

**Town of Halfmoon Planning Board Minutes
December 9, 2024**

Those present at the December 9, 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-absent

Planning Board Alternates:

Alison Pingelski
Joe Landy

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

Alison Pingelski: I'll second.

Don Roberts: All in favor Aye? (all were in favor) Opposed? (none were opposed) Motion carried, Tom Koval recluded himself he was not here. Marcel recluses himself he was not present.

Public Hearings:

TriCity Associates Duplex #1, Hudson River Rd (SBL 280.-1-22.4) – Special Use Permit (24.166)

TriCity Associates Duplex #2, Hudson River Rd (SBL 280.-1-22.1) – Special Use Permit (24.167)

Mike Bouchard: Good evening everybody, my name is Michael Bouchard I'm a project assistant for Anthony Vacarelli. Mr. Vacarelli is here this evening along with the engineer Paul Male. What we have before us tonight are two applications for two different properties seeking a special use permit. This property is in the waterfront mixed use district, there are eight permitted uses in that district, but a two-family homes or duplexes are not one of the permitted uses but paragraphs C of the section 165.22A, 22-2 does indicate that a two-family dwelling is permissible upon issuance of a special use permit by the Board. Two different applications have been submitted along with two different sketches of the property. They're located on the east side of Hudson River Road, I'm sorry, the west side of Hudson River Road. Each lot is close to being one acre a piece. Both lots meet all set back requirements, they're adjacent to each other and the applicant is seeking a special use permit for both lots to build a duplex on each.

Don Roberts: Okay, thank you. At this time, we will open the public hearing, if anyone from the public wishes to speak. Does anyone from the public wish to speak? (no comments) anyone online wish to speak? (no comments) no one? Okay, we will close the public hearing, comments by the Board members?

Marcel Nadeau: Yea Don I took a ride in that area and I counted 15 or 18 single residences. I don't think I saw any duplexes at all in that area.

Mike Bouchard: Okay let's see we wound up looking at 27 different parcels. North, south, on the same side of the road, across the road. Four of them are vacant, one of them is described as manufactured housing but it's owned by Troy Topsoil Company, I cant tell what's going on there. Of the 27, 22 are single family according to Saratoga County Image mate a couple of the properties are two family, but if I recall when we was here for the workshop one of the gentleman on the Board mentioned that one of the properties that I mentioned is a single family because he said he was in it, but the two family homes, one and I went to Saratoga County Image Mate today and verified that they were both still currently according to Saratoga County, two family dwellings. One is located at 701 Hudson River Road, and the other one is located at 741 Hudson River Road. Both at least assessed at 220, which is a two-family residence, there may be an error in the County records relative to one of them but that's what the Image Mate says as of today.

Don Roberts: Okay thank you, any other comments by the Board members?

Rich Berkowitz: I make a motion for a Negative Declaration on duplex #1 and on duplex #2.

Charlie Lucia: I 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 special use permit on duplex #1 and duplex #2

Tom Werner: I'll second it.

Don Roberts: We have a motion and a second all in favor Aye? (all were in favor) Opposed? (none were opposed)
Motion carried, all set.

Mike Bouchard: Thank you.

Don Roberts: You're welcome.

*TriCity Associates Duplex #1 – Special Use Permit
TriCity Associates Duplex #2, – Special Use Permit
APPROVED. Board held a Public Hearing and approved the Special Use Permit requests
for two (2) duplexes on adjacent parcels on Hudson River Road.*

New Business:

Premier Roofing and Siding, 40 Farm to Market Rd (Unit 3B) – Change of Use/Tenant (24.198)

Bruce Tanski: Good evening, Bruce Tanski of Clifton Park, 11 Meyer Road. Premier Roofing and Siding wish to utilize one storage unit totaling 1500 square feet at 40 Farm to Market Road for their equipment and construction business. The proposed tenant has been advised that the unit is strictly for storage and no outside storage is allowed.

Don Roberts: Okay, thank you Bruce. Questions by the Board?

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

Marcel Nadeau: I second

Don Roberts: All in favor Aye? (all were in favor) Opposed? (none were opposed) Motion carried

Bruce Tanski: Thank you very much.

*Premier Roofing and Siding – Change of Use/Tenant
APPROVED. Board approved the use of approximately 1,500 SF of space for storage of
construction supplies.*

MJ Engineering, 21 Corporate Dr – Change of Use/Tenant (24.199)

Lyn Murphy: But you're not going to make any opinion or comment or anything because you have an interest.

Don Roberts: So, you're going to reclude yourself on this item, okay thank you Joel.

Jim Abele: Good evening, everybody I'm Jim Abele with Abele Builders, the landlord I'm here on behalf of our tenant MJ, they currently are renting 36,000 square feet from us and they have decided to take some more space from us and convert more office space into more space in the same building. The space is currently vacant and yea that's about it.

Don Roberts: Pretty easy huh

Jim Abele: Nice and easy right.

Don Roberts: Questions by the Board?

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

Tom Werner: I second

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

Jim Abele: Thank you, have a good evening.

Don Roberts: You too.

MJ Engineering – Change of Use/Tenant

APPROVED. Board approved an expansion into 3,238 SF of space for an engineering firm/office.

Elevate Cycles, 215 Guideboard Rd – Change of Use/Tenant (24.200)

Chris Pitts: Good evening, my name is Chris Pitts I'm the owner of Elevate Cycles we are currently in the Plaza at 215 Guideboard Road but in the rear. We would like to occupy the space where On the Move Fitness was previously probably about a couple of months ago. With this change in tenancy, we are looking to add in the bike shop a small bar and also have our beer wine license to sell to go beer. It's a trendy thing with bike shops across the Country there's just not many in the Northeast. Nothing in the area around here so it will set us aside and really just kind of for our clients more private use in the shop. We're not going to really extend hours very much. That's about it.

Don Roberts: Thank you. Comments by the Board?

Rich Berkowitz: Do you need a liquor license?

Chris Pitts: Yup, beer and wine license.

Rich Berkowitz: Are you going to have a kitchen?

Chris Pitts: Well with the beer and wine license you have to have a food prep area, food does not have to be made on the site, but you have to have a prep area, and its light fare.

Rich Berkowitz: Do you need the Department of Health for anything?

Chris Pitts: Lawyer didn't say so.

Richard Harris: We would check that when they are about to do a fire inspection that would be something that they would verify.

Chris Pitts: I mean I asked a couple of the code enforcement, and nobody could give me an answer so.

Richard Harris: Yea as long as you're not cooking there I don't believe you need one

Chris Pitts: No, I mean we're not going to have like open flame or anything like that so unlike the guy next to me.

Charlie Lucia: Just a clarification for me you said your hours weren't going to change much if at all.

Chris Pitts: They're listed on the narrative.

Charlie Lucia: Alright, I just wanted to make certain that it sounded a little gray, and I just wanted to make sure that the hours you have here are what you expect it to be.

Chris Pitts: That is yes.

Charlie Lucia: Alright

Chris Pitts: Currently I'm operating with less hours than that but that's what I'm shooting for, unless I stay the same.

Rich Berkowitz: You can expand it if you want

Charlie Lucia: Yes exactly

Tom Koval: Just out of personal curiosity, how do you go from a bicycle shop to a bar?

Chris Pitts: People who ride bikes like to drink beer.

Tom Koval: Generally people like me who drink beer so I don't have to work that hard.

Chris Pitts: It's a growing trend, I mean it's a lot of a community thing.

Tom Koval: Yea so it's more of a gathering space.

Chris Pitts: Yea a lot of cyclists come to the bike shop and just hang out, you and to be able to offer them something.

Tom Koval: Okay, I was just curious. I'm not judging.

Chris Pitts: I remember Jim very well

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

Charlie Lucia: Ill second.

Don Roberts: All in favor Aye? (all were in favor) Opposed? (none were opposed) Motion carried

Chris Pitts: Thank you

Don Roberts: You're welcome.

Elevate Cycles – Change of Use/Tenant

APPROVED. Board approved the use of 2,100 SF for a bicycle repair business.

MacGowan Ventures, LLC Cannabis Processing, 6 Rexford Way – Change of Use/Tenant (24.202)

Jim Trainer: Good evening I'm Jim Trainer I'm an attorney in Malta and we represent MacGowan Ventures LLC. Tonight, online is Jeff Radway who is the applicants co-founder and lead investor and also Ryan Taylor who is the owners agent, who is here as well. MacGowan Ventures is a New York LLC and is licensed for cannabis management, by New York State. The property is located at 6 Rexford Way on the north side of Jones Road and Crescent Road. The previous tenant was the Stenner Pump Company, which did assembly and wholesaling of water pumps to water system operators. The building is 7,200 square feet, approximately one acre and has space for 16 parking spaces. It's in the C-1 district which allows processing of agricultural products and that supervision that we're proposing here it's in 165.14A20 I believe. What the applicant will be doing it does involve cannabis products but its assembly and wholesaling. There is no onsite consumption there is no retail sale of that cannabis specifically they will be buying oil, cannabis oil and cannabis flower and packaging that oil for vaping to wholesale to retailers and also roll the flower for wholesaling to retailers that's my interpretation of it but Jeff will speak to that I think a little bit more specifically, and in fact I think he's online. He'll also address the security measures to be taken as well as the fact that they don't intend to put up any signage other than the address of the building.

Don Roberts: Now before we get to online here, how many trucks do you plan on having come to the site?

Jim Trainer: I believe in the narrative it calls for 5 deliveries a week so I would assume that's one per day.

Don Roberts: Okay, who is the gentleman online?

Jim Trainer: Jeff Radway is the applicants' co-founder and lead investor. He had planned on being here tonight, but his flight got delayed and he couldn't be here in time for the meeting.

Don Roberts: Okay Jeff do you have anything to add to this?

Jeff Radway: I'm on, can everybody hear me?

Don Roberts: Yes

Jeff Radway: Okay great thank you. I'm sorry I didn't hear the question though.

Don Roberts: Security procedures, what are you going to be doing with that?

Jeff Radway: Yup, yup so all of our security first of all will be the entire facility will be under 24-hour surveillance with cameras as required by the State of New York. The data and the footage is required to be kept for many months, we keep it off site in a facility. So off site servers, the entire facility will be Proxcard secured. All raw materials and finished goods will be kept in a vault and under camera as well so all operational square footage basically everything but the restrooms will be on video 24 hours a day. No, any persons coming and leaving the facility are under camera and all employees will be badged, background checked, but we are under strict requirements by the State of New York . All trucks in and out and it wont be one a day it's probably about 2 or 3 a week but it's all secure transport, there's no cash

handled in the facility, there's no payments handled in the facility, and as Jim mentioned there's no onsite consumption anything of that nature. So, I can answer more specific questions if there are any but that's kind of a broad overview of our security measures.

Don Roberts: Oh, okay, any other questions by the Board?

Rich Berkowitz: So, what kind of truck is delivering the product?

Jeff Radway: So that is also a secure transporter, as it's licensed by the State of New York. Typically, they're little vans.

Rich Berkowitz: And you make the product and distribute the product through vans also?

Jeff Radway: So, we would take the raw materials into our facility and we would make the finished made cartridges or the finished pre-rolls and ship those out via the secure transporter back, we ship those out via the secure transporter back out to retailers, yes.

Rich Berkowitz: Do you need special ventilation equipment or any other safety features in the building?

Jeff Radway: No typical air flow systems will suffice, we're not doing any chemical extraction, we are not doing any cultivation. There is virtually no smell with anything that we're doing, so no nothing of that nature.

Lyn Murphy: What happens with the waste product, left overs for lack of a better term?

Jeff Radway: Yes, so there really is no waste product but because we're not growing and cultivating, we're taking in oil so all of the oil then goes into vape cartridges and is shipped out. There's really no waste of that. The flower is ground up, it's essentially pulverized and through automated machinery is put into pre-rolls. There would be waste product if we were a cultivator or an extractor but we're not we're neither of those things. We're really just a packaging house might be the easiest way to think of it.

Don Roberts: Anyone else?

Rich Berkowitz: Are employees wearing hazmat suits or just ?

Jeff Radway: No they are not wearing hazmat but they're gowned and in scrubs essentially.

Charlie Lucia: Sorry this is probably a very simple question but is it all automated like the actual processing and packaging and how does it work?

Don Roberts: Did you hear that question?

Jeff Radway: I'm sorry I didn't hear if that question was to me

Don Roberts: Speak louder

Charlie Lucia: I was just curious is it all automated, so in other words is this something that is from processing to packaging and everything is all done automated and not literally like a hands on or old fashioned piece project where you roll one at a time or package one at a time?

Jeff Radway: I'm not sure I'm catching like every third word but I think the question is to the type of packaging its fairly automated, it looks like food grade packaging equipment so its not people sitting around rolling you know pre-rolls maybe.

Don Roberts: Okay thank you.

Alison Pingelski: From the picture on the diagram it looks like there is about 10 parking spaces but in your narrative it says that your going to have 20 employees so what is the shifts that are represented in your narrative ?

Jim Trainer: I can address that, there are 10 spaces shown on the existing site plan, if you look on the north side of the property there's a retaining wall and there's another six spaces that are banked there. According to the parking ratio my understanding is we'd be required to have at least 14 and we do have space for 16.

Rich Berkowitz: So are all 20 employees there at the same time? Your shaking your head.

Jeff Radway: No we think, yea that would be a second shift and that's probably several years away we're starting with about 8 or 10 employees. This is a pretty automated process.

Don Roberts: So when the time comes you'll be doing the extra spaces?

Jeff Radway: Yes.

Don Roberts: I think we might want to do that now actually, just to have it.

Alison Pingelski: As a contingency?

Lyn Murphy: As a condition of the approvals your talking about extra spaces for the future.

Jim Trainer: The banked spaces?

Lyn Murphy: Yes

Don Roberts: Do it now

Jim Trainer: Right

Richard Harris: Can you get us a revised plan showing us those extra spaces?7

Jim Trainer: Okay

Richard Harris: You've got the retaining wall, you're not going to grade new areas correct? Your going to align the existing parking lot I assume per what you said.

Jim Trainer: That's my understanding.

Richard Harris: Okay

Richard Harris: You have security fences or anything like that either?

Ryan Taylor: Hi, I'm Ryan Taylor I represent the property owner. The 2006 approved site plan already has we can definitely mark them but they already have the space on the original building site plan.

Richard Harris: Alright I'll check that

Ryan Taylor: It's a very old plan so, second question?

Richard Harris: We'll check to see what that shows, and based on what Ryan said I'll just verify that and then we won't need anything revised.

Rich Berkowitz: Do you need any security fencing.

Ryan Taylor: I would ask Jeff

Jeff Radway: No

Rich Berkowitz: Okay

Jeff Radway: No we're not anticipating that.

Ryan Taylor: Along the north wall it all goes down to scrub land so there's really nothing, there's no access to the rear of the site or anything really its all difficult to traverse.

Don Roberts: Okay anyone else?

Rich Berkowitz: I'll make a motion to approve the change of use and tenant contingent on providing the necessary parking spots and also following New York State guidelines as far as the laws are concerned.

Marcel Nadeau: Ill second it.

Don Roberts: Okay we have a motion and a second all in favor Aye? (all were in favor) Opposed? (none were opposed) Motion carried, good luck.

Jim Trainer: Thank you

Jeff Radway: Thank you.

MacGowan Ventures, LLC Cannabis Processing– Change of Use/Tenant APPROVED. Board approved the use of 7,200 SF of space at 6 Rexford Way for a cannabis processing facility with conditions related to providing additional parking and meeting NYS regulations.

Park Place on the Peninsula Subdivision, 2 Beach Rd – Minor Subdivision (24.196)

John Montagne: Good evening everyone John Montagne with Greenman Pederson, we're here tonight just to keep moving along. We're in construction right now and we're at a point now where we need to convey the pump station to the Saratoga County Sewer District which is the small blue parcel that you see on your map or on the map up on the screen, and while we are at it we are going to subdivide out the piece that will eventually be the Town Park. So a ¾ acre park that's part of this. The reason we're doing them both at the same time is it will be the last subdivision or change that we need in order to advance everything as we go forward. The just real quick, the one parcel it's accessed for the County is accessed

by an easement that would be on the Town parkland and that's because the County just needs , they just want to maintain the pump station.

Don Roberts: That's it?

John Montagne: Yup that's it.

Don Roberts: Okay we'll have to refer this to the Saratoga County Planning Board for review. We will need a public hearing also.

Marcel Nadeau: I would like to make a motion to set a public hearing for January 13th 2025.

Charlie Lucia: Ill second

Don Roberts: All in favor Aye? (all were in favor) Opposed? (none were opposed) Motion carried

John Montagne: Thank you very much, nice seeing you all, take care.

Park Place on the Peninsula Subdivision – Minor Subdivision

PUBLIC HEARING SET. Board received a presentation on a request for a Minor Subdivision at 2 Beach Road and set a Public Hearing for January 13, 2025.

Aries Power Solar Array, 1475 Crescent-Vischer Ferry Rd – Site Plan (24.190)

Joe Dannible: Good evening Joe Dannible with Environmental Design Partnership, here on behalf of the applicants tonight Nadine Shadlock property owner co-applicant with Aries Power, JP Montove Aries Power is here with me tonight. We're here tonight for the initial review of the project conceptual review obtain any additional comments this Board may have so that we can continue to add them as we continue to add them as we continue through applications with the power providers in the area. The parcel itself is located on Crescent Vischer Ferry Road, approximately 4/10 of a mile to the east of exit 8. It's on the north side of the road, it's a 22 acre parcel and we are proposing a solar array scattered primarily on the north end of the site but does have some other areas on the south and west side of the parcel. In general we're preserving a 50 foot buffer of trees along Crescent Vischer Ferry Road. We're using the curb cut location that currently exists on the property which did service a single family house at one point and time. That is still there that is going to be our main point of access which is centrally located on the site and that will also be the location where we provide the interconnect from the power fields to the grid at that location. The entire facility will be fenced and there will be access throughout the facility we are preserving the wetlands on the property we are working around them and generally that is it for the overall site plan, again we are looking for comments from the Board and any additional elements that we're looking to include.

Don Roberts: First of all we've got to refer this to Saratoga County Planning Board for review, Town engineer for review and the fire district for review and there is also going to be a decommissioning bond right?

Joe Dannible: Yes, certainly something we need to work through and we know we've got some additional work to do with the Town but again initial meeting lets see if there is anything additional you guys want before we go to those steps.

Don Roberts: Any other questions by the Planning Board?

Richard Harris: I would just add the Boards been pretty sensitive to nearby residences with solar farms in terms of fencing and shielding from view. I know you've got a lot of vegetation and proposing to keep as much as possible along Crescent Vischer Ferry but particularly on the western side of the site where you don't or your not preserving or there's not a lot of vegetation in this area. What style of fencing are you proposing, is it chain link or will it have slats for some shielding for some view or what? If it's on the detail I'm sorry I didn't catch it.

Joe Dannible: Generally it's a chain link style fence now we're adjacent to, it's a commercial use on that property adjacent to us.

Richard Harris: Not across the street you've got a lot of residences on the south side

Joe Dannible: On the opposite side of the road, okay

Richard Harris: Yea on the opposite side right, yea not to the west, I should have said the western end of the sight, but on the southern side of Crescent Vischer Ferry. I would just take a look at that it's come up before you know if the vegetations not going to shield it or it's deciduous where in the winter you'll see it more .

Joe Dannible: And we've worked with that in the past on different fields sometimes we add in evergreens to help buffer that view.

Rich Berkowitz: Joe the map we have is this the complete array you want based on regulations today, do the regulations change January 1st for New York State

Lyn Murphy: Wetland

Rich Berkowitz: Wetland

Joe Dannible: There is a regulations slated for change in New York State we're not 100 percent sure what the final draft of that looks like at this point in time and whether or not they are going to have a significant impact on this land or not.

Alison Pingelski: So if the regulation goes through what would the impact be you think for this design?

Joe Dannible: Potentially the wetlands could be all DEC jurisdictional which means we would have to go through the process of obtaining permitting to disturb within a 100 feet of any of the wetlands.

Rich Berkowitz: And how close is the array to the neighbors on the east?

Joe Dannible: The fence is about 20 feet, the array itself looks like we're close to 50 feet. I believe that's an apartment community on the east side.

Rich Berkowitz: Now how will that be screened, just with fences or how would that be screened.

Joe Dannible: With a fence right now.

Rich Berkowitz: You might want to think about maybe some trees or you know coniferous not deciduous.

Don Roberts: Any other comments?

Richard Harris: One other thing and I just thought of it, typically there's not a lot of site lighting, I would assume maybe at the entrance you have proposed lighting. None of the farms we have in Town have significant light but are you proposing any lighting?

Joe Dannible: I don't anticipate any significant lighting other than maybe just an intersection light at the driveway if any.

Don Roberts: Anyone else? Okay so we'll refer to the agencies I mentioned and we'll get back to you.

Joe Dannible: Okay

Don Roberts: Thank you.

Aries Power Solar Array – Site Plan ,TABLED/REFERRED TO AGENCIES. Board received a presentation for a 3.5 MW solar array/farm at 1475 Crescent-Vischer Ferry Road and referred the application to the necessary agencies for review.

Old Business:

Rockwood Subdivision, 1460A Crescent-Vischer Ferry Rd – Minor Subdivision & Special Use Permit (24.128 & 24.129)

Sophia Marruso: Good evening I'm Sophia Marruso here representing Glenn and Debbie Rockwood tonight. You've seen this parcel before it was subject to a lot line adjustment a couple of years ago and we had the preliminary presentation about two months ago from what I remember. What we're looking to do it to subdivide this existing 12+ acre parcel into 2 parcels. 2.95 acres will be allocated to lot 1 or Lot A that the narrative refers to and that would contain the existing single family residence and the applicant is proposing to create a new buildable lot for which he is also pursuing a special use permit for single family residential in a C-1 zone. The second new proposed acre for that single family residential construction is about 9.9 acres. Due to the pre-existing conditions of the site notably the barn near the road we were directed to the Zoning Board of Appeals after receiving our initial denial to get area variances for the continued existence of a pre-existing structure within the front yard setback as well as the what is essentially a temporary allowance of an accessory structure onsite without an affiliated primary residence. So we're here tonight to take any questions and incorporate any comments. We're excited that the process is moving forward and we are here for any questions.

Don Roberts: Thank you we will need a public hearing on this but any questions by the Board?

Tom Koval: I make a motion to set a public hearing for January 13th

Alison Pingelski: Ill Second

Don Roberts: All in favor Aye? (all were in favor) Opposed? (none were opposed) Motion carried see ya then

Sophia Marruso: Thank you so much.

*Rockwood Subdivision– Minor Subdivision & Special Use Permit
PUBLIC HEARING SET. Board received a presentation on a request for a Minor
Subdivision at 1460A Crescent-Vischer Ferry Road and set a Public Hearing for January
13, 2025.*

DCG Development Building, 247 Grooms Rd – Site Plan (24.153)

Joe Dannible: Good evening Joe Dannible with Environmental Design Partnership here on behalf of DCG Development and their application for a 20,000 square foot mixed use building to be located at 247 Grooms Road. I'm here tonight with Donald Macelroy and Ken Wersted of Creighton Manning Engineering who did the traffic reports for this project. The project itself is located at 247 Grooms Road, it's about a 3/10 quarter mile to the west of Grooms intersection with Route 9. The property itself is roughly 14 acres. We are proposing to develop just a small portion of this property which would result in the 20,000 square foot single story mixed use building centered on the lot. We are proposing parking for up to 823 vehicles, the stormwater will be managed onsite, we'll be connecting to public sewer, public water supply. We have worked with Creighton Manning with out initial design we had a much larger building when we were here in September we were looing at 32,000 square feet and we had a curb cut located to the east side of the development area shown on the plan. The Board did have some comments on that we retained Creighton Manning they did take a look some of the elements of traffic related to the curb cut and it was determined that the most appropriate curb cut location was directly opposite Ponderosa Drive . So we did move that further to the west and further away from the intersection and of Route 9 so we are coming in with a full access curb cut directly opposite Ponderosa Drive. We have provided turning templates showing that fire apparatus vehicles, tractor trailers can maneuver the site too for deliveries as needed, if needed again we don't know the uses on this property, we are planning this on spec so we are looking to accommodate a variety of uses and some we wanted to make sure we could accommodate the largest vehicles that would come in and out of the site. Looking at the site we do have DEC wetlands to our west that's the blackish gray area on the map with the buffer and then we have some other army corps wetlands extending around the rest of the property, we are here tonight looking for any additional comments the board may have we have gone through a couple reviews with MJ Engineering. I believe we've satisfied most of their comments that they've had on this night I think that there's some items that they've referenced that the Board should consider. You know, one of them being is parking in front of the building. We are providing landscaping associated with that parking to buffer it from the residential properties on the south side of the road. To Screen them. With that I would also like to turn it over to Ken to Talk about any of the traffic concerns that you may have based on tonight's presentation, thank you.

Ken Wertsted: Ken, Ken Wertstad from Creighton Manning Engineering. I'm filling in for Mark Nadoli on this as he's got another commitment tonight so I'm familiar with the area I personally worked on the Ben's Greenhouses project a couple maybe two years ago. This location is kind of similar to that but on the other side of that dip through there. We recognize that site distance was going to be a key through there and we recognize that site

distance was going to be a key issue. Ponderosa Lane already figured it out they found the best spot to come in on that section of road such that you can towards Route 9 as best you can, and you can also see off to the left to the west down the dip to the other side of the hill. So when the original project came in with the driveway further to the east we knew it was going to be a challenge. You can still look towards Route 9 great but you weren't going to be able to look over that hill and see towards the bottom so we recommended that they move that further over to the west. It lines up with Ponderosa Lane right now and that's kind of the sweet spot of being able to see in both directions. Because the project doesn't have a specific tenant we looked at a couple of different potential land uses. We looked at office, medical office and then also retail like a little strip retail area. The office generated the least amount of traffic, the medical office was the next highest and then retail obviously generates the most out of those couple uses. So we progressed through the rest of the report under the assumption that it's retail but it will be dependent upon you know who the tenant actually goes in there. With that in mind, we took the traffic volumes from the retail and distributed them in all cases all traffic is going west bound on Grooms Road, it's about a 60-40 split give or take, assigned that to the intersection analyzed it. I did get Rich Harris a thumb drive that has videos of what we recorded in terms of actual traffic going back and forth in that section of road so we're welcome to take a look at that if we want. We analyzed the intersection, east and west bound it's slow to turn west either into Ponderosa or into the project. If your coming out of Ponderosa your operating at a service level C or D and then if your coming out of this project because it's a little harder to make a left turn and assuming that it's retail there's more traffic coming out that would operate at a level service E in the afternoon. That's kind of the long and the short of the analysis that we have here so happy to open it up for any questions.

Don Roberts: Yea I'm not sure we want to see a retail there, we want to see as little traffic as possible.

Ken Wersted: An office and medical office are going to be the way to go, a warehouse would be perfect because it wouldn't generate any traffic but .

Don Roberts: Anyone here that goes to the Halfmoon Diner can tell you pulling out of there if you want to go left it's not easy.

Ken Wersted: Yea and I watched about 6 hours of video of that intersection and you know specifically Ponderosa because the site driveway doesn't exist yet, and its really about timing. There are people who pull up on Ponderosa and they happen to get there right when the gap is and they pull right out you know level service A, there are other times where there's a platoon of traffic coming off of Route 9 or coming from the Northway and you get there and your like I just got there at the beginning of that platoon of traffic going by and you've got to wait. Once that platoon goes everyone gets through.

Tom Koval: And that's one side, now we're going to add another side to it.

Ken Wersted: Yea

Tom Koval: Now we get, it's adding a lot to the mix, it's not a great spot for this.

Marcel Nadeau: What kind of traffic will be using Ponderosa from this site?

Ken Wersted: No traffic not unless there was a resident lived in there that wanted to go to I don't know the insurance agent or whomever is in there.

Rich Berkowitz: That's a major shortcut, I use it also

Joe Dannible: So speaking to some of the comments that we just heard I know that we did a traffic study based on a retail use that is the most intense. Many uses that are strictly retail are not allowed within the professional office residential. There are some more service related uses, retail uses that are allowed so we went, it is unlikely there is going to be a full retail plaza at this location. I don't think it would be allowed by the Zoning, so we are looking. We did the mixed uses and we wanted to give the worst case scenario for traffic to this Board so they understood that. Looking at I know some of the comments this isn't a great spot for what we are proposing. I think looking at the overall land it's a 14 acre parcel we're proposing a zoning compliant use that's only occupying about 4 acres of the land.

Don Roberts: Yea but how much of that is useable?

Joe Dannible: Of the property?

Don Roberts: 14 acres

Joe Dannible: I would say that probably about 10 of it is useable maybe 12 because there is very little wet land other than the one area of DEC wetlands, if you look at it it's very narrow fingers of wetlands on the property.

Tom Koval: Your saying that this is the lesser of the evil, that's inferring that we would accept any evil.

Joe Dannible: Well it is a property and it does have the right to be developed under the means of the law in the code.

Tom Koval: But it's our responsibility to make sure it does not become a problem for the community.

Joe Dannible: Understood

Tom Koval: That's why we're here, that's why I sit here every Monday night.

Don Roberts: And you're aware if this does go forward we're going to be very selective on what can go there.

Joe Dannible: We're aware that every use has to come here, because we don't have a use, every use will have to be coming to this Board for a change of use, tenant, tenancy.

Tom Koval: We don't want to hear later that there was a grievance because we have this building now cant find anybody to go in there no one will be allowed to go in there. Your choosing to build this not knowing who your tenant is and not putting in front of us who a tenant will be so down the road you come in front of us and we are not happy with the tenant we don't want to hear, I don't want to hear that your not , your stuck with this white elephant of a building because you cant find a proper tenant to meet our expectations.

Joe Dannible: And we're looking at tenants that would be compliant with the professional office, residential zoning for the use. We're not looking to go outside, that's what we anticipate and believe will be coming forward so as long as the uses we have are compliant with that zoning we wouldn't expect there need to be any type of grievance with the uses we're proposing.

Richard Harris: I just want to clarify for the Board the POR zoning its not a very large district in Town and we do not get a lot of applications for it, but from the Zoning Code what's allowed permitted uses, not special uses, permitted uses are any use permitted in the R-1 District, professional offices such as by way of illustration but not limited to medical, legal , engineering, insurance, photography, architect, real estate. #3 barber shop ,or beauty

parlor, #4 a home occupation, assuming a home is built. Bed and breakfast home stay, and then #6 is other uses deemed acceptable by the Board. Some of the people who have been on the Board for a while might remember I think the last POR where you had to decide that, I believe it was Mr. Tanski with a potential bicycle shop, next to Kid Campus, before Kid Campus the vacant lot next door that had had an old house. So you have a lot of discretion to say no in my opinion, other than those 5 uses I listed which is R-1 Residence or professional office or barber shop, beauty parlor.

Don Roberts: That's true Rich but I just wanted to make sure to back up Tom's point if they do come in with something we don't like we don't want them complaining because we're not going to allow it.

Richard Harris: Yea but if it's not part of those four you have a lot of discretion obviously

Lyn Murphy: We had an individual show up here with the map created by you Joe that showed three or four buildings on this lot and he was interested in purchasing it. I just want to be very clear that any approval that goes through tonight if it does, does not in any way shape or form say that those buildings can be built. This is a one building application.

Joe Dannible: A hundred percent and I'm not sure who came to the Town I have been working on this property with got to be 50 different uses.

Don Roberts: Do you want to address that?

Donald Macelroy: Donald Macelroy representing DCG Development Company, I have been contacted by a lot of people over the last 30 years.

Lyn Murphy: Yea they just had a natural map drawn by your engineers so we just want to be very clean

Donald Macelroy: Yea we have nothing ongoing with anyone.

Don Roberts: But you were aware of that though

Donald Macelroy: Yes, yea

Rich Berkowitz: How many parking spots are required by a 20,000 square foot building?

Richard Harris: 20,000 it depends on the use, a professional office is one space per 200 square feet which is 5 for every 1000 so then you have the ability to require that.

Rich Berkowitz: So there's over 200 parking spots that's depicted on this drawing

Joe Dannible: There's 120

Rich Berkowitz: I thought you said over 200?

Joe Dannible: No, no we're required to have a 100 we have about 123 you know we would be villain to land banks and spaces if that works for the Town if they want to see the parking reduced, but we are only showing about 120 parking spaces.

Marcel Nadeau: Your paperwork here shows 172 unless I'm miss reading something .

Richard Harris: I think that was the earlier version with the larger building that was 36,000 square feet, we don't always update the initial info so I'm sorry about that, they did change it.

Marcel Nadeau: So just to clarify that again so you said your required for 100 but your doing 123?

Richard Harris: You guys can decide to landbank you've done it quite a bit.

Marcel Nadeau: I was just wondering because its such a tricky spot here why would you want to give them more parking than is allowed. We know we have a problem there already.

Rich Berkowitz: And I know you mentioned Ponderosa Avenue is there 30, 40 years ago before much of that traffic was on Grooms Road.

Tom Koval: If we are going to limit parking spots I would like to see them eliminated up front.

Richard Harris: I do want and related to that we did get the County Planning Board review back today, they found no significant County wide intercommunity in fact in two comments one a reminder that they do quite a bit on County roads that a driveway permit would be needed by the applicant from County DPW but also that they recommend landscaping along Grooms Road frontage to leave a visual impact, although I didn't see that on the plan is that something you are going to add or did I just miss it.?

Joe Dannible: There's a landscaping plan that does show it.

Marcel Nadeau: Rich was there response on the first proposal or this one?

Richard Harris: Yea I didn't scan that in I'm sorry.

Marcel Nadeau: Rich was their response based on the first proposal or the second ?

Richard Harris: The second, the 20,000 the one that is in front of you.

Joe Dannible: And for the record if the Board wanted to remove the parking spaces closest to Grooms Road that's 22 spaces and that would bring us down to 101 spaces in which area we could provide additional screening and buffering to Grooms Road

Don Roberts: That's probably what's going to happen that would be good. Also you received the email that was received today by Rich, right?

Richard Harris: From a resident across the street

Ken Wersted: Right and I think you know speaking to that we do have some videos during the peak hour that show that very limited restriction of turning movements in the current condition is actually existing on Ponderosa Pine.

Don Roberts: Why don't we see that

Rich Berkowitz: I would tend to disagree with that just based on using that road frequently, that road can back up pretty quickly.

Richard Harris: Which one, one of these or the one labeled ?

Rich Berkowitz: What time did you do this?

Don Macelroy: 7 to 9, 4 to 6 , 11 to 1 Saturday

Rich Berkowitz: So you didn't do it during the weekday?

Don Macelroy: 7 to 9 , 4 to 6 weekday, so the second one from the bottom, 1600 is 4 to 5 o'clock

Richard Harris: That one?

Don Macelroy: Yup

Rich Berkowitz: What day is October 8th? Is it a Tuesday?

Don Macelroy: The speeds we measured were about 48 mph. The percentile speed was 48 going away from the camera and it was about 44 coming towards the camera. 425 and 429 the west bound approach or east bound approach comes towards the camera backs up from Route 9 so start from there.

Don Roberts: Now I know its going to be across from Ponderosa Drive and as Rich said Ponderosa Drive was built many years ago before all of this and when I drive that area I'm concerned about coming east the site distance is not good coming out of your site.

Ken Wersted: Yea that showed the backup but it was only for a few

Don Macelroy: Obviously its going to take you a couple cycles to get all of the way through.

Rich Berkowitz: Now have you also considered making the turn out of your driveway straight and right out making it three lanes instead of 2?

Don Macelroy: Two exit lanes yup that's a possibility

Alison Pingelski: I thought the recommendation in the traffic study was one lane each.

Ken Wersted: In most conditions it's going to be essentially one car waiting to get out at a time, so if you watch on Ponderosa you'll see the same thing. There's one maybe two cars waiting there. There's a lot of time where nobody's pulling out. There is a big gap in the platoons here where traffic in each direction is still farther off, and then they'll be times, here comes a platoon coming from the Northway and this is the second back up that occurs, meanwhile during that entire time nobody's coming into Ponderosa.

Rich Berkowitz: What about in the am when they are coming out?

Ken Wersted: I can tell you what the volume is, we have 28 vehicles coming out in the morning, there was about 23 coming out in the afternoon, Saturday it was 25 so it was pretty even across all of those.

Rich Berkowitz: I'm sorry what was that?

Ken Wersted: It was 28 vehicles in the morning,

Rich Berkowitz: For Saturday

Ken Wersted: 28 in the morning, the morning peak hours, coming out of Ponderosa and then in the afternoon it was 23 vehicles coming out, and then on Saturday it was 25 vehicles coming out.

Rich Berkowitz: Now did you look at Maple Ridge also?

Ken Wersted: We didn't look at Maple Ridge. Maple Ridge you'll notice if you go out there, there is an intersection warning sign for that because its located a little further to the east and they cant see down over that curve over that crest of that hill. So as you approach Route 9 from that direction there's a warning sign to tell you

that oh there is another street coming up and as you start to crest that hill. There is no warning sign for Ponderosa because it has a sight distance available for it.

Don Roberts: Okay questions by the Board or comments?

Marcel Nadeau: Are we doing a public information meeting on this site?

Richard Harris: I sent out, as we are required by Town Code, site plan notification letters to adjacent property owners when they border residences, or across the street and I did that two weeks ago. It's not a public hearing notice, some people do get confused. I did receive a call this afternoon, and I told the resident I need it in writing I don't want to mix up someone's words. The site plan notification letter explains the project and that it will be on an upcoming agenda, don't know exactly when or if there will be a public hearing, so basically get your comments in now, and I did get this one tonight. That doesn't answer your question but that's a step that's required by Town Code and that was done.

Marcel Nadeau: We've done public information meetings

Don Roberts: We have, yea we have.

Marcel Nadeau: I'd like to see one, that's just me

(inaudible)

Joe Dannible: I think the public, obviously, traffic is a sensitive area we all know that traffic in this entire block it does have some level of concern I think there is some mitigation through measures that are occurring at 236 and Guideboard I believe it's a round about planned to go in that area which could positively help

Don Roberts: But we don't know when or if.

Joe Dannible: That's understood, the when is a big question the design report is being prepared, once the design report is prepared it is sent into DOT and they have to review the recommendation right now, is a roundabout on Guideboard and 236. If DOT accepts that recommendation then they have to get the funding program it go to detail design constructs so you know so its not going to happen this year.

Don Roberts: It could take quite a while I used to work for DOT I know.

Joe Dannible: I think on traffic we have had this original traffic study and the amendment that was provided, I believe that's been reviewed by MJ Engineering and I don't want to speak for Joel but I generally believe they agreed with the conclusions and recommendations of that report.

Lyn Murphy: Is that accurate?

Joel Bianchi: That's accurate (inaudible)

Joe Dannible: What's that

Joel Bianchi: The issue is service with people leaving the site , its not affecting adjacent road networks it's the inconvenience of people leaving that site.

Don Roberts: Right, or leaving the site and going into the site

Joel Bianchi: No just leaving

Don Roberts: You don't see any problems going in?

Rich Berkowitz: You don't see a left hand turn going into that site backing traffic up ?

Joe Dannible: I will let Ken talk about that report it's his report we generally concur with him

Ken Wersted: Yea the volume coming in isn't significant enough to again if you go back to the videos you can watch people turn into Ponderosa most of them just pull into the gap so its kind of like level service A to get in, its level service E to get out of the site because its that much harder to come out onto Grooms Road. Similar if you're going west bound going into ponderosa east bound when going into the site, it's easy enough to get in but again the challenge is for the site is coming out on that side of the road.

Rich Berkowitz: And I know the light at Grooms Road and 9 does create a gap I don't know how big of a gap but it does create a gap.

Ken Wersted: Personally I live in a similar situation as Ponderosa, I can almost see the traffic light from where I pull out onto a collector road and if I hit it at the right time I look left and right and its all clear and I pull out if I happen to get there at the beginning of the platoon that's leaving the signal I sit there and I wait until it goes by and then I can pull out, so it's similar in this situation you know but different location. And again this is all based on the assumption that this is retail but I think as Rich had read through the code retail isn't necessarily an allowed use there so if it falls to an engineering office, a travel agent you know a salon or barber shop those kind of things then we are looking at numbers that are probably 30% to half of what we analyzed in this study.

Don Roberts: And like I said before if this is approved please be careful on what you propose to go in there.

Rich Berkowitz: No childcare, no Tae Kwon Do, no dance studios

Richard Harris: That would fall under the one that says other uses permitted by the Planning Board

Lyn Murphy: They are not allowed as a right.

Ken Wersted: Many discretionary uses

Richard Harris: It's almost like a special use permit, that would require a public hearing (inaudible)

Don Roberts: What do you want to do.

Tom Koval: Ill make a negative recommendation on SEQR

Rich Berkowitz: Ill second

Don Roberts: All in favor Aye? (all were in favor) Opposed? (none were opposed) Motion carried

Tom Koval: I'll vote in favor of the project with the condition that it's contingent on the final review of the Town engineer.

Rich Berkowitz: Are we doing anything about the parking lot?

Don Roberts: I think we should reduce that, take the front away, contingent on it

Tom Koval: Contingent on the condition that you remove those front parking spots and increase the buffering between the road and the project

Rich Berkowitz: Ill second

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

Joe Dannible: Thank you

Tom Koval: Be ready for us when you come in with tenants

DCG Development Building, 247 Grooms Rd – Site Plan

APPROVED. Board approved the proposed Site Plan to construct a 20,000 SF office building with conditions related to final engineer review, removal of proposed parking spaces along Grooms Road and replacement with enhancement landscaping/greenspace.

Don Roberts: Anybody have anything else? Anything else? Before we adjourn, anybody got anything else. Before we adjourn as we know this is our buddy Paul's last meeting so Paul on behalf of the Planning Board I want to thank you for all of your hard work, ten years, hard to believe it's been ten years but thank you very much you did a great job. We're all going to miss you and good luck alright.

Alison Pingelski: I make a motion to adjourn

Tom Koval: second

Don Roberts: All in favor Aye? (all were in favor) Opposed? (none were opposed) Motion carried, Merry Christmas, Happy New Year.