting out of there. Whether it was from Trader Joe's or whether it was from Home Depot. Now I'm not there in town as much as you are. I know Paul Sheehan, our property manager, is up there on a daily basis and he's spent a lot of time up there and he says he's never seen a problem. That's not to say that there wouldn't be and to your point Tom also, on occasion, they would have a graduation ceremony or something like that but it's like ya know, it's not that often. So, I think the big thing is we're losing track of the fact that most, a lot of these people are going to be going west, not east.

Marcel Nadeau: We don't have any idea when DOT will have the results to that

Don Roberts: No.

Marcel Nadeau: You might want to do a month, two months, six months

Richard Harris: I think it was May 8th that they were still looking at.

Rich Berkowitz: Do you guys have influence over at DOT.

Paul Goldman: Oh, I think some members of the Board have more influence over them

Todd Fisher: Marcel's point which I think should be given to DOT about changing the That was fabulous. That's what we proposed.

Todd Fisher: I said can we do that, and he said, no we can't its DOT's

Don Roberts: But it's being looked at though. Yeah.

Marcel Nadeau: Yeah, we did that back in March I think, we suggested that.

Marcel Nadeau: I don't think the problem is on your site. It's the problem is that the road in front. It's that simple.

6/24/24

Rich Berkowitz: To their point, something is going to go there.

Marcel Nadeau: Yes, but maybe not as intense.

Rich Berkowitz: This isn't as intense as we get

Tom Koval: This is intense, I agree, it's not as intense as a retail spot.

Rich Berkowitz: You could get a restaurant there, you could get Tae Kwan do, you could get a health club. You can get all of the things that are more intense than this.

Tom Werner: Absolutely. Probably the least intense of what's there now. Then any of them.

Rich Berkowitz: And how long's it take to build the building? 6 months?

Paul Goldman: 9 months.

Rich Berkowitz: So, by the time, chances are that could be restriped if DOT has

Don Roberts: I wouldn't count on it, voice of experience, I wouldn't count on it.

Paul Goldman: The wheels of justice turn really slow and the wheels of government are even slower.

Don Roberts: But anyway, I agree, it is a less intense use than what could be. I know there's concerns, but I tend to think it could work.

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

Marcel Nadeau: I'll second it.

Don Roberts: All in favor aye.

Joel Bianchi: There's one thing that I think the applicant needs to respond to.

Don Roberts: Okay

Joel Bianchi: Verbally or as a condition. Following VHB's letter that came in Friday, quickly we responded directly to Elena O'Brien of VHB, and I got a message from Wendy Holzberger later today and she indicated they looked at it and they tend to agree with us that there's potentially site distance limitations at the site driveway.

Paul Goldman: So, the main driveway was approved for what it is.

Joel Bianchi: It was approved for what it was based on some stated information that the Board relied upon. When we looked at it, regardless of what was there before, we drew a simple diagram that both Rich and Paul looked at it and Wendy, at least the message I got from her, she's tend to agree with us that there's potentially limited site distance meaning the site distance isn't what was stated in the approved plans. All's I needed was a reply from Elena or Wendy saying she agrees or disagrees and why she disagrees.

Paul Goldman: Alright. So, I spoke to her, and thank you Joel for getting that to us on Friday, I know you worked hard on getting that to us. I did speak with her, and I looked at the distance myself. I'm not a Traffic Engineer. I can't even pretend to be one. So, I drove it twice today. Once in the morning and once at night. I think there is some discussion that, I looked at the distances and they didn't seem to be correct. But what she did say to me, and I did speak to Wendy was that the internal dispersal of traffic compensates for that line-of-sight issue, and I went and looked at the line of site. People tend to slow down before they take the right-hand turn into the Trader Joe's. So, the point being is I don't know if it's right or wrong. But I think the internal mechanisms disperse the traffic and that's what we agreed to I, our discussion.

Lyn Murphy: So, are you saying that it's not built to what they approved?

Joel Bianchi: I'm not saying that necessarily. I just asked that VHB confirm what was stated on the original plans to make sure what we saw is not being a potential issue. What I would suggest, so not to hold up progress, if the Board was looking to approve it, that they would say that it be conditioned on VHP formally responding and confirming that the site distance is as stated on the previously approved plans. And if it isn't, come up with whatever mitigation strategy that this Board is agreeable to.

Don Roberts: Joel, what location are we speaking?

Joel Bianchi: The shared drive between Trader Joe's and the one that is directly across from Home Depot.

Rich Berkowitz: Everything's been approved and it's the last thing and how come it's coming up now when this whole site's been there for 20 years, 12-15 years, whatever?

Joel Bianchi: I can't answer that. All's we did was looked on the plans, with a scenario in front of them and said just prove it out as being wrong or right. That was Friday right after we got from them.

Paul Goldman: Alright, so this is what I understood because I was raised to be direct.

Lyn Murphy: This is the first time I'm hearing it just so you are aware.

Paul Goldman: it's ok. It's fine.

Lyn Murphy: It's not ok.

Paul Goldman: Well no. Let me tell you what happened. What's shown on the plan was first developed with Trader Joe's. That's what it was showed on the plan, and it was approved that way. Ok? Then on the second iteration is with the TFT that's what they just showed it and they repeated that it went through Bolar plant. The point of this is that

Joel Bianchi: The 550 is the one that we're questioning.

Lyn Murphy: Okay

Joel Bianchi: We're saying it's potentially half of it. The only way to overcome that is if there's a significant grade change where you could look over the top of those cars.

6/24/24

Lyn Murphy: Okay

Joel Bianchi: That's what I said when I sent this to Elena and said, just confirm that this isn't an issue.

Lyn Murphy: Okay, so that's all we need is confirmation that, that isn't an issue

Paul Goldman: Yeah. I think she said to me that there's enough in the site to make up for it and when you pull forward for that one car you have enough site viewing so you see the cars when they come around the turn. That's what was my experience.

Lyn Murphy: As long as we get that confirmed in writing, which was requested. The where the Board is intending to go but now, they are aware of this potential thing, I would recommend that they table it.

Don Roberts: So, we should table this until we get that information.

Charlie Lucia: Yeah, I agree.

Don Roberts: Ok, sorry but we have, we have to do that.

Charlie Lucia: Yeah. It's due diligence.

Paul Goldman: Could we move this

Rich Berkowitz: I withdrew my motion.

Don Roberts: We withdrew the motion.

Paul Goldman: Can we, could I ask maybe that we approve it condition on the engineer's review? We've done that before, of the letter, and that seemed to be ok for everyone.

Joel Bianchi: As long as it's not an issue, meaning maybe we found something that we were incorrect and it goes away or they say nope, you're right and these aren't mitigation measures, you need to eliminate parking spaces or something

Lyn Murphy: Right, I would want to see that

Joel Bianchi: Right, there's mitigation measures I think it needs to go back

Tom Koval: B traffic is our single biggest concern on this.

Don Roberts: We've got to table this; we've got to table it.

Paul Goldman: My only concern, I know it's not your problem, we've got a construction schedule and a tenant that we could lose and it's a problem if it goes on. Because unfortunately the next meeting is in July and that's, I would ask the Board to allow it to go forward with what we've talked about, which is its condition on the engineer's approval. I think we can work through that.

Lyn Murphy: That is a Board decision. I will say though that if the negation becomes an issue, this Board should have a voice as to what is appropriate mitigation

Paul Goldman: I don't think there's any mitigation possible for anything that's out there. But other than what we have with the existing traffic movements

Marcel Nadeau: I think with our attorney questioning this, I think she's saying to us wait.

Joel Bianchi: Don, it's a weird situation we just looked at a numerical value that was put on a plan then looked at what they're proposing and said, at face value, there's something not, something doesn't match up.

Lyn Murphy: So, I suppose the Board could proceed with the understanding that if it isn't what it needs to be, they have to come back because the approval is not, no mitigation is allowed it either works or it doesn't work, if it doesn't work, they have to come back.

Don Roberts: In the worse case there's no CO until it's all taken care of at the worst.

Lyn Murphy: Right.

Tom Koval: No, I don't want to start building until this is, the because then we'll come in with a sob story that we have the building up and we got all this stuff.

Don Roberts: Well, then we'd say no. That's all.

Tom Koval: Then it's a whole issue. No building permit issued until this is resolved.

Rich Berkowitz: So, if we even issue it, how would Trader Joe's and the tire place, how do they operate?

Paul Goldman: It's an approved site plan and it was built per the site plan, that I can tell you.

Lyn Murphy: He is telling us it isn't, Paul.

Paul Goldman: No. I think what he saying, that's like playing

Rich Berkowitz: What are you saying?

Joel Bianchi: What I'm saying is there may have been a piece of information that the Board relied upon that may not be accurate.

Paul Goldman: That's what he's saying. But what's out there, what's on that plan is what was built, and it still works. You can still see around the corner.

Lyn Murphy: Are you understanding that our Town Engineer is saying it might not work.

Paul Goldman: I'm willing to take that risk.

Don Roberts: We're not willing to take the risk, that's the key.

Paul Goldman: I'm just concerned about our ability to keep this thing going.

Rich Harris: If mitigations required, then it needs to come back.

Paul Goldman: That's ok with us.

Tom Koval: So, you can't start anything, if we do a contingency, you can't start construction until we have an answer on this, and the answer may not be favorable.

Rich Harris: Don wouldn't sign the site plan, if Joel hadn't signed off.

Don Roberts: They can't do nothing without a signed site plan, they can't do a think

Rich Berkowitz: That's correct, and you don't sign unless we have all agreed between lawyers and our engineers.

Don Roberts: So, we have control, we still have control.

Joel Bianchi: I will be sure to have a conversation with Wendy tomorrow and figure to figure out what their solution or is there a problem and how she plans to attack this, or maybe we called something that is irrelevant, I don't know.

Tom Koval: I don't know if it should be a solution without our approval or it should just be, it's correct or it's not if it's incorrect then they gotta come back in front of us, no solutions, no fixing anything.

Rich Harris: I agree.

Joel Bianchi: If they need to come back to this Board it's with a suggested solution. If they don't come back

Tom Koval: Correct.

Joel Bianchi: The site distance as approved as it stands and there's no issues.

Rich Berkowitz: Okay we can make a motion to approve this based on a contingency that the Traffic Engineers in MJ Design have agreed to. No construct site distance are agreed to. No construction can proceed until, no building permit, no construction nothing can happen until this is solved and Don signs the plans.

Lyn Murphy: And if the, if I can speak.

Rich Berkowitz: You can speak for me, yes.

Lyn Murphy: If the solution involves an adjustment to the plan they need to come back to this Board.

Don Roberts: Exactly

Paul Goldman: it's conditional at the Engineer's approval, I think that's what we've said.

Don Roberts: And that's the motion. Do we have a second please.

6/24/24

Tom Koval: I'll second.

Don Roberts: Ok. We have a motion to second including the contingency,
All in favor aye? (All were in favor) opposed? (None were opposed) motion carried.

Paul Goldman: Thank you

Don Roberts: Good luck.

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

APPROVED. Board approved the revised Site Plan and Change of Use/Tenant applications for a new 10,000 SF daycare facility with conditions related to satisfying outstanding comments from the Town Engineer.

Tom Koval: Ill make a motion to adjourn

Charlie Lucia: Ill second

Don Roberts: We have a motion to adjourn and a second All in favor aye? (All were in favor) opposed? (None were opposed) motion carried, thank you goodnight.