

The May 20, 2026 meeting was called to order at 7:00 pm by Town Supervisor Tollisen in the A. James Bold Meeting Room with the following members present:

Kevin J. Tollisen, Supervisor
Eric A. Catricala, Deputy Town Supervisor
Jeremy W. Connors, Councilman
Paul L. Hotaling, Councilman
John P. Wasielewski, Councilman
Kelly L. Catricala, Town Clerk
Lyn A. Murphy, Town Attorney
Cathy L. Drobny, Deputy Town Attorney

WORKSHOP - BOARD ROOM - 6:15 pm

PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

PUBLIC HEARING: DISCUSS ESTABLISHING A MORATORIUM ON CONCRETE, CEMENT and ASPHALT PLANTS, TOGETHER WITH PESTICIDE MANUFACTURING.

Supervisor Tollisen: The first item on our agenda this evening is a Public Hearing to discuss establishing a moratorium on Concrete, Cement and Asphalt Plants, together with Pesticide Manufacturing. Would anyone like the Public Notice read? Anyone online? Hearing from no one, I will waive the reading of the notice. I will open the public hearing at 7:01 pm. I will ask our Town Attorney, Ms. Murphy, to provide a brief summary of the Moratorium Public Hearing.

Town Attorney Murphy: Mr. Supervisor, at this point the Town is considering enacting a moratorium on Concrete, Cement and Asphalt Plants, together with Pesticide Manufacturing. What that means is the town is expressing concern on the potential impacts of any of those industries being approved in the Town. We already have some safeguards in place to prevent some of this, we are working with local communities with our engineers to expand definitions so that it is clearer what is not allowed in the Town. It gives the Town more authority to prohibit things that may not be in favor of the health and safety and welfare of the residents of the Town. This is what the Town Board is considering tonight; unfortunately, the County has to give an opinion as to impact of any new local law, and they do not meet until tomorrow so the Town Board cannot vote tonight, but getting this on the agenda and publicly discussed is important as it relates to legally enforcing the moratorium, if and when it's imposed.

Supervisor Tollisen: Thank you. Are there questions from the Town Board? Hearing none, I will note that this afternoon the town Clerk's Office received an email which included a rather large packet, which I have instructed for the entire Board to be copied on. This is from I believe Ms. Matthews submitted this on behalf of Residents for Responsible Development, so that will be part of the public record of this public hearing. Is there any other correspondence?

Town Clerk Catricala: No.

Supervisor Tollisen: Are there any questions from the public? If you would like to speak on this matter, please come up to the microphone because we do try to keep a good record of everything, so please come up to the microphone and state your name and address for the record.

Christine Matthews, 5 Cinnamon Lane, Clifton Park: I did submit that package for your consideration tonight for the Residents for Responsible Development; a group that has been organized of about 40 Halfmoon residents and members of the Clifton Park Open Space and Environmental Conservation Committee and we have come in before to speak of our concerns regarding the situation in Clifton Park with the concrete batch plant, and we were very, very appreciative to see some light on your agenda tonight on this issue. Let me just summarize the case in one paragraph for you of the material we have submitted. Halfmoon's exiting zoning code does not adequately address the heavy industrial uses in the categories the proposed moratorium covers, and this is not uncommon for communities

across the country and NYS to be looking at this very issue for this type of application. The Clifton Park application has highlighted gaps in the zoning code in terms of performance standards and it's left ambiguous how to interpret it. The light industrial districts general performance standards today relies on qualitative descriptors noxious or offensive without having any numerical thresholds measurement methodology that an applicant could conform to or demonstrate or even compliance verification protocols. The MI industrial controls industrial intensity to a list of specifically prohibited uses rather than a calibrated performance standard for this category of use. What we saw in the Clifton Park situation is that an independent state agency reviewed their situation over there, it was NYSDOT and really found some documented inadequacies in their review. We have submitted that record to you, we have a letter for the application that was submitted and part of DOT's review for that. Your framework is going to be asked the same kinds of things that that application has looked at and the environmental consequences of that, things like particulate matter, air quality, noise, water in this case we have a cross of municipal boundaries within the Town. So, the moratorium that you are looking at really gives Halfmoon time to refine the framework before any application is considered. When we were here in January, you stated at that time you did not have a complete application on file, which is a good thing for your moratorium; you are getting out ahead of that which we really appreciate. We were asking four things for you to do, one being to adopt the moratorium, but we also wanted to ensure concrete batch plants were included in the moratorium scope. I brought an additional document that I will leave with you and will submit to the Town Clerk, it is a one-page that describes why a concrete batch plant is considered more universally as a heavy industrial application for the Town. The third ask was to be in compliance with what Saratoga County requires with the Municipal Law 239, and it sounds like you are well on your way to that. And then to incorporate our materials that we sent today as part of the public record, which the Supervisor already indicated he would do. That is our summary, and I thank you for your time tonight. Thank you.

Supervisor Tollisen: Thank you.

BRIEF FOR THE PUBLIC HEARING RECORD

Proposed Moratorium on Asphalt, Concrete Cement Plants and Pesticide Manufacturing

Town of Halfmoon Town Board Public Hearing — May 20, 2026

Submitted by Residents for Responsible Development

Executive Summary

Residents for Responsible Development submits this brief to inform the Town Board's deliberations on the proposed moratorium on asphalt, concrete cement plants, and pesticide manufacturing scheduled for public hearing on May 20, 2026.

The brief makes a framework-level case for the moratorium. Four points are central:

- Halfmoon's existing zoning code does not adequately address the use categories the moratorium covers. The LI-C district's general performance standard at § 165-15C(5) relies on qualitative descriptors — “noxious or offensive” — without numerical thresholds, measurement methodology, monitoring requirements, or compliance verification protocols; the M-I district relies on a list of specifically prohibited uses (§ 165-16C) rather than a calibrated performance standard for this category of use. The code was adopted in 1995 and has been amended through 2025, but neither district's framework has been refined for the operational characteristics of asphalt plants, concrete cement plants, or concrete batch plants.
- An independent New York State agency has documented the inadequacy of structurally similar performance-standard language. The New York State Department of Transportation's May 1, 2026 SEQR Response, addressing the proposed concrete batch plant at 1910 US Route 9 in the Town of Clifton Park, found that the project was “currently misaligned with the town vision established in the comprehensive plan” and identified “zoning, environmental, and public concerns” as the basis, citing among other things a tension between the project's disclosures and the qualitative Clifton Park zoning language (§ 208-64(B)) that closely parallels Halfmoon's. The state agency's finding — signed by a licensed Professional Engineer — applies with equal force to Halfmoon's parallel provisions.
- A peer New York municipality is responding to the same regulatory gap with legislative action. The Town of Lloyd is drafting amendments to its zoning code that would expressly classify “concrete batching plants including ready-mix plants or raw concrete manufacturing” as Heavy Industry and would prohibit “exterior silos, conveyors, hoppers” in Light Industrial districts.
- Cross-municipal regulatory considerations have two dimensions. Halfmoon's regulatory authority extends to industrial sitework on parcels that span municipal lines, and one such parcel currently exists in Halfmoon's LI-C district with no complete application filed. Separately, heavy industrial operations in this category produce environmental effects — particulate matter, air emissions, noise, water and stormwater impacts — that do not

respect municipal boundaries; Halfmoon residents may experience operational consequences even where the primary structures sit outside the Town. The moratorium gives the Town time to develop framework provisions addressing both dimensions before any application matures.

Residents for Responsible Development respectfully asks the Town Board to adopt the proposed moratorium, to ensure that concrete batch plants are included within its scope, to ensure full procedural compliance before final adoption, and to incorporate this brief and the related materials referenced herein into the public hearing record.

I. Halfmoon's Existing Code Does Not Adequately Address This Category of Use

The proposed moratorium addresses three use categories — asphalt plants, concrete cement plants, and pesticide manufacturing — that share characteristics distinguishing them from typical light industrial uses: large-scale outdoor processing infrastructure, substantial truck traffic, fugitive emissions, water use and stormwater complexity, fuel storage, and significant operational hours. Halfmoon's existing zoning framework does not contain regulatory provisions calibrated to those characteristics.

Two provisions are central to the analysis. Halfmoon Zoning Code § 165-15C(5), applicable in the LI-C Light Industrial-Commercial district, provides that no use shall be “permitted or conducted in any manner which would render it noxious or offensive by reason of dust, odor, refuse, smoke, fumes, noise, vibration or glare.” In the M-I Industrial district, the comparable qualitative language appears not as a district-wide performance standard but as a condition attached to a specific permitted use: § 165-16A(19) authorizes a “laboratory: research, experimental or testing” only “provided that no operation shall be conducted which may cause hazardous, noxious or offensive conditions in the district in which such laboratory is located.” The M-I district's general control on industrial intensity is instead § 165-16C, which enumerates specifically prohibited uses (for example, abattoirs, manufacture or storage of explosives, petroleum refining, and atomic power facilities) but does not establish calibrated performance standards for the use categories the proposed moratorium addresses.

These provisions share the same drafting limitation where qualitative language is relied upon: it lacks operational specificity. “Noxious or offensive” is not defined. No numerical thresholds for dust, noise, emissions, or vibration are established. No measurement methodology is specified — what is measured, where, when, by whom, against what reference levels. No monitoring requirements are imposed. No compliance verification protocols exist. Nor does the M-I district's prohibited-use list at § 165-16C supply those tools for this category of use, as it operates by categorical exclusion of enumerated uses rather than by measurable performance criteria. A reviewer applying the existing standards has no objective tools to determine whether a heavy industrial use complies.

The code was adopted as Local Law No. 5 of 1995 and has been amended through 2025. Through three decades of amendments, the performance-standard provisions have not been refined for the operational characteristics of asphalt plants, concrete cement plants, or concrete batch plants. The existing framework is inherited from an era when these specific uses were not under active consideration in the Town.

The proposed moratorium is the procedurally appropriate mechanism to address this gap. A moratorium gives the Town time to develop performance standards calibrated to the operational characteristics of the use categories in question — numerical thresholds, measurement methodology, monitoring and compliance protocols — before any application in these categories is filed and the Town is required to apply the framework as it currently exists.

II. An Independent State Agency Has Documented the Inadequacy of Structurally Similar Language

On May 1, 2026, the New York State Department of Transportation issued a SEQR Response signed by Greg Wichser, P.E., Regional Program and Planning Manager, addressing the proposed concrete batch plant at 1910 US Route 9 in the Town of Clifton Park. The NYSDOT letter is included in the materials submitted with this brief.

NYSDOT's finding, stated in a letter signed by a licensed Professional Engineer, is that the project is "currently misaligned with the town vision established in the comprehensive plan," notwithstanding the project's alignment with one of the town's economic strategies. NYSDOT identified "zoning, environmental, and public concerns" as the basis for that misalignment.

The provision NYSDOT examined is Clifton Park Zoning Code § 208-64(B), which prohibits uses in the Clifton Park Light Industrial district that result in "any noxious noise or odor outside the district" or have "a deleterious effect on the air or water quality." That provision uses language closely parallel to Halfmoon's § 165-15C(5): the same qualitative descriptors, without the same numerical thresholds or measurement methodology. NYSDOT identified a tension between the project's environmental disclosures — noise exceeding ambient levels, air emissions, and quality-impaired waterbodies — and the qualitative § 208-64(B) language, and concluded that the project is currently misaligned with the town's comprehensive plan. NYSDOT noted that NYSDEC, as Lead Agency, will make the substantive environmental determination. The significance for Halfmoon is not that NYSDOT made a zoning-compliance ruling, but that an independent state agency, reviewing a comparable use under closely parallel qualitative language, could not resolve the project's consistency on the face of that language alone.

The relevance to the Halfmoon Town Board's moratorium decision is direct. An independent state agency, through a review signed by a licensed Professional Engineer, was unable to resolve the project's consistency on the face of qualitative performance-standard language of the kind Halfmoon presently relies on to evaluate heavy industrial uses in this category. The NYSDOT finding is independent of any RRD analysis or community input. It is a state regulator's judgment on the operational adequacy of structurally parallel provisions.

III. A Peer New York Municipality Is Responding to the Same Regulatory Gap

The Town of Lloyd, Ulster County, New York is actively drafting a local law to amend its zoning code. The draft — “Town of Lloyd Local Law A of 2026,” entitled “2026 Zoning Code Amendments” — was prepared by the Town’s land use attorney and was last revised April 6, 2026. The draft is included in the materials submitted with this brief, obtained through a FOIL request to the Town of Lloyd.

The Lloyd draft amends Section 100-8 of the Lloyd Zoning Code in two principal ways. First, it adds a definition of Heavy Industry that expressly includes “concrete batching plants including ready-mix plants or raw concrete manufacturing” alongside metal refineries, chemical manufacturing, asphalt batching, scrap metal processors, chemical synthesis plants, tire recycling facilities, and large-scale vehicle salvage. Second, it rewrites the definition of Light Industry to specify that such uses should not “emit noticeable levels of smoke, noise, dust, odor, glare, or vibration beyond the building envelope” — and to expressly state that “exterior silos, conveyors, hoppers are not allowed.”

The legislative findings supporting the Lloyd draft recite the Town Board’s consideration of “the potential impacts of... industrial uses, including chemical manufacturing, large scale vehicle salvage, concrete batch plants or manufacturing products containing concrete and similar uses and the associated dust, smoke, vibration, noise, hazardous materials and vehicle traffic and other factors that result from those uses.”

Two features of the Lloyd action are informative for the Halfmoon Town Board. First, Lloyd has independently determined that concrete batching plants and asphalt batching belong in a heavy industrial classification, not light industrial. A peer New York municipality, faced with the same regulatory question, reached the same conclusion. Second, the operational features Lloyd’s draft expressly excludes from Light Industrial — silos, conveyors, hoppers, and the qualitative descriptor language “noticeable levels of smoke, noise, dust, odor, glare, or vibration” — are precisely the kinds of operational characteristics for which Halfmoon’s existing code does not have refined standards.

Whether the Halfmoon moratorium’s reference to “asphalt, concrete cement plants and pesticide manufacturing” is intended to reach the same scope of uses Lloyd has classified as Heavy Industry is a question RRD does not presume to answer. The relevant point is that a peer municipality is doing the regulatory work the proposed Halfmoon moratorium would create the time and space for.

IV. The Operational Characteristics of This Category of Use Warrant Deliberate Regulatory Treatment

The use categories in the proposed moratorium share operational characteristics that distinguish them from typical light industrial uses and that the existing Halfmoon framework

does not have refined provisions to address. Documentary materials in the public record, obtained through FOIL requests to the Town of Lloyd, the Town of Clifton Park, the New York State Department of Environmental Conservation, and Saratoga County, identify the relevant characteristics.

Concrete batch plants and related concrete manufacturing operations involve large-scale outdoor processing infrastructure, including ground-level aggregate hoppers, conveyor systems, elevated aggregate bins, and cement silos with pneumatic discharge. Operating hours typically begin in the early morning. Throughput at a comparable operating facility in this region generates over one hundred daily truck trips. Water use can exceed ten thousand gallons per day. Fuel storage may include ten thousand gallon above-ground tanks. The Standard Industrial Classification places ready-mix concrete in SIC 3273 and triggers Multi-Sector General Permit obligations under New York State stormwater regulations, with operational monitoring requirements for total suspended solids and pH. Air-quality permitting may be implicated under 6 NYCRR Parts 200, 201, 211, and 212.

Asphalt plants share several of these characteristics — large-scale outdoor processing infrastructure, heavy truck traffic, fugitive emissions, fuel storage requirements — with operational specifics calibrated to the production of bituminous materials rather than cementitious materials. Pesticide manufacturing presents distinct but analogously substantial operational considerations involving chemical handling and storage.

None of these operational characteristics is hypothetical. They are documented in regulatory submissions and review records across multiple New York municipalities. They are the kinds of characteristics for which deliberate, calibrated zoning treatment is appropriate — with numerical thresholds, measurement methodology, monitoring requirements, and compliance verification protocols. The proposed moratorium gives Halfmoon time to develop that calibrated treatment.

V. Cross-Municipal Regulatory Considerations: Sitework Authority and Environmental Consequences

The use categories in the proposed moratorium are the kinds of uses that may be proposed on parcels with non-standard configurations, including parcels that span municipal lines. Halfmoon's regulatory authority over such parcels extends to industrial sitework located within Halfmoon, regardless of where the primary structures of the use are sited. That authority includes review of driveway improvements, grading, and stormwater infrastructure on Halfmoon land, and application of Halfmoon's zoning standards to that work.

One Halfmoon parcel currently illustrates this regulatory circumstance concretely. Halfmoon tax parcel 260.0-1-28 is located in Halfmoon's LI-C Light Industrial-Commercial district, as confirmed on the Town of Halfmoon 2023 Zoning Map. The parcel is one of two tax parcels comprising a site that spans the boundary between Halfmoon and the Town of Clifton Park. Documentary records in the public file include a formal engineering communication dated April 16, 2025 stating that "any improvements planned within the Town of Halfmoon are subject to the

review and approval by the Town of Halfmoon Planning Board.” No complete application has been filed with Halfmoon for any work on the parcel; the Halfmoon Town Attorney confirmed at the Town Board’s January 21, 2026 meeting that the application received was incomplete.

Cross-municipal regulatory considerations extend beyond jurisdictional authority over sitework. Heavy industrial operations in the use categories the moratorium addresses produce environmental effects — fugitive particulate matter, fine dust, air emissions, noise, water and stormwater impacts — that do not respect municipal boundaries. Even where the primary structures of such an operation are sited outside Halfmoon, the operational consequences may be experienced by Halfmoon residents and Halfmoon’s environment. The parcel referenced above illustrates this circumstance: the particulate matter implications of a concrete batching operation in the immediate vicinity are a primary concern for Halfmoon residents adjacent to and downwind of the site. A regulatory framework calibrated to this category of use should consider how the Town protects its residents and environment from operational effects that originate beyond municipal boundaries but reach into them. The proposed moratorium gives Halfmoon time to develop that framework.

The brief offers parcel 260.0-1-28 as an example, not as the subject of the moratorium. The substantive point is framework-level: Halfmoon’s regulatory framework will, in the ordinary course, be asked to evaluate industrial sitework on parcels with non-standard configurations — including parcels spanning municipal lines — in the use categories the moratorium addresses. The existing framework does not have refined provisions calibrated to that evaluation. The moratorium gives the Town time to develop those provisions before any application matures.

VI. Observations on Moratorium Scope

The Notice of Public Hearing frames the moratorium as covering “asphalt, concrete cement plants and pesticide manufacturing.” RRD respectfully offers two observations regarding scope.

First, the grouping of asphalt plants with concrete cement plants is well-supported by the Town of Lloyd’s independent classification of those uses together as Heavy Industry. The two use categories share characteristic features — large-scale outdoor processing infrastructure, heavy truck traffic at scale, fugitive emissions of fine particulates, and stormwater management complexity — that distinguish them from typical light industrial uses.

Second, RRD respectfully asks the Town Board to ensure that the moratorium’s scope includes concrete batch plants. Cement plants and concrete batch plants are distinct industrial processes — a cement plant manufactures cement powder from raw materials in a kiln; a concrete batch plant mixes already-manufactured cement with sand, aggregate, and water to produce concrete — and the substantive case for inclusion is set out in Parts I through V of this brief. The independent state-agency finding in Part II, the peer-municipality legislative response in Part III, the operational characteristics in Part IV, and the cross-municipal regulatory authority in Part V each support inclusion of concrete batch plants within the moratorium’s coverage. Adopting

language consistent with Lloyd’s formulation — “concrete batching plants including ready-mix plants or raw concrete manufacturing” — would foreclose later definitional argument.

RRD does not take a position on the inclusion of pesticide manufacturing within the moratorium’s scope, which is outside the subject matter of the materials submitted herewith.

VII. Conclusion and Request

The materials presented in this brief document a regulatory gap in Halfmoon’s existing zoning code, independent state-agency corroboration of the inadequacy of structurally parallel performance-standard language, peer-municipality legislative action addressing the same regulatory question, the operational characteristics of the use categories that warrant deliberate treatment, and the cross-municipal regulatory circumstances Halfmoon’s framework will be asked to address. The proposed moratorium is a procedurally appropriate response to those facts.

Residents for Responsible Development respectfully asks the Town Board to:

- Adopt the proposed moratorium.
- Ensure that concrete batch plants are included within the moratorium’s scope. The regulatory record set out in this brief supports inclusion, and adopting language consistent with the Town of Lloyd’s formulation — “concrete batching plants including ready-mix plants or raw concrete manufacturing” — would foreclose later definitional argument.
- Ensure full procedural compliance before final adoption, including referral to the Saratoga County Planning Board under General Municipal Law § 239-m with the complete text of the proposed local law; notice to adjacent municipalities under Town Law § 264 (Clifton Park, Stillwater, Waterford, Mechanicville, and Cohoes as appropriate); and a defined sunset date.
- Incorporate this brief and the related materials referenced herein — the New York State Department of Transportation’s May 1, 2026 SEQR Response, the Town of Lloyd’s draft Local Law A of 2026, and the FOIL materials from Halfmoon, Lloyd, Clifton Park, NYSDEC, and Saratoga County — into the public hearing record. RRD’s April 17, 2026 Cumulative Traffic Safety Impacts Memorandum is already on the Halfmoon record, and RRD’s May 7, 2026 Supplemental Record Memorandum is being filed with the Halfmoon Town Clerk alongside this brief.

Residents for Responsible Development thanks the Town Board for the opportunity to contribute to this record and looks forward to continued constructive engagement with the Town through the moratorium period and any zoning review work that follows.

Sources and Documents Referenced

Halfmoon

- Town of Halfmoon Zoning Code, Chapter 165, Local Law No. 5 of 1995 as amended through 2025.
- Town of Halfmoon Zoning Map (2023).
- Town of Halfmoon Notice of Public Hearing issued May 7, 2026 (Kelly L. Catricala, Town Clerk). The Notice itself shows an issuance date of April 7, 2026, which the Town Clerk has been made aware is a typographical error.

State agency

- New York State Department of Transportation SEQR Response dated May 1, 2026 (Greg Wichser, P.E., Regional Program and Planning Manager).

Peer municipality

- Town of Lloyd, Ulster County. Draft Town of Lloyd Local Law A of 2026 (“2026 Zoning Code Amendments”), file last revised April 6, 2026.
- Town of Lloyd Planning Board Regular Meeting Minutes, March 26, 2026.

Documentary materials on operational characteristics

- Documentary materials obtained through FOIL requests to the Town of Halfmoon, the Town of Lloyd, the Town of Clifton Park, the New York State Department of Environmental Conservation, and Saratoga County, including project narratives, environmental assessment forms, traffic assessments, stormwater management documents, and staff and engineering review records relating to concrete batching plant operations.

RRD prior submissions

- RRD Cumulative Traffic Safety Impacts Memorandum dated April 17, 2026 (already on the Halfmoon record).
- RRD Supplemental Record Memorandum dated May 7, 2026 (being filed with the Halfmoon Town Clerk alongside this brief).

Submitted for the public hearing record by Residents for Responsible Development.

Project Narrative

RECEIVED
MAR 09 2026

BY:

3260 Route 9w Highlane NY LLC

Concrete Batch Plant

**NYS ROUTE 9w
Town of Llyod
Ulster County, New York**

March 10, 2026

Prepared By:
The Environmental Design Partnership, LLP
900 Route 146
Clifton Park, NY 12065



**ENVIRONMENTAL DESIGN
PARTNERSHIP, LLP.**

10220 US Hwy 15, Clifton Park, NY 12065



The attached plan represents the concept development plan for a Proposed concrete Batch Plant to be located at 3260 Route 9W. The site is identified as tax parcel 80.3-2-8 and zoned LI Light industrial. The plan illustrates the general intent of the site development and the configuration for the major elements of the proposed design program. The Site Plan Application was compiled in accordance with the Town of Lloyd Zoning Ordinance. The plan is to develop a 4600± sf Batch plant with conveyor system and aggregate piles the existing on-site building will be repurposed as office and support space for the plant.

The project will disturb greater than one acre and will be subject to the New York State Department of Environmental Conservation (NYSDEC) State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activity (GP-0-20-002). A Full Stormwater Pollution Prevention Plan (SWPPP) that includes erosion and sediment control measure will be provided.

Beyond the local Land use boards, the project will require permitting from USACE for wetland disturbance and from NYSDOT for curb cut modification.

Below is a general overview of the Batch Plant Operations.

Concrete is sold by the cubic yard which is a volumetric measurement equal to 27 cubic feet. There are 5 ingredients that, when combined through a mixing process in the mixer drum, will produce ready mix concrete. There is sand (also called fine aggregate), stone (also called coarse aggregate), cement (the powdered binder), admixtures (concrete enhancement water-based solutions) and water (reacts with the cement to make the hardened finished product). Each load of concrete has a specific recipe or mix design to create specific physical characteristics such as compressive strength of the placed concrete.

There are four primary components to a concrete batch plant: Ground aggregate hoppers, conveyor systems, inside aggregate storage and batching building and cement silos. The ground hoppers are loaded with dump trucks with sand and stone. These hoppers are fully enclosed on four sides and bottom, but open on top to allow for dump truck to dump the sand and stone into the grated hopper. There are small gates on the bottom of the hoppers that are powered by compressed air and electricity. As needed, the batch computer controls an electrical signal that is sent to the requested gate which operates a pneumatic ram that opens and allows the material needed to flow onto the conveyor. The conveyor belt is covered and transports the sand and stone to the aggregate hoppers inside the aggregate building. These hoppers are a set of storage bins separated by steel walls. These internal storage bins are positioned over an aggregate scale. Based on the required mix design, the materials are weighed through a system of pneumatic rams controlled by the batch computer using electrical signals and sensors to make every batch of concrete an exacting recipe. During the



ENVIRONMENTAL DESIGN
PARTNERSHIP, LLP.

manufacturing process, when the batch computer determines it is time to add the aggregate to the concrete mixer, a long gate at the bottom of the scale opens. In a controlled and continuous manner, the material falls out of the scale onto a running conveyor belt below the scale and elevates the material into a loading hopper that allows the aggregate to fall into the concrete mixer below.

Next to the aggregate building there is a rectangular cement silo containing three individual and separate compartments. The cement silos are designed at a height that facilitates the gravity feeding of the cement into the mixer. Cement is transported to the site using fully enclosed cement haulers. Cement is discharged into the cement silos pneumatically (using low pressure compressed air). The cement hauler is pressurized to pneumatically deliver the cement product to the top of the cement silo using an enclosed and sealed pipe from the cement hauler. In order to prevent over pressurizing of the cement silos during loading, excess air pressure is relieved through a bag house (aka fabric filters) at the top of the cement silo. Such discharges are scrubbed of particulates prevent discharge of fugitive cement emissions to the environment. These filters are routinely inspected in order to maintain efficient and effective filtration. The cement is discharged from the silo using a fully enclosed rubber boot at the bottom of the cement silo into a scale. The batch computer controls a butterfly valve to facilitate and control the flow of cement out of the silo and into the cement scale. Once the batch computer determines the cement is ready to go into the concrete mixer it will use another butterfly valve to control the continuous and gradual flow of material out of the scale and into the concrete truck below. The plant will be equipped with a shroud that is inserted around the discharge hopper at the mixer drum opening. This shroud will utilize a vacuum system with separate filtration to catch fugitive cement emissions during the mixer loading process. The captured cement emissions are recycled, through a blower system, back into the cement silo to be used on the next load. As the cement is placed in the mixer drum it immediately comes into contact with the wet aggregate already in the mixer drum which quells the potential for dust coming from the mixer drum.

There are small portions of water-based admixtures added to the mix (typically measured in ounces) to enhance the desired concrete product as needed for project requirements or weather conditions. The admixtures are stored in tanks inside the aggregate building. The batch computer controls the pumping and metering of the liquid admixture. The admixture is introduced into the waterline at the discharge hopper where it immediately flows into the concrete mixer as the aggregate is being loaded into the concrete mixer.

Well water is also added to the mixer during the loading of the sand, stone, and cement. The water used in the concrete is stored inside a large water tank inside the aggregate building. In the winter, the water is heated using a steam diffuser from a boiler run on nature gas/propane. The water tank is piped into a pump that delivers the necessary water into the concrete mixer



as it is being loaded. If there is water contained in the washout basins, such water will be used in the concrete mix. If the recycle washout basins are empty, well water is used.

The ground floor of the aggregate building will contain a closed-loop three side-by-side wash out basins that are used to rinse the mixer drums at the end of each day for final washout. The washout water is discharged into the first basin to allow the heavier aggregates to settle out. The washout water from the first basin travels to the second basin where the finer material settles out. The washout water continues to the third basin where it is relatively clear of sand and aggregate. The washout water is recovered and is reused in plant operations. The residual sand, stone and cement are recycled and used in future concrete production.

The sand and stone will generally come from aggregate mines generally located within Ulster, Orange and Dutchess counties. The cement will typically be procured from regional cement providers. The cement for this plant will generally be transported from over 2 hours away. The water is sourced from an on-site well and the admixtures are transported from New Jersey. The sand and stone make up about 70 percent of the final combined volume, water making up about 16% and cement making up about 14 percent.

Once all the stone, cement, water, and admixtures are loaded into the truck, the truck will then move to wash out basin where the ingredients are mixed together (at about 17 revolutions a min for 7-10 mins to create the final combined concrete product) and any material on the truck is washed into the washout basin. Once the concrete is of a consistent uniform mix, the truck is ready to leave and deliver the concrete to the local homeowner or business.

Attached for your consideration are some pictures of an existing concrete plant owned by us



Town of Lloyd Planning Board Application

Submission Date: 3/10/2026

Property Owner: 3260 Route 9W Highland NY, LLC

Is the owner an LLC?: Yes Principal Member or Managing Member: Clemente Materials, Inc.

Owner's Mailing Address: PO-Box 189, 248 Watervliet Shaker Rd. Colonie NY 12189

Owner's Phone: (845)765-1645

Owner's Email: LukeC@bondedconcrete.com

Address of subject property: 3260 Route 9W, Town of Lloyd, Ulster County, NY

Tax Map SBL#: 80.3-2-8

Professional Representative: Environmental Design Partnership LLP (EDP)

Representative Address: 900 Route 146, Clifton Park NY 12065

Representative Phone: 5183717621 Representative email: jdannible@edpllp.com

Subdivisions:

Number of Lots: N/A for the purpose of: _____

Site Plans:

(circle one) Commercial / Residential for the purpose of: Concrete Batch Plant

Special Use Permit purpose: N/A

Zoning Code chapter: _____


Submission of the items below is required prior to placement on the Planning Board agenda:

1. Completed application.
2. Application fee: Non-refundable check or money order made out to "Town of Lloyd", or cash is accepted.
Amount submitted: \$1,000 (credit cards accepted in person at Town Hall)
3. Escrow fees: a separate check or money order made out to "Town of Lloyd", as determined by the Fee Schedule.
Amount submitted: \$7,500
4. Photocopy of the property deed.
5. Complete Environmental Quality Review Assessment Form as appropriate for the project as follows:
 - a. Short Form EAF: part 1 only.
 - b. Long Form EAF: part 1 only.
6. Agricultural Statement if in an Agricultural District or property is or has been farmed.
7. Coastal Assessment Form: if the project is located in the Town's WBOD overlay or in the Lloyd/Esopus Area of State-wide Scenic Significance or if located in the areas covered by the Town's Waterfront Revitalization Areas.
8. Letter of Agent: if someone besides the property owner is representing the project.
9. Letter of Intent: narrative describing the project.

(continued next page)

10. Site plan as required (see the Use Table and Chapter 100-53 of the Town of Lloyd Zoning Code). Please submit five (5) paper copies in addition to digital files. If the digital project file is too large to email, please contact the office to arrange a delivery method.
11. Jurisdictional Determination from the DEC if wetlands or vernal pools are near the project location (wetlands do not need to be on the subject property). Confirm wetlands location on the DEC's Environmental Mapper online.
12. Statement that no portion of the project is wholly or partly in a regulated floodplain or floodway. Use FEMA's Area of Flood Hazard mapper to determine locations of floodplains.
13. Other items as required by the Town of Lloyd Code appropriate for the project type and location.

I, Luke Clemente PRINT NAME: _____, certify that the information contained in the submission of this Planning Board Application is true to the best of my knowledge. I further acknowledge the requirements associated with my submission based on the type and location of the proposed project. I have ascertained whether there are floodplains, floodways, wetlands and vernal pools with their associated buffers on the project property.


3/6/20

 Owner's Signature Date

TO BE COMPLETED BY THE BUILDING, PLANNING AND ZONING DEPARTMENT	
NYS Environmental Mapper Checked: Yes <input type="checkbox"/>	-No <input type="checkbox"/>
FEMA FIRM Checked: Yes <input type="checkbox"/> -No <input type="checkbox"/>	
Zoning Compliant: Yes <input type="checkbox"/> -No <input type="checkbox"/>	In Zone: _____
REVIEWED BY: _____	
FEE: \$ _____	CHECK # _____



ULSTER COUNTY – STATE OF NEW YORK
 TAYLOR BRUCK, ACTING COUNTY CLERK
 244 FAIR STREET, KINGSTON, NEW YORK 12401

COUNTY CLERK'S RECORDING PAGE

THIS PAGE IS PART OF THE DOCUMENT – DO NOT DETACH



BOOK/PAGE: 7527 / 21
 INSTRUMENT #: 2025-10006

Receipt#: 2025066149
 Clerk: SM
 Rec Date: 08/27/2025 01:47:17 PM
 Doc Grp: D
 Descrip: DEED
 Num Pgs: 4
 Rec'd Firm: PAC ABSTRACT AND TITLE SERVICES
 LLC

Party1: SANTINI ALDO J JR
 Party2: 3260 ROUTE 9W HIGHLAND NY LLC
 Town: LLOYD

Recording:

Cover Page	5.00
Recording Fee	30.00
Cultural Ed	14.25
Records Management - Coun	1.00
Records Management - Stat	4.75
TP584	5.00
RP5217 - County	9.00
RP5217 All others - State	241.00

Sub Total: 310.00

Transfer Tax
 Transfer Tax - State 1800.00

Sub Total: 1800.00

Total: 2110.00

**** NOTICE: THIS IS NOT A BILL ****

***** Transfer Tax *****
 Transfer Tax #: 412
 Transfer Tax
 Consideration: 450000.00

Transfer Tax - State 1800.00

Total: 1800.00

Record and Return To:

ELECTRONICALLY RECORDED BY SIMPLIFILE

WARNING***

*** Information may be amended during the verification process, and may not be reflected on this cover page.

THIS PAGE CONSTITUTES THE CLERK'S ENDORSEMENT, REQUIRED BY SECTION 316-a (5) & 319 OF THE REAL PROPERTY LAW OF THE STATE OF NEW YORK.

Taylor Bruck
 Taylor Bruck
 Acting Ulster County Clerk

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT--THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY.

THIS INDENTURE, made this 14 day of July, Two Thousand Twenty-Five

BETWEEN **ALDO J. SANTINI, JR. and MARY E. SANTINI**, his wife, residing at 254 Mount Zion Road, Marlboro, New York 12542,
party of the first part, and

3260 Route 9W Highland, NY LLC, with offices at PO Box 189, 248 Watervliet Shaker Road, Colonie, New York 12189,
party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten Dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

SEE ATTACHED SCHEDULE A

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose. The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:



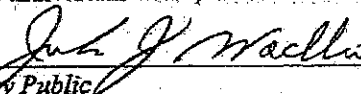
ALDO J. SANTINI, JR.



MARY E. SANTINI

STATE OF NEW YORK)
) SS:
COUNTY OF ULSTER)

On the 14 day of July, in the year 2025, before me the undersigned, a Notary Public in and for said State, personally appeared, **ALDO J. SANTINI, JR. and MARY E. SANTINI**, personally known to me or proved to me on the basis of satisfactory evidence to be the individuals whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their capacities, and that by their signatures on the instrument, the individuals, or the person upon behalf of which the individuals acted, executed the instrument.



Notary Public

R & R to:
Jaime B. Thomas, Esq.
21 British American Boulevard
Latham, NY 12110

JOHN J. WADLIN
Notary Public, State of New York
Qualified in Ulster County
No. 9490250
Commission Exp.: 04/30/2026

SCHEDULE A

ALL THAT PARCEL of land, together with buildings and improvements erected thereon, situate in the Town of Lloyd, County of Ulster and State of New York, being bounded and described as follows:

BEGINNING AT a rebar found set on the easterly taking line of New York State Route 9W, at the southwest corner of the herein described parcel of land, said rebar being on the division line with lands conveyed to Stanley Jr. and Angelina A. Daniels as recorded in BD 1397/668; and running thence along the easterly bounds of Route 9W, North 22 degrees 26' 25" East 166.57 feet, North 65 degrees 01' 46" West 11.26 feet and North 23 degrees 11' 04" East 367.48 feet to a rebar set on the division line with lands conveyed to Robert Frankowski as recorded in BD 3079/290; thence along the division line with said lands of Frankowski, South 50 degrees 44' 40" East 416.25 feet to a point on the division line with lands conveyed to Hal B. And Susan Klope Eisenstein as recorded in BD 1397/668, said point being North 78 degrees 59' 22" East 1.72 feet from a rebar found set in a pile of stones; thence along the division line with said lands of Eisenstein, South 23 degrees 11' 19" West 531.20 feet to a rebar found set in a stone wall on the division line with aforementioned lands of Daniels; thence along said division line and along a stone wall, North 49 degrees 54' 10" West 56.45 feet, North 50 degrees 45' 40" West 199.53 feet and North 50 degrees 47' 20" West 146.46 feet to the place of beginning.

Containing 4.82 acres.

Survey prepared by Brooks and Brooks Land Surveyors, P.C., on September 12, 2002.

BEING the same premises conveyed by Jean Roumelis to Aldo J. Santini, Jr. and Mary E. Santini, his wife, by deed dated October 23, 2002 and recorded in the Ulster County Clerk's Office on October 29, 2002 in Liber 3442 at page 231.

FOR COUNTY USE ONLY

Swis Code # 513200
 Date Deed Recorded 08/27/2025
 Bk # 7527 Pg # 21 Instr # 2025-10006



New York State Department of
Taxation and Finance
 Office of Real Property Tax Services
RP-5217-PDF
 Real Property Transfer Report (8/10)

PROPERTY INFORMATION

1. Property Location: 3260 Route 9W
 *STREET NUMBER: 3260 *STREET NAME: Route 9W
 Lloyd Highland 12528
 *CITY OR TOWN: Lloyd *VILLAGE: Highland *ZIP CODE: 12528

2. Buyer Name: 3260 Route 9W Highland NY, LLC
 *LAST NAME/COMPANY: 3260 Route 9W Highland NY, LLC *FIRST NAME: [blank]

3. Tax Billing Address: Indicate where future Tax Bills are to be sent if other than buyer address(at bottom of form)
 *LAST NAME/COMPANY: [blank] *FIRST NAME: [blank]
 *STREET NUMBER AND NAME: [blank] *CITY OR TOWN: [blank] *STATE: [blank] *ZIP CODE: [blank]

4. Indicate the number of Assessment Roll parcels transferred on the deed: 1 # of Parcels OR Part of a Parcel [Only if Part of a Parcel] Check as they apply:
 4A. Planning Board with Subdivision Authority Exists
 4B. Subdivision Approval was Required for Transfer
 4C. Parcel Approved for Subdivision with Map Provided

5. Deed Property Size: *FRONT FEET: [blank] X *DEPTH: [blank] OR 4.82 *ACRES: 4.82
 4B. Subdivision Approval was Required for Transfer
 4C. Parcel Approved for Subdivision with Map Provided

6. Seller Name: Santini Aldo J. Jr.
 *LAST NAME/COMPANY: Santini *FIRST NAME: Aldo J. Jr.
 Santini Mary E.
 *LAST NAME/COMPANY: Santini *FIRST NAME: Mary E.

7. Select the description which most accurately describes the use of the property at the time of sale:
 F. Commercial
 Check the boxes below as they apply:
 8. Ownership Type is Condominium
 9. New Construction on a Vacant Land
 10A. Property Located within an Agricultural District
 10B. Buyer received a disclosure notice indicating that the property is in an Agricultural District

SALE INFORMATION

11. Sale Contract Date: 03/19/2025
 12. Date of Sale/Transfer: 07/14/2025
 13. Full Sale Price: 450,000.00
 (Full Sale Price is the total amount paid for the property including personal property. This payment may be in the form of cash, other property or goods, or the assumption of mortgages or other obligations.) Please round to the nearest whole dollar amount.

14. Indicate the value of personal property included in the sale: 0.00

15. Check one or more of these conditions as applicable to transfer:
 A. Sale Between Relatives or Former Relatives
 B. Sale Between Related Companies or Partners in Business
 C. One of the Buyers is also a Seller
 D. Buyer or Seller is Government Agency or Lending Institution
 E. Deed Type not Warranty or Bargain and Sale (Specify Below)
 F. Sale of Fractional or Less than Fee Interest (Specify Below)
 G. Significant Change in Property Between Taxable Status and Sale Date
 H. Sale of Business is Included in Sale Price
 I. Other Unusual Factors Affecting Sale Price (Specify Below)
 J. None
 Comment(s) on Condition: [blank]

ASSESSMENT INFORMATION - Data should reflect the latest Final Assessment Roll and Tax Bill

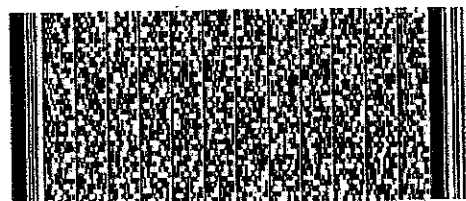
15. Year of Assessment Roll from which information taken(YV): 25
 17. Total Assessed Value: 273,600
 18. Property Class: 484
 19. School District Name: Highland
 20. Tax Map Identifier(s)/Roll Identifier(s) (if more than four, attach sheet with additional identifier(s))
 80.3-2-8

CERTIFICATION

I certify that all of the items of information entered on this form are true and correct (to the best of my knowledge and belief) and I understand that the making of any willful false statement of material fact herein subject me to the provisions of the penal law relative to the making and filing of false instruments.

SELLER SIGNATURE: [Signature] DATE: 7/18/25
 BUYER SIGNATURE: [Signature] DATE: 7/28/25

BUYER CONTACT INFORMATION
 (Enter information for the buyer. Note: If buyer is LLC, society, association, corporation, joint stock company, estate or trust that is not an individual agent or fiduciary, then a name and contact information of an individual/responsible party who can answer questions regarding the transfer must be entered. Type or print clearly.)
 3260 Route 9W Highland NY, LLC
 *LAST NAME: [blank] *FIRST NAME: [blank]
 *AREA CODE: [blank] *TELEPHONE NUMBER (EX. 518) [blank]
 Po Box 189, 248 Waterlick Shaker Rd
 *STREET NUMBER: [blank] *STREET NAME: [blank]
 Colonie NY 12159
 *CITY OR TOWN: Colonie *STATE: NY *ZIP CODE: 12159
 BUYER'S ATTORNEY
 Thomas Jalne
 *LAST NAME: Thomas *FIRST NAME: Jalne
 (518) 749-1015
 *AREA CODE: (518) *TELEPHONE NUMBER (EX. 999999): 749-1015



Short Environmental Assessment Form

Part 1 - Project Information

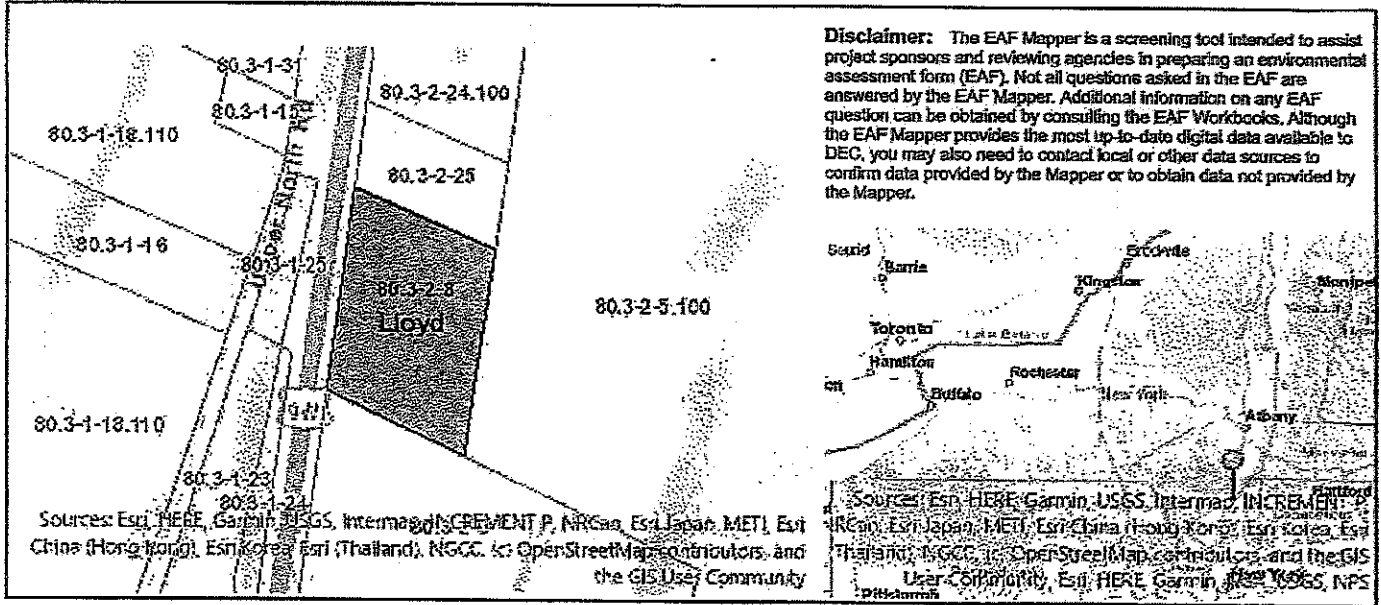
Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Name of Action or Project: Light Industrial Batch Concrete Plant			
Project Location (describe, and attach a location map): 3260 Route 9W, Town of Lloyd, Ulster County, NY			
Brief Description of Proposed Action: Proposed development includes the clearing and grading of the limits of disturbance, installation of stone gravel surface, removal of the existing driveway and creation of a new asphalt entrance, grading of stormwater management area, and installation of the proposed batch concrete plant and accessory buildings.			
Name of Applicant or Sponsor: 3260 Route 9W Highland NY, LLC		Telephone: (845)765-1645 E-Mail: LukeC@bondedconcrete.com	
Address: PO Box 189, 248 Watervliet Shaker Rd.			
City/PO: Colonie		State: NY	Zip Code: 12189
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		4.82 acres	
b. Total acreage to be physically disturbed?		3.43 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		4.82 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input checked="" type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): Business			
<input type="checkbox"/> Parkland			

		NO	YES	N/A
5. Is the proposed action,	a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ Well _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ Septic system _____		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: Approximately 0.095 total acres of wetland disturbance _____		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>



Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources to confirm data provided by the Mapper or to obtain data not provided by the Mapper.

Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	No
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local, New York State, and federal wetlands and waterbodies is known to be incomplete. Refer to the EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No



**Department of
Environmental
Conservation**

KATHY HOCHUL
Governor

AMANDA LEFTON
Commissioner

LETTER OF NO JURISDICTION – FRESHWATER WETLANDS

06/24/2025

Patricia Brooks

11 Main Street, Highland, NY 12528

Sent via email to: pbrooks@cpasurvey.com

Re: DEC Freshwater Wetlands Parcel Jurisdictional Determination for Parcel
51320080.3-2-8, Ulster County.

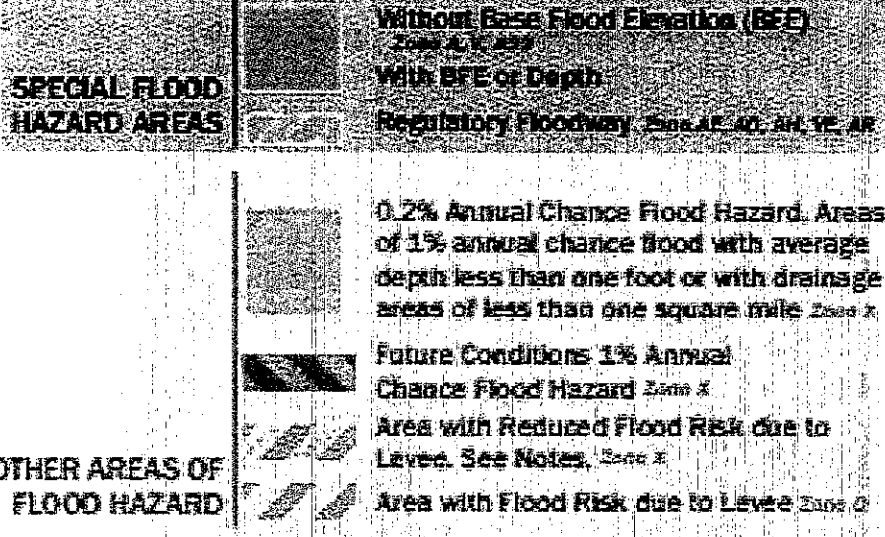
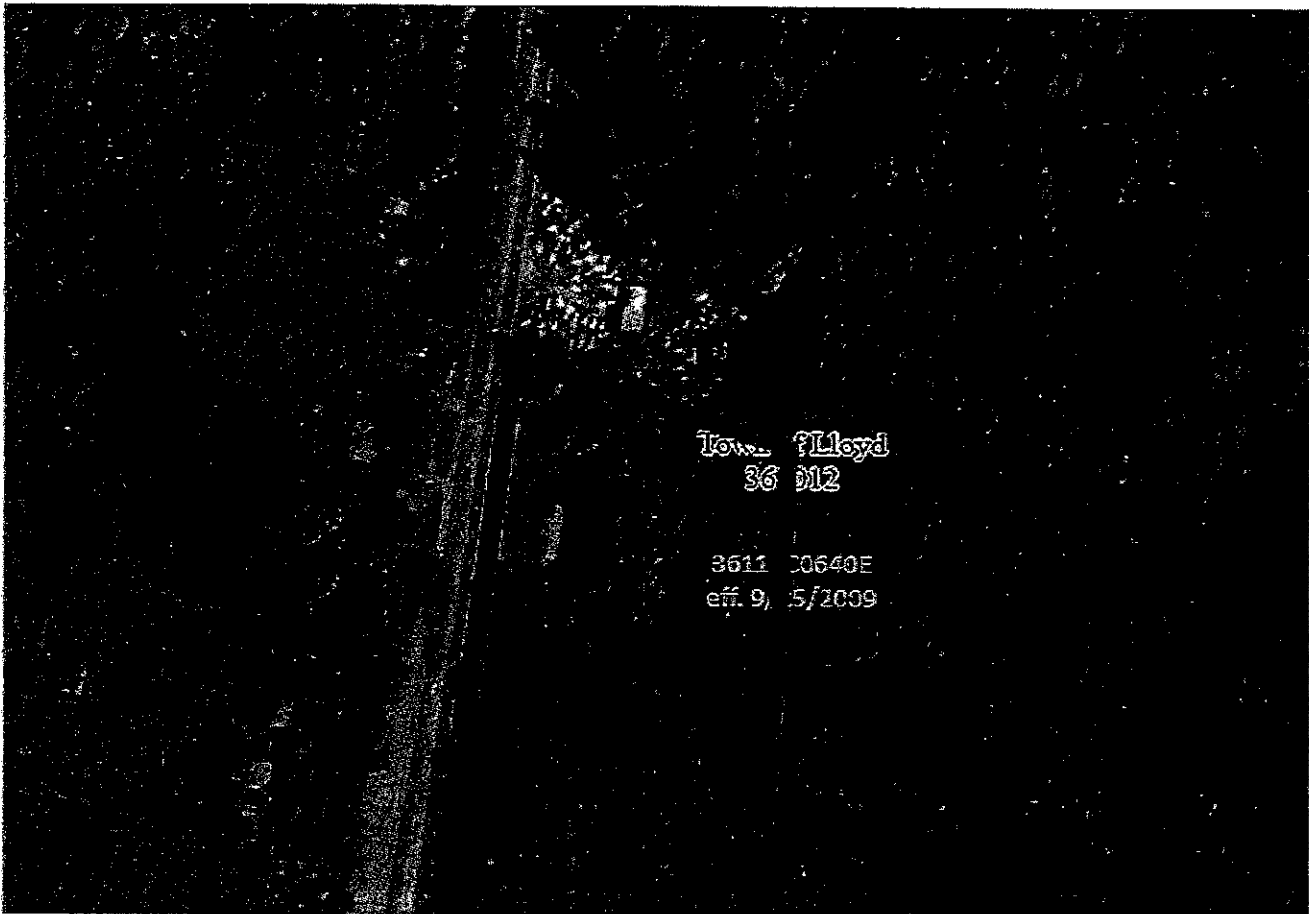
Dear Patricia Brooks,

Based on the parcel(s) identified in your request, the New York State Department of Environmental Conservation (DEC) has determined that there are no DEC regulated freshwater wetlands and/or adjacent areas identified on the parcel(s) referenced above. Therefore, in accordance with Article 24 of the Environmental Conservation Law (ECL) and 6 NYCRR Part 663, no freshwater wetlands permit is required. Pursuant to ECL section 24-0703, this letter shall remain valid for a period of five years from the date it is issued (through 06/22/2030).

Please note that this determination pertains only to state-regulated, freshwater wetlands and regulated adjacent areas. DEC also regulates protected streams, tidal wetlands, coastal erosion hazard areas, and other important environmental resources. Work affecting those areas may also require DEC permits. More information on other DEC permit programs is available online at <https://dec.ny.gov/regulatory/permits-licenses/environmental-permits>.

In addition, please note that this letter does not relieve you of the responsibility of obtaining any other necessary permits or approvals from other local, state, or federal agencies.

If you have questions regarding this determination, please email
FWWjurisdiction@dec.ny.gov.



FEMA Flood Hazard Areas
 3260 Route 9W – Highland NY, LLC
 Town of Lloyd
 Source: FEMA Flood Insurance Rate Map

Ulster County

The Environmental Design Partnership, LLP
 © 2025

Figure 5



Town of Lloyd Escrow Account Consent

Establishing Escrow Account for project name: 3260 Route 9W Concrete Batch Plant

For property located at: 3260 Route 9W

S.B.L #: 80.3-2-8

Zone: LI

Project description:

Applicant proposes to develop the property for use a a concrete Batch plant. The existing building will be retained at the plant office. New and or modified curb cuts on NYS 9w are proposed.

In order to begin review of your proposed project, the Town of Lloyd requires the establishment of an escrow account for board consultant(s) review(s). Upon receipt of this consent form with the remittance specified in the Development Fee Schedule, the review will commence.

The initial escrow amount requested for your project is: \$7,500

Additional funds may be requested if the account balance is at risk of being depleted or is actually depleted. Any unused monies will be returned at the end of the process when all consultant invoices have been received.

The fees charged to the escrow account:

1. shall be reasonably necessary in the review of the project or the preparation of necessary documents; and,
2. shall be reasonable in the amount based on the prior experience of the Town of Lloyd and the actual, average costs of the Town in applications of the same type; and,
3. any balance remaining in the escrow account following final approval and the receipt of outstanding invoices from the Town's consultants shall be remitted to the applicant by the Town's fiscal officer; and,
4. the posting of an escrow account does not imply acceptance or approval of an application; and,
5. in the event that any litigation is commenced against the Town as a direct result of your application, the applicant agrees to hold the Town harmless for all costs associated with that litigation and to reimburse the Town for any costs incurred by the Town.

I hereby consent to the conditions as set forth above; remittance to establish the escrow is included with this signed consent.


Applicant / Agent Signature

3/6/26
Date

Make escrow check payable to "Town of Lloyd" and add "escrow account" on the memo line.
Return this signed consent form with your check to:
Building Department, 12 Church St. Highland, NY 12528

Local Law A of 2026
2026 Zoning Code Amendments

Town of Lloyd

Local Law A of the year 2026

A local law amending the Town of Lloyd Zoning Code as enacted by the Town of Lloyd Town Board on April-May X, 2026 by Local Law X-2026

Be it enacted by the Town Board of the Town of Lloyd as follows:

SECTION I.

SHORT TITLE

This local law shall be cited as Local Law A of 2026 of the Town of Lloyd and is entitled the "2026 Zoning Code Amendments."

SECTION II.

LEGISLATIVE FINDINGS

The Town Board seeks to regulate Light Industry and Heavy Industry throughout the Town to promote the public health, welfare and safety within the Town of Lloyd. The Town has evaluated its comprehensive plan and existing zoning to identify the need for changes or improvements to the Town of Lloyd Zoning Code ("Zoning Code"). The goal of the comprehensive plan is to provide for the orderly development and redevelopment of properties located within the Town and to ensure that uses within the Town are appropriately located in relation to each other and consistent with the community character of the Town. The Town Board has further considered the potential impacts of ~~Light Industry and Heavy Industry~~ industrial uses, including chemical manufacturing, large scale vehicle salvage, concrete batch plants or manufacturing products containing concrete and similar uses and the associated dust, smoke, vibration, noise, hazardous materials and vehicle traffic and other factors that result from those uses that pose a significant adverse environmentin impact within the Town and their

Local Law A of 2026
2026 Zoning Code Amendments

~~potential impacts on surrounding uses~~neighborhoods, particularly residential ~~uses~~areas. The Town Board finds that these amendments to the Zoning Code are consistent with the comprehensive plan and existing zoning and will promote the public health, welfare and safety within the Town of Lloyd.

SECTION III.

AUTHORITY

These amendments to the Zoning Code are enacted by the Town Board of the Town of Lloyd pursuant to its authority to adopt local laws under Article IX of the New York State Constitution and Municipal Home Rule Law Section 10, and its authority to adopt amendments to its Zoning Code pursuant to Town Law Section 265 and Zoning Code Article X.

SECTION IV.

PROVISIONS ADDED/AMENDED

~~The following provisions~~Section 100-8 of the Zoning Code ~~are is~~ hereby amended or added as follows:

(A) A definition of Heavy Industry shall be added to read as follows: – **HEAVY INDUSTRY** a use engaged in the basic provisioning and manufacturing and processing of materials or products predominately from extracted or raw natural resources, or a use engaged in storage of, or manufacturing processes using, hazardous or explosive materials. Key characteristics include ~~scale~~ [the use often involves large-scale machinery, significant outdoor storage, or high volume utility consumption], external impacts [the use may produce significant noise, odors, glare, or vibrations that are inherent to the process and may be detectable beyond the property

Commented [DG1]: Does a use that is otherwise heavy industrial fall into a less restrictive category if it is small?

Local Law A of 2026
2026 Zoning Code Amendments

~~boundaries], air emissions with or without monitoring requirements, infrastructure needs [the use typically requires proximity to major transportation hubs (rail, highways, or ports) and can including substantial water, electric or chemical power and accommodating heavy multi-axle freight traffic]. Examples include but are not limited to metal refineries, chemical manufacturing, concrete batching plants including ready-mix plants or raw concrete manufacturing, asphalt batching, scrap metal processors, chemical synthesis plants, tire recycling facilities and large-scale vehicle salvage.~~

~~(B) Light Industry and The definition of Industrial Light is deleted.~~

Formatted: Font: Aptos, No underline, Font color: Black

~~(B)(C) The definition of Light Industry is amended to read as follow: The existing terms and definitions are hereby struck from the code and replaced by the following: LIGHT INDUSTRY - Manufacture, assembly, treatment, processing, or packaging of products within a building. Examples include wholesaling, warehousing, research and development, and related commercial/service activities such as: beverage bottling, distribution and warehousing; contractors offices and storage buildings and other such construction occupations; distribution centers; ice production, storage, sales and distribution; laboratories for research, testing and experimental purposes; manufacture of computers, computer peripherals, electrical appliances, electronic equipment, medical instruments, and other similar products from previously manufactured components; manufacture of precision instruments and equipment, such as watches, electronics equipment, photographic equipment, optical goods and similar products; manufacturing of articles or merchandise from previously prepared or natural materials, such as cardboard, cloth, cork, fiber, glass, leather, paper, plastics, wood, metals, prepared, manufactured or cut stone and other~~

Commented [DG2]: Is this consistent with the provision that storage is not more than 1/2 of the main building?

Local Law A of 2026
2026 Zoning Code Amendments

~~such prepared materials; printing and publishing. Such uses operations should not emit objectionable levels of smoke, noise, dust, odor, glare, or vibration beyond the building envelope, and Exterior storage accessory to the light industry use equal to 1/3 the footprint of the building may be allowed. L uses shall should not produce air emissions or heavy truck traffic beyond those associated with a typical commercial building of similar size. Building envelope shall conform to a typical architectural layout for a commercial building with uniform low slope roof line, regular footprint and orderly and consistent organization. Fully enclosed exterior storage accessory to the light industry use equal to 1/3 the footprint of the building may be allowed; eExterior silos, conveyors, hoppers are not allowed. Vertical stacks or chimneys shall not exceed the height limit for the zone. Includes limited manufacturing, wholesaling, warehousing, research and development, and related commercial/service activities such as: beverage bottling, distribution and warehousing; contractors offices and storage buildings and other such construction occupations; distribution centers; ice production, storage, sales and distribution; laboratories for research, testing and experimental purposes; manufacture of computers, computer peripherals, electrical appliances, electronic equipment, medical instruments, and other similar products from previously manufactured components; manufacture of precision instruments and equipment, such as watches, electronics equipment, photographic equipment, optical goods and similar products; manufacturing of articles or merchandise from previously prepared or natural materials, such as cardboard, cloth, cork, fiber, glass, leather, paper, plastics, wood, metals, stones and other such prepared materials; printing and publishing.~~

Local Law A of 2026
2026 Zoning Code Amendments

~~(C)(D) The existing Use Table is struck from the code and replaced with the new~~ shall be amended to accommodate the above definitions. ~~amended Use Table.~~

SECTION V.

SEVERABILITY

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this Local Law shall not affect the validity of any other part of this Local Law which can be given effect without such invalid part or parts.

SECTION VI.

EFFECTIVE DATE

This Local Law shall take effect immediately, as provided by law, upon filing with the New York State Secretary of State.

Sarah Van Nostrand

From: Luke Clemente <LukeC@bondedconcrete.com>
Sent: Thursday, March 26, 2026 8:33 AM
To: sjcuciti@hotmail.com
Cc: Sarah Van Nostrand
Subject: [EXTERNAL]: 3260 Route 9W Ready Mix Concrete Plant Application 12-250097-00

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Chairperson Cuciti:

We filed our application on March 10, 2026 for the above-referenced project with the Town of Lloyd Planning Board. We had hoped to have had the opportunity to appear before the Planning Board during its workshop on March 19th and its regular meeting this evening to commence the SEQRA process (i.e., Circulate Notice of Intent of the Planning Board to Serve as Lead Agency) but we have been advised that we are not on the agenda.

In the interim, David Barton, Director of Building, Planning and Zoning Enforcement, has made a request for additional information on our application. We look forward to having the opportunity to respond to all of the questions and comments that may arise from our application. Normally, responses would be provided during the course of the on-going planning board review process, based on a prior appearance before the Planning Board. That being said, we are open to providing additional information prior to the designation of the Planning Board as SEQRA Lead Agency. I know that the Planning Board has accepted the application, cashed our application fee and escrow checks, and presumably has commenced its review in consultation with David Barton. Nonetheless, we would request that the additional information request come in the form of a letter/memo on Planning Board letterhead so that it is part of the Proceedings/Record akin to a Comment Review Memo we would receive in advance of, or even during, a Planning Board appearance. In an abundance of caution, I would like to avoid any appearance that our communications on this matter are not official, or not transparent to the community. Many thanks, and we look forward to processing this application before the Planning Board in the coming months.

*Luke Clemente
970-214-0854*

REGULAR MEETING MINUTES
TOWN OF LLOYD PLANNING BOARD

Thursday, March 26, 2026

CALL TO ORDER TIME: 7:00pm

In attendance: Cuciti, McCarthy, Long, Zani, Violaris, Meltzer (via Zoom) w/ Christian Moore from CPL engineers and Dave Gordon, land use attorney, Staff: Sarah VanNostrand & Dave Barton

Chair opened meeting at 7:00pm

Pledge of Allegiance

Approval of minutes of February 19th.

As corrected: motion to accept Franco Zani seconded Lambros Violaris, unanimous AYE

Public Hearings

Collins/Rechen: Lot Line Revision: 37 & 31 Hawley's Corners Rd: SBL #79.4-1-6 & 79.4-1-5

Applicants are seeking a lot line revision.

Review Status: Public hearing scheduled for March 26, 2026

Potential Action: Open public hearing.

Public hearing motion to open McCarthy, seconded by Zani, unanimous AYE

No public comment

Motion to close public hearing Zani, seconded by Violaris. Unanimous AYE Bill Meltzer abstain.

Chair Cuciti read resolution into the record.

Motion to accept the resolution as amended: McCarthy seconded by Zani unanimously approved with Meltzer abstain.

Public Hearing Short-term Rentals

Winslow, Claire: 8 Janine Pl: SBL #87.3-6-19.400

Review Status: Public hearing opened on March 19, 2026

Potential Action: Close public hearing, approval resolution.

Two written comments in record.

Mike Petty, 9 Brescia Blvd. Question about home-based business in a home with a Short Term Rental. Can both things be in a single home? Petty stated that it would be two accessories instead of one.

McCarthy asked "where is that in the application?"

Petty asked "which part?"

McCarthy replied "the home-based business". He continued "somehow it got interjected and it isn't in the application"

Petty replied that it was brought up in the last meeting.

McCarthy stated that if it isn't on the application it shouldn't be reviewed.

Meltzer agreed with McCarthy.

Gordon pointed out that is isn't within the jurisdiction of the Planning Board to look into questions of zoning compliance.

Sal pointed out that the home-based business is on Winslow's website.

Gordon reminded the Board of the regulations around the STR and that the other use might not be pertinent.

William Auchmoody, 4 Janine Place. One house over from Winslow. He wanted to fully support Winslow's application. He has no problem with her proposed use.

No additional comments by the public.

Motion to close the public hearing: Zani seconded by McCarthy unanimous AYE with Meltzer abstaining

Chair read resolution into the record. Max occupancy of four (4) STR guests.

Motion to accept the resolution as amended: McCarthy seconded by Zani. Unanimously approved with Meltzer abstaining.

Administrative Discussion

Cuciti brought up one other application: Clemente Cement plant. Cuciti let the Board know that he requested additional information from the applicant related to the requirements of site plan, dust, traffic, noise, vibration and similar impacts.

McCarthy asked what information/requirements beyond what is in the Code that the applicant's engineer should have known already.

Cuciti responded that the information was all related to the site plan requirements in the code.

Cuciti added that if there were any questions from the rest of the Board, those questions would be welcome.

McCarthy asked what was the purpose of not having them on the agenda? He continued: if these were questions that you brought up yourself, we all should have been privy to those questions so that we could ask other questions that maybe you [Cuciti] forgot.

Zani suggested that maybe the Board could have heard them out at last week's meeting and could have added their questions then.

Cuciti replied that the Board was now privy so the Board can ask whatever questions they want if they want to put it in writing.

Meltzer stated that the Board hasn't seen what Cuciti sent out and the Board wouldn't know what to add without knowing what was already sent out.

Cuciti responded "fair enough".

McCarthy stated that the workshop meeting was the place to meet with applicants and get everything out on the table.

Gordon spoke about the issue related to whether the use in question falls into a correct zoning classification. Gordon stated that it isn't immediately apparent whether the proposed use properly falls into a Light Industrial category because the definition is so broad due to the vagueness of things like noise, vibration or other things that are more rightly in the purview of the Planning Board because it would be difficult for a Code Enforcement Officer to know how big the impacts are. Gordon stated that it was an issue that was being worked through presently (whether the zoning was appropriate).

Discussion around getting enough information from the applicant for the Board to review. Cuciti offered an example: at present, the Board does not know if the plant creates 20 yards of concrete a day or 2000 yards. The goal is to have a more complete application to make meetings more worthwhile.

Meltzer mentioned that he questioned the definition of "objectionable amount of" (dust, noise, etc), not sure how to figure out what "objectionable" means.

Gordon responded that the issue of "objectionable" is a zoning issue and up to the CEO to determine and the Board's role is to determine if the particular items rises to the level of an adverse environmental impact under SEQRA which might require a (Pos Dec) positive declaration or a neg dec.

Discussion around impacts to residential and agricultural uses near the site.

Discussion around the process of making a zoning determination.

Discussion around definitions of Light industry and Heavy Industry.

Cuciti said he would send an email of what questions he sent Barton to send to the applicant.

Board wanted to congratulate Gerry Marion on his well-deserved retirement from the police department and wish him the best.

Motion to Adjourn.



**Department of
Transportation**

KATHY HOCHUL
Governor

MARIE THERESE DOMINGUEZ
Commissioner

MICHAEL G. ARTHUR, P.E.
Regional Director

May 1, 2026

John Scavo Jr., Planning Department Director
Town of Clifton Park
Department of Planning & Zoning
1 Town Hall Plaza
Clifton Park, NY 12065

**Re: RT 9 Batch Concrete Plant
1910 Route 9
Clifton Park, NY 12065**

Dear John:

The New York State Department of Transportation has reviewed the SEQR documentation received per the correspondence dated **February 26th, 2026**, and offers the following:

1. The NYSDOT acknowledges the **NYS Department of Conservation** will be designated as the Lead Agency for this environmental review. NYSDOT believes we are an **Involved** agency under SEQR.
2. The project proposes constructing a ready-mix concrete plant on a 19.4-acre parcel on NYS Route 9. The proposed construction will include a ground level aggregate bin system, conveyor belt, enclosed elevated aggregated bins containing sand/stone, round steel cement silos, sand and stone pile storage areas and an on-site stormwater management system. The project will disturb 3.9 of the 19.4-acre site, creating 1.5 acres of impervious surface. Currently the parcel contains a residential home that will remain after construction and is zoned as LI-2 "Light Industrial."

According to the 2006 Town of Clifton Park Comprehensive Plan, one of the main strategies for promoting economic development is "focusing business interests on the community commercial land use to the Exit 9, Route 9 and Route 146 corridor" (pg.24). This project helps accomplish this goal by constructing a new business within this corridor.

However, although this project helps support one of the economic strategies of the comprehensive plan, there are still zoning, environmental, and public concerns that make this project currently misaligned with the town vision established in the comprehensive plan.

Clifton Park Zoning code indicates that "Assembling/fabrication, processing or light manufacturing of products" are acceptable if they do not result in "any noxious noise or odor outside the district and does not have a deleterious effect on the air or water quality" (208-64B). The Full EAF indicates that noise exceeding ambient levels may be produced (pg. 8), that the plant would be a site for air emissions (pg. 6) and that the site contains wetlands/waterbodies that are considered quality-impaired by NYS (pg. 11).

There are environmental concerns with the proposed project as well. The Dwaas Kill River is identified to be a quality-impaired waterbody by NYS and wetlands/waterbodies are contained and adjoin the project site. These waterbodies, along with the increase to impervious surface, presence of steep slopes, and the industrial nature of a cement plant lead to concerns about further water contamination/pollution (EAF, pg. 11). Air pollution is also a concern as the project reports various emissions stemming from the operations equipment (forklift, concrete mixers, etc.) and the batch plant itself (EAF, pg. 6). Lastly, there are endangered/threatened species or their habitats within the project area, including the Frosted Elfin and Karner Blue Butterfly (pg. 12).

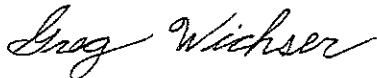
Although there are significant environmental concerns, the NYSDEC acting as Lead Agency will be able to determine if the project is appropriate and oversee proper construction along with any mitigation necessary.

3. Given the concerns listed above, there are potential improvements that can be implemented to better align with the town's comprehensive vision, zoning law, environmental standards, and community character. Please see below suggestions for your consideration:
 - a. Based on setback requirements, proposed development could be moved closer to Rt 9 to create a better buffer between the concrete plant and the Dwaas kill.
 - b. Evaluate the installation of a "STOP" sign per MUTCD standards at the access drive leaving the facility.
 - c. Installation of bike racks at the main facility offices.
 - d. Evaluate the installation of directional arrows per MUTCD standards, indicating traffic flow within the site.
 - e. Consider installation of "dark-sky" compliant lighting to reduce light-pollution and better screen the lighting of the facility.
4. The NYSDOT received an lead agency request, owner authorization form for site plan/subdivision review, a planning board resolution & final planning board meeting packet, Full EAF, and site plans via mail on April 21, 2026.

5. Please note that NYSDOT does not allow new development to directly discharge stormwater into the highway stormwater management system.
6. A NYSDOT Highway Work Permit (PERM 33-com) will be necessary for any work within the State right-of-way along Route 9.
7. In anticipation of the Highway Work Permit, a Traffic Impact Study may be required.
8. A PERM 32 NYSDOT permit application will be required for any utility work in the NYSDOT right-of-way. Please submit documentation the Town will take ownership of any proposed utilities in NYSDOT right-of-way.

If you have any questions pertaining to the Utility Permit process or requirements, please contact Matt Haggerty at Matt.Haggerty@dot.ny.gov or (518) 461-3669. For questions about the Highway Work Permit process and requirements, contact Wyatt Martin, Regional Permit Engineer at Wyatt.Martin@dot.ny.gov or (518)-457-4745.

Sincerely,



Greg Wichser, P.E.
Regional Program and Planning Manager

cc: Wyatt Martin, Region 1 Traffic
Matt Haggerty, Region 1 Construction
Paul Korowajczyk, Resident Engineer, Saratoga County
Brian Sleasman, Region 1 Design

Supplemental Record Memorandum

Response to Applicant's April 20, 2026 Moratorium Objection Letter

Proposed Moratorium on Batch Concrete Mixing Plant Facilities - 1910 Route 9 Clifton Park, LLC

Submitted by: Residents for Responsible Development

To: Town of Clifton Park Town Board

Re: Proposed Moratorium on Batch Concrete Mixing Plant Facilities - Response to Applicant's April 20, 2026 Letter

Date: May 7, 2026

Submission Note: This memorandum is submitted by Residents for Responsible Development as a public-record factual and legal-policy response to the applicant's April 20, 2026 letter. It is not submitted as legal advice to the Town Board and does not purport to replace the advice of Town Counsel. RRD respectfully requests that the Town Board and Town Counsel consider the record issues identified below.

Reference Convention and Exhibit Status

This memorandum distinguishes between the applicant's exhibits and RRD's supporting exhibits. References to "Applicant Letter" mean the April 20, 2026 letter from Thomas J. Ruane on behalf of 1910 Route 9 Clifton Park, LLC. References to "Applicant Ex. A-D" mean the exhibits submitted with the applicant's April 20, 2026 public-hearing packet. References to "RRD Ex." mean the exhibits assembled with this memorandum for ease of review.

The RRD exhibit packet is intentionally focused. It reproduces the materials most directly relied upon in this memorandum and does not purport to reproduce the entire applicant submission or complete Town project file. RRD reserves the ability to supplement the record if additional responsive public records become available.

Executive Summary

Residents for Responsible Development submits this supplemental record memorandum in response to the April 20, 2026 letter from counsel for 1910 Route 9 Clifton Park, LLC concerning the proposed moratorium on batch concrete mixing plant facilities.

The applicant's letter advances a narrative of finality and vested rights that is not established by the materials reviewed to date. The applicant argues that the Town already determined the project is a permitted LI-2 use, that the ZBA granted a height variance, that the applicant spent substantial money in reliance on Town action, and that any moratorium would therefore be unlawful bad-faith targeting of one pending project. The applicant also threatens litigation under CPLR Article 78 and 42 U.S.C. § 1983 unless the moratorium is rejected or the project is exempted. (RRD Ex. 1.)

The current record does not establish that the proposed batch concrete mixing plant is properly classified as a light-industrial or "processing" use under the Town Code. Even assuming, arguendo, that the April 18, 2025 zoning review comment treated "processing" as a potential zoning hook, that did not resolve whether this uncommon industrial use is properly classified within LI-2, whether it satisfies LI-2 performance standards, or whether the Town Board may legislatively clarify that batch concrete mixing plants are prohibited or separately regulated as a land-use category.

The record reviewed to date shows a pending and unresolved review process. The project was treated as potentially reviewable under a generalized "processing" theory, but performance-standard compliance remained unresolved. The same April 18, 2025 review comments that state "processing" is a permitted use also require the applicant to provide a narrative showing that the proposed operation will not create noxious off-site impacts, will not adversely affect air or water quality, and will not exceed the Town's performance standards. (RRD Ex. 5.)

The applicant's own public-hearing submission reinforces the unresolved posture. Applicant Ex. B identifies the April 22, 2025 Planning Board item as "1910 Route 9 Commercial Buildings Site Plan," with the status listed as "Concept," while also describing the proposal as construction of a ready-mix concrete production plant. That is not

a final approval posture. It is concept-stage review of a proposed ready-mix concrete production plant under a mixed commercial-building/project label. (RRD Ex. 6.)

The unresolved nature of the review is also confirmed by staff, Planning Board, and ECC records. Town staff and reviewers raised issues concerning dust, noise, decibel levels, wastewater, concrete washout, stormwater, Dwaas Kill protection, wetlands, traffic, emergency access, air emissions, water use, truck washing, and environmental review. The ECC identified the project's adjacency to the Dwaas Kill, a CT and 303(d) protected waterway, and raised concerns about air and water pollution, dust exposure, fugitive dust, stormwater runoff, and potential catastrophic failures. (RRD Ex. 5.)

The performance-standard issue is not offered as a curable technical trap. It is relevant because it undermines the applicant's reliance narrative. The applicant claims substantial expenditures and good-faith reliance, but the record shows those costs were incurred while the application remained in concept/preliminary review and while technical substantiation and performance-standard compliance remained unresolved.

The applicant also mischaracterizes the Town's stated purposes as inconsistent. They are not. Studying zoning, environmental, safety, traffic, economic, Comprehensive Plan, and public-comment issues while considering permanent zoning amendments are interrelated components of a temporary legislative land-use moratorium. Applicant Ex. A, reproduced in relevant part as RRD Ex. 2, undermines the applicant's "inconsistent purpose" argument. The referenced materials identify a temporary status-quo purpose and a related permanent-amendment purpose. Those purposes are complementary, not inconsistent: the moratorium preserves the status quo while the Town considers whether permanent zoning amendments are necessary. (RRD Ex. 2.)

The April 21, 2026 public-hearing record further answers the applicant's procedural attack. The hearing was opened, but not closed; no moratorium vote occurred; County Planning comments were expected before the hearing could be properly concluded; and the open hearing period was described as a means to allow the Town Board to consider public comment and the existing record so the moratorium could be properly and carefully drafted. RRD understands from the Town calendar that the matter was continued to the Town Board's next regular meeting on June 2, 2026.

The fact that one pending application exposed the issue does not convert the moratorium into unlawful targeting. Batch concrete mixing plants are uncommon land uses in the Town's pending development record, and the Town's planning memorandum identifies the use as a new or inadequately regulated land-use category. Rarity explains why the first application exposed the category-level issue; it does not immunize the first application from temporary legislative review. (RRD Ex. 3.) The proper analytical frame is category-level: the moratorium is directed at the regulatory framework's adequacy for batch concrete mixing plants as a land-use category, not at the applicant. That the applicant is presently the only pending applicant in the category is a fact about the development pipeline, not a legal feature of the moratorium itself.

The applicant's repeated "target and stop" characterization also misstates the issue. The concern is the land-use category and its compatibility with the surrounding area, not the identity of the applicant. A category-based moratorium does not become unlawful targeting merely because one pending application currently falls within the category under legislative review.

The proposed moratorium is not a denial of this applicant's pending site plan, nor is it a substitute for Planning Board review. It is a temporary legislative land-use measure that preserves the status quo while the Town evaluates whether batch concrete mixing plant facilities are adequately addressed under the existing zoning code, consistent with the Comprehensive Plan, and properly regulated through permanent code amendments.

The record provides a defensible planning basis for a temporary, category-based moratorium. The Town's planning memorandum identifies the proposed moratorium as a 180-day measure to preserve the status quo while permanent zoning amendments are drafted, citing community character, air quality, circulation, residential proximity, silica dust, traffic, noise, vibration, Comprehensive Plan consistency, and the need to address a new or inadequately regulated land use. (RRD Ex. 3.)

I. The Applicant's Litigation Threat Depends on a Finality Narrative the Record Reviewed to Date Does Not Establish

The applicant's letter states that, during Planning Board review, the applicant "received a determination from the Town Zoning Enforcement Officer that the Project is a permitted use" in the LI-2 district. It also states that the

applicant obtained a height variance on June 3, 2025, that the project was classified as Unlisted under SEQRA, that the Planning Board circulated a lead-agency notice, and that the applicant expended more than \$100,000 in reliance on Town action. (RRD Ex. 1.)

That presentation compresses several different events into a single reliance narrative. A pending site-plan review, a height variance, zoning review comments, and applicant expenditures are not the same as final site-plan approval or vested entitlement.

The applicant's August 18, 2025 preliminary application describes a "ready-mix concrete production plant" involving a 19.40-acre site, new construction, a ground-level aggregate bin system, conveyor belt, enclosed elevated aggregate bin, private water and septic, and 3.6 acres of disturbance. That was a preliminary application, not final approval. (RRD Ex. 4.)

The central point is straightforward: the applicant's letter attempts to convert a pending, unresolved review process into a vested-entitlement narrative. The materials reviewed to date do not establish that finality.

II. The Applicant's "Over a Year" Claim Compresses Materially Different Review Stages

The applicant states that the project has been before the Town Planning Board "for over a year." That statement should be understood in context because it compresses materially different review stages into a single finality narrative.

The April 2025 record does not show settled approval of a ready-mix concrete production plant. It shows concept-stage review under the project label "1910 Route 9 Commercial Buildings Site Plan (Concrete Batch Plant)." At that same concept stage, Town staff and reviewers requested foundational information concerning height and visual assessment, dust and noise controls, decibel data, wastewater, concrete washout, traffic, internal site operations, NYSDOT work, emergency access, stormwater, Dwaas Kill protection, and the project's ability to satisfy LI-2 performance standards. (RRD Ex. 5.)

Those April 2025 comments matter because they undercut the applicant's suggestion that the early review period reflected a settled classification or approval posture. The record was not merely processing a routine commercial building. It was simultaneously identifying the proposal as a concrete batch plant and requiring additional information on the industrial and environmental features that make this use materially different from ordinary commercial or light-industrial development.

The same timeline includes the June 3, 2025 ZBA height/area variance. That action addressed height; it did not grant site-plan approval, did not resolve the proposed use classification, did not complete SEQRA review, and did not establish performance-standard compliance. (RRD Ex. 1.)

The formal preliminary application dated August 18, 2025 then expressly identified the proposal as a "ready-mix concrete production plant" and described the aggregate bin system, conveyor belt, and enclosed elevated aggregate bin. (RRD Ex. 4.)

The timeline therefore cuts against the applicant's finality narrative. The early proceedings did not reflect settled approval of a concrete batch plant. They reflected concept-stage review of a proposal moving under a mixed commercial-building/project label while core use, classification, performance-standard, and site-impact questions remained unresolved.

III. The Current Record Does Not Establish the Applicant's Light-Industrial Classification Theory

The applicant's letter treats the proposed facility as if it were already established to be a permitted light-industrial use. The current record does not establish that the proposed batch concrete mixing plant is properly classified as a light-industrial or "processing" use under the Town Code. The materials reviewed to date do not appear to include a standalone filed final zoning determination classifying this facility as light industrial or resolving all applicable LI-2 use, classification, and performance-standard issues.

The April 21 public-hearing record includes public comments identifying concrete batch plants as commonly treated as heavy or high-impact industrial uses, restricted from lighter industrial districts, and comparable to expressly prohibited or high-impact uses such as asphalt plants or cement manufacturing. (RRD Ex. 9.) The Town's planning

memorandum separately identifies batch concrete mixing plants as a new or inadequately regulated land use and as incompatible with Comprehensive Plan concerns involving community character, air quality, circulation, and proximity to residential uses. (RRD Ex. 3.)

This classification concern is not unique to Clifton Park. RRD has identified a similar concrete batch / ready-mix plant application involving the same applicant group in another New York municipality. After that application was submitted, the Town of Lloyd began considering proposed zoning amendments that would expressly classify "concrete batching plants including ready-mix plants or raw concrete manufacturing" as Heavy Industry and would revise Light Industry to exclude exterior silos, conveyors, and hoppers. The Lloyd materials are not controlling in Clifton Park, but they reinforce that batch concrete mixing plants present a real land-use classification issue where existing light-industrial provisions do not expressly address the use. (RRD Ex. 10.)

The connection between the Clifton Park and Lloyd applications is documentary and limited. The Lloyd Planning Board application identifies 3260 Route 9W Highland NY LLC as the property owner, Clemente Materials, Inc. as the principal/managing member, and Luke Clemente as the applicant contact. The April 21, 2026 Clifton Park minutes identify Luke Clemente as the applicant and Hugh Clemente as a partner in the family business. Both applications also involved Environmental Design Partnership, LLP. RRD does not offer Lloyd as controlling law, but as contextual evidence that a similar application involving the same applicant group produced the same type of light-industrial/heavy-industrial classification issue in another New York town. (RRD Ex. 10.)

The Lloyd administrative discussion is relevant in the same limited way. It reflects that Lloyd officials were also considering whether the proposed concrete batch plant fit the proper zoning category, including light industry versus heavy industry. The proposed Lloyd amendments similarly address that classification issue by expressly classifying concrete batching and ready-mix plants as Heavy Industry. That convergence supports Clifton Park's category-based legislative inquiry without requiring Clifton Park to adopt Lloyd's code or conclusions. (RRD Ex. 10.)

The Town Board need not fully resolve the classification question before adopting a temporary, category-based moratorium. The point is that the classification issue itself is a legitimate subject of legislative review. Even if the project is analyzed under the applicant's "processing" theory for purposes of rebutting the April 20 letter, that analysis does not establish that the proposed use is properly classified as light industrial or that the Town Board lacks authority to clarify, prohibit, or separately regulate the use category.

IV. The Applicant's "Inconsistent Purpose" Argument Mischaracterizes the Record

The applicant argues that the Town Board identified three inconsistent bases for the proposed moratorium: studying zoning, environmental, public-safety, and economic concerns; considering permanent zoning amendments; and receiving public input regarding the pending project. Those purposes are not inconsistent. They are interrelated components of a temporary land-use moratorium.

A municipality considering whether an uncommon industrial use category is adequately addressed under its zoning code may consider public input, existing project-review concerns, Comprehensive Plan consistency, environmental and operational impacts, public safety, economic implications, and permanent code amendments. The fact that the pending application brought the issue into focus does not convert category-based legislative review into unlawful adjudication of that application.

Applicant Ex. A, reproduced in relevant part as RRD Ex. 2, supports this understanding. The resolution materials identify batch concrete mixing plants as potentially inconsistent with Comprehensive Plan concerns involving community character, air quality, traffic, noise, and residential proximity, and state that the Town requires time to prepare permanent zoning amendments while preserving the status quo. That is a legislative planning rationale, not an inconsistent set of purposes. (RRD Ex. 2.)

The applicant's public-pressure and usurpation arguments also misunderstand how local land-use government is supposed to function. Public hearings, Planning Board review, ECC comments, staff comments, engineering comments, and resident testimony are not improper outside pressure merely because they identify problems with a pending application. They are part of the record-building process through which legitimate land-use issues become visible.

That principle applies with equal force to the Town Board's moratorium hearing. A public hearing on a proposed local law is not evidence of improper motive; it is part of the required legislative process. Residents are entitled to identify deficiencies in the existing zoning code, inconsistencies with the Comprehensive Plan, community-

character concerns, traffic impacts, environmental risks, intermunicipal issues, and other legitimate land-use concerns. If those concerns reveal that the existing zoning code may not adequately address a proposed land-use category, the Town Board is not required to ignore them.

The applicant's position would turn ordinary local-government coordination into evidence of bad faith. That cannot be right. The Planning Board may continue its project-specific review under existing law, while the Town Board separately considers whether the zoning code should be clarified through prospective legislation. New York land-use procedure does not require the Town Board to disregard the very public-hearing and project-review record that local procedures are designed to create.

The relevant question is not whether residents objected, or whether Planning Board and Town Board proceedings surfaced concerns about the project. The relevant question is whether the Town Board's response is legislative, category-based, procedurally proper, and grounded in legitimate land-use concerns. On the current record, it is.

V. The April 18, 2025 Review Comments Were Not a Complete Compliance Determination

The applicant appears to rely heavily on the April 18, 2025 zoning review comments. Those comments state that, under Town Code § 208-64(B)(1), "assembling/fabrication, processing is a permitted use." (RRD Ex. 5.)

That sentence cannot be read in isolation. The same comment immediately states that the applicant "will need to provide a narrative" explaining how the proposed use will not result in noxious noise or odor outside the district, will not have a deleterious effect on air or water quality, and will not exceed the performance standards in Town Code § 208-64(F). (RRD Ex. 5.)

That is materially different from a final determination that this particular project, as proposed, fully complies with the Town Code. At most, the April 18 comment appears to treat the proposed operation as potentially reviewable under a "processing" theory, while expressly leaving open the applicant's burden to demonstrate compliance with the LI-2 performance criteria. It also does not resolve the separate legislative question whether batch concrete mixing plants should remain within, be excluded from, or be separately regulated under the Town's light-industrial framework.

VI. The Record Reflects That Performance-Standard Compliance Remained Unresolved

The project file shows repeated requests for additional information and technical support.

On April 18, 2025, Town staff requested detailed information on dust and noise-control measures, typical decibel levels for comparable concrete batch plants, wastewater treatment and disposal, and concrete washout operations. Staff also requested a traffic analysis, internal site-traffic-control and operations plan, soil testing for heavy equipment, and information related to emergency access and NYSDOT work within the Route 9 right-of-way. (RRD Ex. 5.)

Months later, the issue remained unresolved. September 2025 preliminary-review comments required additional technical documentation and quantifiable data, including a noise/acoustic study and a response regarding 6 NYCRR Parts 200, 201, 211, and 212. (RRD Ex. 5.)

The applicant's April 20 public-hearing submission does not appear to include a final Town determination, accepted technical record, or completed performance-standard finding concluding that the proposed batch concrete mixing plant satisfies all LI-2 performance standards. To the contrary, the applicant's submission includes materials showing that performance-standard and technical-review issues were still being requested and discussed. (RRD Exs. 5, 6, 7.)

That does not prove the applicant can never attempt to satisfy the standards, and this memorandum does not depend on that overstatement. The narrower and better-supported point is that the applicant's own submission does not establish completed performance-standard compliance. It confirms that compliance remained unresolved in the materials submitted with the applicant's April 20 letter.

This is critical to the applicant's litigation-threat letter. A statement that "processing" is a permitted use does not resolve whether this specific ready-mix concrete production plant satisfies the operational, environmental, and performance-standard limitations attached to the LI-2 district. The file shows that those issues remained open.

The performance-standard issue also directly bears on the applicant's claimed good-faith reliance. The applicant continued advancing and expending money while the review record still required proof of performance-standard

compliance and additional technical substantiation. A developer's decision to incur costs before satisfying unresolved review comments should not be converted into a legal weapon against the Town's legislative authority.

VII. The Staff, ECC, Planning Board, and Public-Hearing Records Supply a Record Basis for Legislative Review

The applicant argues that the moratorium is based on public opposition rather than evidence. The project file and public-hearing record show otherwise.

The ECC comments are particularly important. The ECC noted that the project is adjacent to the Dwaas Kill, a CT and 303(d) protected waterway; that concrete plants present risks including air and water pollution and dust exposure; that the siting may place a sensitive environment in jeopardy from fugitive dust, stormwater runoff, and potential catastrophic failures; and that the Planning Board should require a full SEQRA application. The ECC also requested relocation consideration away from wetland buffers, validation that wetlands of unusual importance are not present, and comprehensive disaster-management and spill-response planning. (RRD Ex. 5.)

The record also includes advisory open-space input. On September 17, 2025, the Town of Clifton Park Open Space, Trails, and Riverfront Committee adopted a resolution urging the Planning Board to reject the 1910 Route 9 industrial ready-mix batch production plant proposal as an incomplete application because it had not addressed significant environmental impacts, including proximity to the Dwaas Kill, a trout stream. The Committee further stated that, if the applicant wished to move forward, the scope of the project called for a full Environmental Impact Statement under SEQRA. (RRD Ex. 11.) This advisory input should not be treated as a Town Board SEQRA determination or a project denial. Its relevance here is legislative: it reinforces that the proposed use raises resource-protection, environmental-sensitivity, land-use compatibility, performance-standard, and zoning-framework adequacy concerns that may warrant category-level review while the Planning Board continues project-specific review.

Read together with ECC comments, staff comments, engineering comments, and public testimony identifying light-industrial compatibility and Comprehensive Plan concerns, the Open Space resolution strengthens the record basis for a temporary moratorium. It shows that the concerns are not merely generalized opposition; they are tied to documented issues involving sensitive environmental resources, project intensity, performance standards, and the adequacy of the Town's zoning framework.

The applicant's assertion that there is "not a single shred of evidence" supporting the Town's concerns is inconsistent with the record reviewed to date. The record includes Planning Board discussion, ECC comments, Planning Department comments, engineering comments, public-hearing submissions, and zoning-review comments identifying unresolved issues concerning truck activity, dust, concrete cleanout, noise, decibel levels, fuel storage, wastewater, concrete washout, stormwater, Dwaas Kill proximity, wetlands, emergency access, air emissions, and LI-2 performance-standard compliance. (RRD Exs. 5, 6, 9.)

The moratorium need not conclusively resolve those issues. Their documented existence supports temporary legislative review of whether the zoning code adequately regulates this uncommon industrial use category.

The Planning Director and staff review comments similarly requested information concerning dust and noise controls, decibel data, wastewater disposal, concrete washout, traffic, emergency access, NYSDOT permitting, and protection of the Dwaas Kill. (RRD Ex. 5.)

Together, those records show that the issue is broader than a single technical site-plan question. They raise category-level questions concerning whether batch concrete mixing plants are compatible with Clifton Park's LI-2 district, adjacent protected resources, nearby residential areas, and existing performance standards.

VIII. Multi-Jurisdictional and Regional Impacts Further Support Legislative Review

The record also supports legislative consideration of regional and adjacent-municipality impacts.

MJ Engineering noted that "a portion of sitework is within the Town of Halfmoon" and that any improvements within Halfmoon are subject to review and approval by the Town of Halfmoon Planning Board and other Town departments. (RRD Ex. 7.)

The site plan reinforces the same concern. It depicts the project access/sitework area at or near the Clifton Park-Halfmoon municipal boundary, including driveway/access implications along the Route 9 frontage. (RRD Ex. 8.)

A batch concrete mixing facility whose sitework, access, traffic, environmental, noise, and operational impacts may implicate more than one municipality presents more than a narrow single-site technical question. It supports legislative review of whether this land-use category is adequately addressed in the zoning code and whether additional permanent regulation is necessary.

This also undercuts any suggestion that the proposed moratorium is merely a reaction to localized opposition. The record identifies a proposal with sitework and access issues implicating the Town of Halfmoon, and with operational impacts extending beyond the boundaries of the parcel.

IX. Planning Board Project Review Does Not Eliminate Town Board Legislative Zoning Authority

The applicant argues that the Planning Board is already conducting the exact review the Town Board claims it needs a moratorium to perform, including review of air quality, traffic, noise, community character, public safety, and related environmental impacts. (RRD Ex. 1.)

That argument conflates two different functions: project review and legislative zoning review.

The Planning Board may review this pending site-plan application under existing law and SEQRA. But the Town Board retains legislative authority to determine whether the Town Code adequately regulates a land-use category, whether the use category is consistent with the Comprehensive Plan, and whether permanent zoning amendments are needed.

New York law recognizes that distinction. In *Matter of Gernatt Asphalt Products, Inc. v. Town of Sardinia*, 87 N.Y.2d 668 (1996), the Court of Appeals upheld a town's authority to eliminate mining as a permitted use through zoning. *Gernatt* did not involve a concrete batch plant moratorium or this applicant's pending review posture. Its relevance is the broader zoning principle: New York law recognizes that a town may legislatively determine whether an industrial or extractive land-use category belongs within its zoning framework, even where the activity is economically useful and separately regulated by the State.

The record here supports that legislative inquiry. The March 30, 2026 planning memorandum states that the Town Board was considering amendments to prohibit batch concrete mixing plants as a land use and a 180-day moratorium while permanent zoning amendments are drafted. The memorandum identifies batch concrete mixing plants as incompatible with the Comprehensive Plan due to impacts on community character, air quality, circulation, and proximity to residential uses. (RRD Ex. 3.)

That is legislative land-use review. It is not the same thing as the Planning Board's project-specific SEQRA review.

X. Clifton Park's Own Third Department Precedent Supports Temporary Planning-Based Land-Use Controls

The applicant's letter treats the proposed moratorium as though any temporary restraint on development is inherently suspect. Clifton Park's own land-use history and Third Department precedent show otherwise.

In *Albany Area Builders Association v. Town of Clifton Park*, 172 A.D.2d 54 (3d Dept. 1991), the Appellate Division, Third Department upheld Clifton Park's Phased Growth Law, a temporary planning-based growth control that limited the number of yearly building permits in a designated development area near Exit 8 to 20% of the approved units for a project until Exit 8A was completed, but no longer than five years.

The case matters here not because it involved batch concrete plants, and not because it decides this moratorium. It matters because Clifton Park has already prevailed in the Third Department against a challenge to a temporary, planning-based land-use control adopted to preserve orderly development while a documented planning problem was addressed. That does not decide this moratorium, but it squarely rebuts the applicant's broader premise that a time-limited development restraint is inherently unlawful merely because it delays an applicant's desired project.

The proposed moratorium follows the same basic legal logic. It does not decide the pending site plan. It preserves the status quo while the Town evaluates whether batch concrete mixing plant facilities are adequately addressed

under the existing zoning code, consistent with the Comprehensive Plan, and properly regulated through permanent code amendments.

XI. The Applicant's Emergency-Only Framing Does Not Fit the Nature of the Proposed Moratorium

The applicant's letter asserts that the "only legitimate basis" for a moratorium is a crisis or emergency while a local law amending the locality's comprehensive plan or land-use laws is proposed. (RRD Ex. 1.)

That framing does not fit the record or the nature of the proposed local law.

To the extent the applicant relies on cases involving emergency or general police-power restraints, those cases do not define the only lawful basis for a land-use moratorium. The proposed moratorium is not best understood as an emergency-police-power measure based on an already existing crisis. It is a temporary legislative zoning measure intended to preserve the status quo while the Town evaluates whether batch concrete mixing plants are adequately regulated under its existing zoning framework.

The March 30, 2026 Planning and Zoning memorandum identifies the moratorium as a 180-day measure while permanent zoning amendments are drafted, and states that a moratorium would prevent premature filings intended to circumvent new zoning, provide time to evaluate environmental and operational externalities such as silica dust, traffic impacts, noise, and vibration, ensure consistency with the Comprehensive Plan before new uses establish vested rights, and maintain the status quo while permanent legislative changes are prepared. (RRD Ex. 3.)

The record therefore provides a defensible planning basis for a time-limited legislative land-use moratorium to preserve the status quo while the Town evaluates an uncommon and inadequately resolved land-use category.

XII. The Proposed Moratorium Is Not SEQRA Usurpation

The applicant argues that the proposed moratorium improperly usurps the Planning Board's SEQRA role and duplicates the project-specific environmental review already underway. (RRD Ex. 1.)

That argument again conflates two different functions.

The proposed moratorium does not purport to make a SEQRA determination on this project, replace the Planning Board as lead agency, or conduct a parallel project-specific environmental review. It is a legislative zoning measure directed at whether batch concrete mixing plants are adequately regulated as a land-use category under the Town Code.

The existing record shows why such legislative review is appropriate. The applicant's project triggered staff and ECC concerns about dust, noise, decibel levels, wastewater, concrete washout, stormwater, Dwaas Kill protection, wetlands, traffic, emergency access, air emissions, and performance-standard compliance. (RRD Ex. 5.)

The applicant's reliance on *Troy Sand & Gravel Co., Inc. v. Town of Sand Lake*, 185 A.D.3d 1306 (3d Dept. 2020), is overbroad. *Troy Sand* annulled two specific provisions of a local zoning law because they intruded on SEQRA lead-agency functions and conflicted with Vehicle and Traffic Law requirements. It did not hold that a municipality lacks authority to adopt land-use legislation affecting mining, industrial, or high-impact uses. To the contrary, the Third Department upheld the bulk of Sand Lake's zoning enactment and reaffirmed that municipalities retain zoning authority to regulate permissible land uses when acting through land-use controls rather than directly regulating state-reserved operational details.

Troy Sand is therefore a drafting-caution case, not a moratorium-killer. It counsels against reading or drafting a local law to predetermine SEQRA classifications, mandate an EIS regardless of lead-agency review, or directly regulate state-reserved operational details. It does not bar a properly noticed, referred, time-limited, category-based moratorium supported by zoning, Comprehensive Plan, land-use compatibility, and performance-standard concerns.

The fact that the Planning Board may review environmental and operational issues for one pending site plan does not eliminate the Town Board's authority to address the underlying zoning question: whether this category of industrial operation is adequately defined, permitted, prohibited, or regulated under the Town's existing land-use framework.

XIII. The Applicant's Cited Cases Identify Procedural Guardrails, Not a Bar to Legislative Review

The applicant cites several cases to suggest that the proposed moratorium is categorically unlawful. The better reading is narrower. Those cases identify procedural and drafting guardrails for temporary land-use controls; they do not prohibit a properly adopted, time-limited, category-based moratorium supported by a legitimate legislative planning record.

Cases such as *Belle Harbor Realty Corp. v. Kerr* and *Charles v. Diamond* address emergency or police-power restraints and the need for a genuine public purpose. They do not eliminate the separate line of authority recognizing planning-based moratoria used to preserve the status quo while a municipality studies and amends its land-use laws. Cases concerning County referral and notice requirements identify procedural prerequisites for final adoption; they do not make a properly processed temporary moratorium categorically unlawful.

The applicant's citation to "*Cellular Tel. Co. v. Vill. of Tarrytown*, 209 A.D.2d 57, 66 (2d Dept. 2009)" also warrants verification. The citation appears internally inconsistent because 209 A.D.2d is not a 2009 Appellate Division volume. RRD does not rest its response on that defect, but the Town should not treat the cited authority as supporting the applicant's argument without Town Counsel confirming the correct case and holding.

Likewise, administrative-stare-decisis cases such as *Knight v. Amelkin*, *Callanan Industries, Inc. v. Rourke*, and *Matter of Richardson v. Commissioner of New York City Department of Social Services* address consistency in adjudicatory or administrative decision-making. They do not freeze the Town Board's legislative zoning authority or require the Town Board to treat embedded staff review comments as final legislative constraints. *MHC Greenwood Village* is also distinguishable because the fact that one existing or pending situation exposes a regulatory problem does not automatically invalidate local legislation.

The applicant's cases therefore do not establish that an emergency is always required, that one pending affected application equals unlawful targeting, that a height/area variance equals site-plan approval, that expenditures during unresolved review create vested rights, that informal or embedded comments create final entitlement, or that Planning Board review of one project eliminates Town Board legislative authority. Those authorities reinforce that final legislative action must rest on a proper purpose, record-based findings, and required statutory procedure. They do not supply a basis to reject the moratorium as a concept or exempt this applicant from a category-based pause.

XIV. The Public-Hearing Record Shows an Open Legislative Process, Not Final Adoption of an Incomplete Moratorium

The applicant argues that the proposed moratorium violates Municipal Home Rule Law and General Municipal Law § 239-m because, as of April 20, 2026, the Town allegedly had only a resolution and resolution attachment, rather than a complete proposed local law, and because Saratoga County Planning review had not yet been completed. (RRD Ex. 1.)

The April 21, 2026 draft minutes show a materially different procedural posture. The public hearing was opened, but it was not closed and no vote on the proposed moratorium occurred. Supervisor Barrett expressly clarified that there would be no vote on the proposed moratorium at that meeting. Town Attorney Dailey explained that the hearing could not be formally closed until the Town received feedback from the Saratoga County Planning Board. The minutes further state that the matter had been referred to the County, that County review was deferred to May because the County's April meeting deadline had passed, and that the hearing therefore had to remain open so County comments could be returned and incorporated into the official record before final action. RRD understands from the Town calendar that the matter was continued to the Town Board's next regular meeting on June 2, 2026. (RRD Ex. 9.)

The April 21 minutes also show that the Town was not treating the moratorium text as final. After public comment raised concern that the proposed legislation should more fully reflect the environmental, traffic, community, and Planning Board record issues raised during the hearing, Attorney Dailey clarified that the moratorium legislation remained in draft form and had not yet been finalized. He further explained that one of the key purposes of keeping the public hearing open was to allow the Town Board to hear and consider public comments and the existing record so that the moratorium could be properly and carefully drafted based on the input received during the hearing. (RRD Ex. 9.)

That record directly answers the applicant's procedural premise. The April 21 hearing was not final adoption of an incomplete moratorium. It was part of an open legislative process in which the Town received public comment, preserved the hearing, awaited County Planning review, and recognized the need to incorporate the public-hearing record before final action.

The applicant's procedural objection may identify process steps to be completed before adoption, but the April 21 draft minutes do not show that the moratorium process had already culminated in unlawful final action. They show the Town preserving the process before final action.

The distinction is content and timing. The applicant's procedural authorities address local laws invalidated after final adoption where required statutory procedures were not completed. They do not establish that a proposed moratorium is unlawful merely because referral, County comment, final text, or hearing steps remained incomplete during an open public-hearing process before final action. If General Municipal Law § 239-m requires referral of the complete proposed local-law text, that requirement concerns what must be transmitted and reviewed before final adoption; it does not mean the Town loses authority to keep the hearing open, complete the referral record, receive County Planning comments, and act only after the statutory process is complete. Here, the April 21 record shows the opposite of final defective adoption: the hearing remained open, no vote occurred, County Planning comments were awaited, and the draft legislation remained subject to completion before final action.

XV. The Applicant's Section 1983 Litigation Threat Does Not Establish a Federal Entitlement

The applicant also references 42 U.S.C. § 1983. (RRD Ex. 1.) RRD recognizes that Town Counsel should evaluate any litigation threat, and this memorandum does not purport to adjudicate a federal claim. For purposes of the public record, however, the Section 1983 reference does not change the underlying facts.

The applicant has not identified a final municipal action depriving it of a vested property right. The current record shows a pending application, unresolved performance-standard compliance, no final site-plan approval, no construction permit authorizing the proposed plant, and no substantial construction. A temporary, category-based moratorium adopted through proper legislative procedure is materially different from a final revocation or denial of a vested entitlement.

Nor does the federal citation transform ordinary land-use disagreement into a constitutional claim. The applicant's asserted injury rests on the same unproven premise as the rest of the letter: that pending review, a height variance, alleged staff-level use commentary, and project-development expenditures created a settled entitlement. The record reviewed to date does not establish that premise. The Section 1983 threat therefore does not supply a basis to reject the moratorium or exempt the project.

XVI. Project Movement, ZBA Action, and Expenditures Do Not Establish Vested Entitlement

The applicant emphasizes that the ZBA granted a height variance and that the applicant expended more than \$100,000. (RRD Ex. 1.)

Those facts, even if accepted, do not establish vested entitlement.

The record states that the ZBA granted an area variance on June 3, 2025 from the height limit for a proposed 61-foot drive-through cement bin structure. The applicant's letter later refers to a "use variance," but the materials reviewed to date identify the ZBA action as a height/area variance, not a use variance. A height/area variance does not resolve whether the proposed use satisfies all LI-2 use and performance-standard requirements.

A height variance is not site plan approval. It does not resolve use compatibility, performance standards, SEQRA, stormwater, traffic, air emissions, noise, vibration, dust, wastewater, concrete washout, or intermunicipal sitework.

The applicant's own letter acknowledges that the application remains pending and states that, after its last Planning Board appearance, the applicant was still working on responses to comments from the Planning Board, the public, and Planning Board engineers. (RRD Ex. 1.) The April 21 public-hearing record likewise reports that the application remained at the conceptual site-plan stage, with outstanding questions that the applicant had begun to address through submitted documentation. (RRD Ex. 9.)

The record also shows that performance-standard compliance was not treated as complete. The April 18, 2025 zoning comment required a narrative demonstrating that the proposed use would not create noxious off-site noise or odor, would not adversely affect air or water quality, and would not exceed Town Code § 208-64(F) performance standards. Later review comments continued to require additional technical documentation and quantifiable data, including a noise/acoustic study and further response regarding air-emissions and permitting requirements. (RRD Ex. 5.)

Against that record, the applicant's expenditures are best understood as project-development costs incurred during an unresolved review process. They may reflect the applicant's desire to advance the project, but they do not establish final approval, completed performance-standard compliance, substantial construction under a final permit, or a vested right to proceed before the Town completes legislative review of the land-use category.

New York vested-rights doctrine generally requires more than expenditure alone. See *Ellington Construction Corp. v. Zoning Board of Appeals of Inc. Vil. of New Hempstead*, 77 N.Y.2d 114 (1990); *Town of Orangetown v. Magee*, 88 N.Y.2d 41 (1996); *Matter of Pete Drown, Inc. v. Town Board of Town of Ellenburg*, 229 A.D.2d 877 (3d Dept. 1996). In general terms, vested rights require: (1) reliance on a legally issued permit; (2) substantial construction or improvements in furtherance of the approved development; and (3) circumstances showing serious loss if municipal action renders those improvements substantially valueless. The current record shows no final site-plan approval, no legally issued construction permit authorizing the proposed plant, no substantial construction, and no completed performance-standard determination. The applicant's claimed expenditures during unresolved review do not establish the kind of final, construction-backed entitlement necessary to convert a pending application into a vested right.

The claimed \$100,000 expenditure figure also warrants context. The figure is not itemized in the applicant's letter and should not be treated as proof of Clifton-Park-specific vested reliance. Even if accepted at face value, project-development costs incurred during unresolved review are not the same as substantial construction under a final permit. The figure may explain the applicant's desire to keep the application moving, but it does not establish final approval, completed performance-standard compliance, a legally issued construction permit, or a vested right.

XVII. Embedded Review Comments Should Not Automatically Be Treated as a Filed Final Determination

The applicant's argument depends on treating April 18 review commentary as a formal, final, settled zoning determination. The materials reviewed to date do not clearly support that characterization.

For that reason, this memorandum refers to the applicant's claimed zoning determination as an asserted or alleged determination, not as a conceded final determination.

To the extent Applicant Ex. B or the project review-comment records are offered as the basis for the alleged determination, they appear to consist of Planning Board minutes and attached/reproduced review materials, including zoning review comments, not a standalone filed zoning determination conclusively resolving all LI-2 use, classification, performance-standard, and compliance issues. (RRD Exs. 5, 6.)

New York appellate law recognizes a meaningful distinction between informal or embedded staff communications and filed administrative determinations. In *Matter of Grout v. Visum Development Group LLC*, 197 A.D.3d 1404 (3d Dept. 2021), the Third Department rejected constructive-notice reasoning and emphasized the statutory filing trigger for administrative appeals. Similarly, in *Matter of Manocherian v. Zoning Board of Appeals of the Town of New Castle*, 201 A.D.3d 804 (2d Dept. 2022), the Second Department held that petitioners were not required to appeal from a building inspector's email where the email was not filed as required by Town Law § 267-a(5).

Those cases do not decide this matter outright. But they support an important principle: a staff comment, email, or embedded review note is not necessarily equivalent to a formal, filed administrative determination that conclusively fixes rights or starts appeal clocks.

Applied here, the record distinguishes among four things: (1) a staff review comment treating "processing" as the potential zoning hook; (2) an applicant's assertion that the Zoning Enforcement Officer "confirmed" the use; (3) a Planning Board review process that remained open; and (4) a formal written and filed zoning/suitability determination applying all relevant code criteria. The current record clearly shows the first three. The materials reviewed to date do not appear to show the fourth.

XVIII. Administrative-Stare-Decisis Arguments Do Not Bind the Town Board's Legislative Authority

The applicant argues that the Town is bound by prior determinations and suggests that administrative-stare-decisis principles prevent the Town from changing course. (RRD Ex. 1.)

That argument overstates the effect of the record.

A ZBA height variance is not final site-plan approval and does not resolve the broader zoning, performance-standard, SEQRA, stormwater, traffic, air, noise, operational, or intermunicipal issues raised by the project. It addresses height.

The alleged zoning determination is also not clearly shown in the materials reviewed to date as a standalone filed determination applying all relevant LI-2 criteria. The record shows zoning review commentary, applicant assertions, and continued review. It also shows that performance-standard compliance remained unresolved.

Most importantly, administrative-consistency principles do not freeze the Town Board's legislative zoning authority. A prior staff comment, ZBA height variance, or Planning Board review step does not prevent the Town Board from considering prospective zoning amendments or a temporary category-based moratorium. The applicant's argument conflates adjudicatory consistency with legislative authority: administrative bodies must apply existing law consistently in individual matters, but a Town Board exercising legislative zoning authority may amend that law prospectively through proper procedure.

XIX. The Applicant's Request for a Project-Specific Exemption Would Defeat the Moratorium's Status-Quo Purpose

The applicant's request for exemption should be understood for what it is: a request to remove the only currently pending batch concrete mixing plant application from the temporary legislative review directed at that same land-use category. That request would largely defeat the status-quo function of the moratorium.

The applicant repeatedly characterizes the moratorium as an effort to "target and stop" the project. That framing assumes the very entitlement the applicant has not established on the current record. A category-based moratorium does not become unlawful targeting merely because one pending application currently falls within the category under review. The relevant question is whether the moratorium is rationally directed at a legitimate category-level zoning concern. The record supports that conclusion.

RRD's concern is not who is proposing the facility; it is whether this type of industrial land use belongs in the proposed location under the Town's zoning framework and Comprehensive Plan. RRD and concerned residents would oppose any materially similar batch concrete mixing plant, regardless of applicant, in any location within Clifton Park or affecting neighboring municipalities where the use is incompatible with community character, residential proximity, traffic conditions, environmental resources, or intermunicipal impacts.

The fact that the moratorium may presently affect one pending application does not, by itself, establish unlawful targeting. Batch concrete mixing plants are uncommon land uses in the Town's pending development record. The Town's planning memorandum describes the proposed moratorium as addressing a new or inadequately regulated land use, namely batch concrete mixing plants. (RRD Ex. 3.) The first application to expose a zoning gap, ambiguity, or category-level planning concern does not receive immunity merely because it is first. The relevant question is whether the moratorium is category-based, time-limited, procedurally proper, and supported by a legitimate legislative planning record.

A neutral, generally applicable relief mechanism is conceptually different from the applicant-specific exemption demanded in the April 20 letter. A general relief mechanism preserves fairness while maintaining the moratorium's status-quo purpose. A project-specific exemption for this application would do the opposite: it would allow the only pending application in the category under legislative review to proceed toward final approval before the Town completes that review.

Nor does the current record establish the kind of settled entitlement that would justify exempting the project. The applicant's own letter acknowledges that the application remains pending and that the applicant has been working on responses to Planning Board, public, and engineering comments. The April 21 public-hearing record likewise reports that the application remained at the conceptual site-plan stage, with outstanding questions that the

applicant had begun to address. (RRD Exs. 1, 9.) Against that posture, the requested exemption would convert an unresolved review process into the practical equivalent of a vested carve-out.

Matter of c/o Hamptons, LLC v. Rickenbach, 98 A.D.3d 736 (2d Dept. 2012), is materially distinguishable. There, the Second Department applied the special-facts exception where the applicant would have been entitled to a special-use permit under the law as it existed when it applied, the municipality delayed action in bad faith, and the local law was enacted specifically to defeat that established entitlement. The court also emphasized that the applicant had shown compliance with the applicable standards and was similarly situated to another property owner in the same district who had already received the same permit. The Hamptons special-facts theory would require facts not shown here: an established entitlement under the law in effect at the time of application, municipal bad-faith delay or manipulation, and a new law enacted to defeat that established entitlement. The current record does not show completed performance-standard compliance, final site-plan entitlement, bad-faith delay, or project-specific adjudication.

The record here is different. The applicant has not shown a final entitlement to construct and operate the proposed plant. The materials reviewed to date show no final site-plan approval, no completed proof of LI-2 performance-standard compliance, no substantial construction under a final permit, and continuing unresolved review. The April 18 comment treating "processing" as a potential use theory simultaneously required the applicant to prove no noxious impacts, no deleterious air or water effects, and no performance-standard exceedances. (RRD Ex. 5.)

The record also shows broader category-level and jurisdictional concerns. MJ Engineering noted that a portion of sitework appeared to be within the Town of Halfmoon and that any improvements in Halfmoon would be subject to Halfmoon Planning Board and departmental review. The site plan depicts access/sitework implications at or near the Clifton Park-Halfmoon municipal boundary. (RRD Exs. 7, 8.)

Exempting the pending application would therefore not merely preserve fairness to the applicant. It would confer a preferential position on the applicant before the Town has completed the legislative review that the moratorium is designed to protect. The moratorium is not a denial of the pending site plan; it is a temporary pause while the Town evaluates the land-use category. Allowing the sole pending application in that category to continue would allow the unresolved, uncommon category-level issue to become a site-specific fait accompli.

XX. Applicant Ex. D Does Not Eliminate the Comprehensive Plan Rationale

The applicant uses the Comprehensive Plan excerpt to argue that there is no rational basis for the moratorium because the Plan discusses light industrial uses and does not specifically prohibit concrete batch plants. (RRD Ex. 1.)

A Comprehensive Plan is not a permitted-use table and is not limited to an inventory of specifically prohibited uses. It provides a planning framework for evaluating whether land-use categories remain compatible with community character, circulation, environmental quality, and public welfare.

The fact that the Comprehensive Plan contemplates light industrial uses does not mean every industrial processing use is automatically compatible with every LI-2 site or adequately regulated under existing performance standards. The applicant's argument assumes the answer to the very legislative question the Town Board is considering.

This is especially true where the applicant's proposed facility requires a significant height variance, involves substantial truck traffic, aggregate and cement handling, water use, stormwater concerns, wastewater/concrete washout issues, and potential intermunicipal sitework. Those facts support legislative review of whether the existing zoning framework adequately addresses batch concrete mixing plants as a category.

XXI. The Moratorium Has a Defensible Legislative Planning Basis

Scavo's March 30, 2026 memorandum gives the Town a legislative framework. It states that the Town was considering both a 180-day moratorium and permanent zoning amendments prohibiting batch concrete mixing plants. The memorandum identifies the moratorium as a temporary mechanism to preserve the status quo while the Town develops defensible zoning amendments. (RRD Ex. 3.)

The memorandum further states that a moratorium would prevent premature filings intended to circumvent new zoning; provide time to evaluate environmental and operational externalities, including silica dust, traffic impacts,

noise, and vibration; ensure consistency with the Comprehensive Plan before new uses establish vested rights; and maintain the status quo while permanent legislative changes are prepared. (RRD Ex. 3.)

That legislative rationale is supported by the project-review record, including ECC comments, staff comments, unresolved performance-standard compliance, multi-jurisdictional sitework issues, the applicant's own concept-stage Exhibit B materials, the April 21 public-hearing record, and the Town's open legislative process. (RRD Exs. 5, 6, 7, 8, 9.)

Together, those records support a category-based legislative inquiry into whether batch concrete mixing plants are adequately addressed under the Town's current zoning code and performance standards.

That inquiry is not defeated by the possibility that the applicant may later submit additional technical materials purporting to show project-specific compliance. Such materials would remain subject to review, acceptance, SEQRA analysis, and final municipal determinations. Performance-standard compliance is a project-specific review issue. The moratorium addresses a broader legislative question of zoning clarity, land-use compatibility, community character, Comprehensive Plan consistency, and whether an uncommon industrial use should be allowed to become a site-specific fait accompli before the Town completes its legislative review.

XXII. Conclusion

The applicant's April 20, 2026 letter presents the proposed moratorium as unlawful because the applicant says the project has already been determined permitted, has been under review for more than a year, has received a height variance, has generated substantial applicant expenditures, and is now the only pending batch concrete plant proposal affected by the moratorium. That theory depends on treating an unresolved review process as though it were a final entitlement. The record reviewed to date does not support that treatment.

The record shows no final site-plan approval, no completed proof of LI-2 performance-standard compliance, no substantial construction under a final permit, and no clearly filed standalone zoning determination conclusively resolving all use, classification, performance, operational, environmental, traffic, and intermunicipal issues. Instead, the record shows concept-stage review under mixed labeling, a later preliminary application expressly identifying a ready-mix concrete production plant, continuing staff and ECC concerns, unresolved performance-standard compliance, additional requests for technical documentation, and sitework/access issues implicating the Town of Halfmoon.

The current record does not establish that the applicant's proposed facility is properly classified as light industrial. Even accepting the applicant's "processing" theory solely for purposes of analysis, the current record still does not establish final entitlement. The applicant's preferred classification is not a vested right, and the Town Board retains legislative authority to clarify whether batch concrete mixing plants should be permitted, prohibited, or separately regulated as a land-use category.

The applicant's legal objections fail for the same reason. The proposed moratorium is not a Planning Board decision, not a SEQRA determination, not a denial of the pending site plan, and not an adjudication of the applicant's rights. It is a temporary legislative land-use measure directed at an uncommon industrial use category that the Town has reason to examine under its zoning code, Comprehensive Plan, performance standards, and permanent legislative authority.

The applicant's cited cases do not compel a different result. They identify procedural and drafting guardrails: proper purpose, record-based findings, required statutory procedure, and avoidance of SEQRA usurpation. They do not bar a properly noticed, referred, time-limited, category-based moratorium supported by the record reviewed to date.

The applicant's "emergency" argument misframes the law. The moratorium does not need to be justified as an emergency police-power measure if it is properly understood as a temporary zoning measure preserving the status quo while permanent amendments are considered. The applicant's "targeting" argument likewise misframes the record. Batch concrete mixing plants are uncommon. The fact that one pending application exposed the code issue does not convert category-based legislation into unlawful bad faith.

The record also answers the applicant's personal-targeting frame. RRD's objection is to the proposed industrial land use where it is incompatible with community character, residential proximity, traffic conditions, environmental resources, and intermunicipal impacts. RRD would raise the same objection to any materially similar batch concrete mixing plant proposed by any applicant in such a location.

Nor does the applicant's exemption request cure the problem. Exempting the only pending application in the very category under review would defeat the moratorium's central purpose. It would allow the unresolved, uncommon category-level issue to become a site-specific fait accompli before the Town completes the legislative review the moratorium is designed to preserve.

The governing point is straightforward: a pending application is not a vested entitlement; a height variance is not site-plan approval; applicant expenditures are not a substitute for completed performance-standard proof; and Planning Board review of one project does not eliminate the Town Board's legislative authority to clarify the zoning code. The applicant's letter therefore does not provide a legal basis to reject the moratorium or exempt the project. The record of actions, communications, review comments, public proceedings, and intermunicipal coordination demonstrates that the proposed moratorium is not unlawful bad faith, not SEQRA usurpation, and not project-specific adjudication. It is a documented, temporary, category-based legislative response to an unresolved and uncommon industrial land-use issue under the Town's zoning code.

RRD Exhibit Index

Exhibit	Document Name	Purpose / Relevance
RRD Ex. 1	Applicant Attorney Letter - Thomas J. Ruane, April 20, 2026	Applicant letter asserting vested rights, litigation threat, procedural objections, and exemption demand.
RRD Ex. 2	Applicant Ex. A - Resolution / Resolution Attachment	Applicant-submitted resolution materials describing moratorium purpose and permanent-amendment rationale.
RRD Ex. 3	Planning & Zoning Memorandum - John Scavo to Councilman Fantini, March 30, 2026	Town planning memorandum identifying batch concrete mixing plants as a new or inadequately regulated land use and supporting a 180-day moratorium while permanent amendments are considered.
RRD Ex. 4	Permit Summary SPR25-000035 - Preliminary Application, August 18, 2025	Preliminary application identifying the proposal as a ready-mix concrete production plant and summarizing site area, disturbance, water/sewer, and zoning details.
RRD Ex. 5	Review Comments by Project ID No. 2025-017 / SPR25-000016 and SPR25-000035	Town review comments documenting the April 18 and September 2025 processing/performance-standard comments, ECC concerns, stormwater, traffic, air-emissions, water, washout, and related review issues.
RRD Ex. 6	Applicant Ex. B Excerpt - April 22, 2025 Planning Board Minutes, Project #2025-017	Applicant-submitted Planning Board minutes showing the project as a concept-stage commercial buildings site plan for a ready-mix concrete production plant.
RRD Ex. 7	MJ Engineering Review Letters - April 16, 2025 and September 4, 2025 Excerpts	Engineering review materials, including the comment that a portion of sitework appears to be within the Town of Halfmoon and that improvements in Halfmoon are subject to Halfmoon review.
RRD Ex. 8	Route 9 Concrete Plant Site Plan - Overall Site Plan and Boundary/Access Area	Site plan showing the project layout and access/sitework implications near the Clifton Park-Halfmoon boundary.
RRD Ex. 9	Draft Town Board Minutes - April 21, 2026 Moratorium Hearing Excerpt	Public-hearing record showing the hearing remained open, no vote occurred, County Planning comments were awaited, and the application status remained unresolved.
RRD Ex. 10	Town of Lloyd Records - 3260 Route 9W Concrete Batch Plant Application and Proposed Local Law A of 2026 Heavy Industry Excerpts	Contextual records showing a similar concrete batch / ready-mix plant application involving the same applicant group in another New York municipality, followed by proposed Lloyd amendments classifying concrete batching / ready-mix plants as Heavy Industry and excluding exterior silos, conveyors, and hoppers from Light Industry.

RRD Ex. 11	Open Space, Trails, and Riverfront Committee Resolution - September 17, 2025	Advisory committee resolution identifying Dwaas Kill/trout-stream and environmental-review concerns related to the proposed ready-mix batch production plant, supporting legislative review and a temporary pause.
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Note: The RRD exhibit packet may be supplemented if additional responsive public records become available.

RRD Supporting Exhibits

The following exhibits are inserted as page images to preserve the appearance of the source materials.

RRD Ex. 1 - Applicant Attorney Letter - Thomas J. Ruane, April 20, 2026

WHITEMAN
OSTERMAN Attorneys at Law
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One Commerce Plaza
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518.487.7600

Thomas J. Ruane
Partner
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April 20, 2026

Via Email

Town of Clifton Park Town Board
Philip Barret (pbarrett@cliftonpark.org)
Agatha Reid (areid@cliftonpark.org)
Zabed Manir (zmanir@cliftonpark.org)
Mario Fantini (mfantini@cliftonpark.org)
Nancy Bellamy (nbellamy@cliftonpark.org)

**Re: 1910 Route 9 Clifton Park, LLC – Public Comment
Proposed Local Law Establishing a Moratorium on Batch Concrete Mixing
Plant Facilities**

Dear Supervisor Barrett and Members of the Town Board:

This firm represents 1910 Route 9 Clifton Park, LLC (the “Applicant”) in connection with its application to the Town of Clifton Park (the “Town”) Planning Board (the “Planning Board”) for site plan approval for construction of a ready-mix concrete batch plant (the “Project”) to be located at 1910 Route 9, Clifton Park, New York (the “Project Site”).

On April 7, 2026, the Town of Clifton Park Town Board (the “Town Board”) adopted a resolution setting a public hearing on a purported proposed moratorium to prohibit the acceptance, review, or issuance of any permits, site plans, special use permits, or other approvals for the construction or operation of any “Batch Concrete Mixing Plant facilities” (the “Proposed Moratorium”). *See Exhibit A.* As discussed more fully herein, the Proposed Moratorium violates federal and New York State law and is nothing more than a bad faith attempt by certain members of the Town Board to usurp the authority and obligations of the Planning Board and target and stop the Project.

If adopted, the Proposed Moratorium would impermissibly and unconstitutionally impair Applicant’s rights and subject the Town to litigation including, but not limited to, under United States Constitution § 1983 and New York Civil Practice Law and Rules Article 78. For these

reasons, the Town Board must reject the Proposed Moratorium. If the Town Board does not reject the Moratorium, then it must revise the moratorium to exempt the Project.

Unless the Moratorium is withdrawn, the Town should notify its insurance carrier of the circumstances surrounding this proposed legislation and potential liability that may result.

Our office separately submitted a comprehensive Freedom of Information Law ("FOIL") request to the Town to better understand the origins of the Proposed Moratorium and its connection to the pending Planning Board review of the Project. As such, we request that the public hearing be adjourned until a response to our FOIL request is obtained to allow the Applicant to comment on the same prior to its property rights being divested by the Proposed Moratorium and future zoning changes, which will subject the Applicant to significant financial loss. Our office also submitted to the Town a Preservation Notice to put the Town on notice that all documents and communications must be preserved including but not limited to emails (whether on Town or personal emails), text messages, social media, and other electronic correspondences, related to the Proposed Moratorium, Project, Project Site, or the Applicant and/or its members and representatives.

I. The Project

The Project includes construction of a ready-mix concrete production plant on a 19.4-acre lot in the Town of Clifton Park sitting between Route 9 and Interstate I-87 (i.e., the Project Site). The Project includes construction of single building (the "Batch Plant"), aggregate bin system, conveyor belt, enclosed elevated aggregate bins, and cement silos that load concrete mixer trucks. The Project also includes an aggregate sand/stone pile storage area along with on-site stormwater management.

In March of 2025, the Applicant submitted a site plan application to the Planning Board for the Project. That Application is still pending. During the Planning Board's review of the Project, on April 18, 2025, the Applicant received a determination from the Town Zoning Enforcement Officer that the Project is a permitted use in the Town's Light Industrial (LI-2) District. *See Exhibit B*. The Applicant has also applied to the Town Zoning Board of Appeal ("ZBA") for and, on June 3, 2025, received a height variance for the Project. On January 13, 2026, the Planning Board classified the Project as "Unlisted" and circulated a Lead Agency notice under the State Environmental Quality Review Act ("SEQRA"). We understand that no other agency, including the New York State Department of Environmental Conservation, indicated its desire to be Lead Agency or objected to the Planning Board serving as Lead Agency under SEQRA.

The Applicant was last in front of the Planning Board on January 13, 2026 and since that time has been working on responses to comments by the Planning Board, the public, and Planning Board engineers. In total, the Project has been before the Town Planning Board for over a year, and the Applicant has expended in excess of \$100,000 toward advancing the Project, and made at the direction of the Town and in reliance on the determinations of the Planning Board and ZBA.

II. The Proposed Moratorium

On April 6, 2026, the Town Board posted an agenda that included a resolution titled "Resolution No. ___ of 2026, a resolution scheduling a public hearing to consider a local law establishing a moratorium on Batch Concrete Mixing Plant facilities" (the "Resolution"). See Exhibit A. The Resolution purports to schedule a public hearing "to consider a local law establishing a moratorium on Batch Concrete Mixing Plant facilities." *Id.*

The Resolution further states, the purpose of the Proposed Moratorium is to "provide sufficient time to study and address any concerns, including but not limited to zoning, environmental impacts, public safety, and economic implications." *Id.* The Resolution does not include a proposed local law rather it references an attachment which appears to be an e-mail from Town of Clifton Park Official Website to the members of the Town Board with another draft resolution (the "Resolution Attachment") in the text of that e-mail. Contrary to the Resolution, the Resolution Attachment states the purpose of the Proposed Moratorium is to consider zoning amendments in response to the Town Board "identifying" that batch concrete mixing facilities are "incompatible with the Town of Clifton Park Comprehensive Plan due to potential impacts on community character, air quality, traffic, noise, and proximity to residential uses." See Exhibit A, Resolution Attachment. Contrary to both the Resolution and Resolution Attachment, the Town Board has stated the purpose of the Proposed Moratorium is to "thoroughly review" the Project, obtaining and consider public comment, and address citizen concerns. See Exhibit C.

III. The Proposed Moratorium Violates Federal and New York State Law and Must be Rejected

Under settled and binding decisional law of the New York Court of Appeals, the Appellate Division, and the United States and New York Constitutions, the only legitimate basis for adoption of a moratorium is in response to a crisis or emergency while a local law amending locality's comprehensive plan or land use laws has been proposed for adoption. See *Charles v. Diamond*, 41 N.Y.2d 318 (1977); *Belle Harbor Realty Corp. v. Kerr*, 35 N.Y.2d 507 (1974) ("While we have consistently recognized the right of a municipality pursuant to its police powers to prevent conditions dangerous to public health and welfare... we have also insisted that such restrictions or limitations must be kept 'within the limitations of necessity'" (citations omitted); *Cellular Tel. Co. v. Vill. Of Tarrytown*, 209 A.D.2d 57, 66 (2d Dept 2009); *Matter of MHC Greenwood Vil. NY, LLC v. County of Suffolk*, 58 A.D. 3d 735 (2d Dept 2009). A municipality may not adopt a moratorium solely to address public opposition. *Belle Harbor Realty Corp. v. Kerr*, 35 N.Y.2d 507 (1974) ("Consequently[,] a municipality may not involve its police powers solely as a pretext to assuage strident community opposition"). Also, speculative and unfounded reasons for a moratorium are not enough to support adoption of a moratorium. See *Cellular Tel. Co.*, 209 A.D.2d at 66-67 (holding a municipality does not have the authority to enact a moratorium based solely upon a scientifically unfounded public perception that such use will create adverse health risks to those residents in the surrounding community.).

New York law also prohibits the adoption of a local law – i.e., a moratorium – that is inconsistent with state law. See Municipal Home Rule Law § 10(1)(i); *Troy Sand & Gravel Co., v. Town of Sand Lake*, 185 A.D. 3d 1306 (3d Dept 2020) (holding a local law that "usurps powers

reserved under SEQRA, ...is facially flawed and, as such must be annulled.”); *Miranda Holdings, Inc. v. Town Bd. Of Town of Orchard Park*, 152 A.D.3d 1234 (4th Dept 2018) (“a local law that is ‘inconsistent with SEQRA’ must be invalidated”).

The Town Board identifies three completely separate and inconsistent bases for adopting the Proposed Moratorium:

1. To study and address zoning, environmental, public safety, and economic concerns with Batch Concrete Mixing facilities. *See* Exhibit A, Resolution.
2. To adopt zoning amendments in response to the Town Board “identifying” that batch concrete mixing facilities are “incompatible with the Town of Clifton Park Comprehensive Plan due to potential impacts on community character, air quality, traffic, noise, and proximity to residential uses.” *See* Exhibit A, Resolution Attachment.
3. To review the Project with public input to respond to public concern and complaints. *See* Exhibit C.
 - a. ***The Town Board has not established a crisis or emergency necessitating a moratorium***

None of the bases cited by the Town Board, nor the Resolution or the Resolution Attachment, reference, let alone establish, a crisis or emergency necessitating a prohibition on the review or approval of ready-mix concrete batch plants while the Town Board considers zoning amendments. Rather, the Town Board has blatantly admitted that the sole purpose of the Proposed Moratorium is to stop the Project. For this reason alone, the Proposed Moratorium must be rejected.

b. The Town Board’s reasoning for the moratorium lacks rational basis

In addition to not establishing a crisis or emergency, the Town Board’s reasoning that it needs to study the Project, or concrete batch plants, generally, is completely devoid of a rational basis. The Planning Board is already conducting the exact environmental and land use review that the Town Board is now claiming it requires a moratorium to perform. As noted above, the Project is currently pending in front of the Planning Board and has been for over a year undergoing a comprehensive review under the Town Zoning Code and SEQRA. During this time, the Applicant has applied for and the ZBA has issued an area variance for the Project, the Town Zoning Enforcement Official determined that the Project is a permitted use and, thus, in compliance with the Town Zoning Code and the Town Comprehensive Plan, and the Planning Board has classified the Project and issued a Lead Agency notice under SEQRA.

It is well beyond the Town Board’s jurisdiction under SEQRA to conduct an environmental review of a pending land use project. That jurisdiction rests with the appropriately designated Lead Agency under SEQRA. The Town Board is not even an interested agency, let alone an involved agency in the SEQRA review of the Project. Every single concern the Town Board has raised – air quality, traffic, noise, community character, public safety, economic considerations – are environmental impacts that SEQRA is designed to address. The Town Board’s moratorium thus

seeks to impermissibly subvert the ongoing SEQRA process and assume the Lead Agency functions in a parallel environmental review.

There is also no rational basis for the Town Board to consider amendments to the comprehensive plan in response to a purported determination by the Town Board that Concrete Batch Plants are incompatible with the Town's Comprehensive Plan due to potential impacts on "community character, air quality, traffic, noise, and proximity to residential uses." There is not a single shred of evidence in the Town Board record to support this purported "determination," or that the Project will have any impact on any of the foregoing. Notwithstanding this arbitrary and capricious "determination," the Town Comprehensive Plan and Town Code already address what the Town Board is claiming they need a moratorium to address. For example, the Town Comprehensive Plan considered light industrial uses and recommended the continued encouragement of such uses in industrial zones. *See Exhibit D*, p. 34. The Town Code also prohibits any processing or light manufacturing use in the LI-2 District that results in "any noxious noise or odor outside the district and does not have a deleterious effect on the air or water quality." Town Code § 208-64. Thus, the Town Board has already addressed the very concern the Town Board is now claiming it needs a moratorium to address.

c. The Proposed Moratorium violates Municipal Home Rule Law

The Proposed Moratorium is inconsistent with state law and, thus, violates Municipal Home Rule Law ("MHRL"). *See* MHRL § 10(1)(i). As stated above, according to the Town Board, the purpose of the Proposed Moratorium is to perform an environmental review of the project and hear public concerns regarding the same. Under New York law, a Town's authority and obligations with respect to site plan and environmental review of a proposed action are governed by New York Town Law, the Town Code, and SEQRA. New York Town Law and the Town Code provides the authority to review site plans, including public participation, to the Planning Board. *See* Town Law § 274-a; Town Code §§ 208-113 to 208-125. In addition, SEQRA mandates that the environmental review of the Project be conducted by the Lead Agency. Here, the Town Board is neither an interested nor an involved agency under SEQRA and, thus, cannot serve as Lead Agency – and, thus, cannot perform any environmental or other review of the Project. *See* New York Environmental Conservation Law § 8-0111(6). The Proposed Moratorium is nothing more than a politically motivated attempt to circumvent Town Law and SEQRA to allow the Town Board to stop the Project.

The Proposed Moratorium does not include a proposed local law. Rather, it is a resolution (i.e., the Resolution) with another draft resolution attached (i.e., the Resolution Attachment) calling a public hearing on the potential future adoption of a local law that is not in the record, nor has anyone seen or reviewed. Thus, the Proposed Moratorium is not in compliance with procedural and substantive requirements of Municipal Home Rule Law for adopting local laws. *See, generally*, MHRL.

d. The Town Board is also not in compliance with General Municipal Law

Under General Municipal Law, the local law must be referred to the Saratoga County Planning Department. *See* General Municipal Law ("GML") § 239-m. Indeed, the Town Board admitted

this was a requirement. However, GML § 239-m requires that the Town Board submit a “full statement of such proposed action” which is defined as “the complete text of the proposed ordinance or local law as well as all existing provisions to be affected thereby, if any, if not already in the possession of the county planning agency or regional planning council.” Failure to comply with the requirements of GML § 239-m is a jurisdictional defect rendering the Proposed Moratorium void. See *Caruso v. Town of Oyster Bay*, 172 Misc.2d 93 (1997); *Burchetta v. Town Bd. Of Town of Carmel*, 167A.D.2d 339 (1990).

Here, the only documents in the record that the Town Board could possibly refer to the Saratoga County Planning Board is the Resolution and the Resolution Attachment. There is no complete text of the proposed local law, rather, just a resolution calling for a public hearing on the adoption of a local law. Thus, the Town Board is in violation or will be in violation of GML § 239-m – rendering the Proposed Moratorium void.

e. The Town Board is bound by the Planning Board’s review and determinations with respect to the Project

The Proposed Moratorium is also unlawful to the extent the Town Board seeks to take action inconsistent with the previous determinations of the Town.

The ZBA has already issued an area variance for the Project, and the Zoning Enforcement Official has issued a determination that the Project is a permitted use. As a matter of administrative *stare decisis*, the Town Board cannot go against prior determinations of the Town with respect to the variance approval and/or zoning determination. *Matter of Richardson v Commissioner of New York City Dept. of Social Servs.*, 88 NY2d 35, 39-40 (1996); *Matter of Martin*, 70 NY2d 679 (1987) (agency’s failure to reach consistent determination based on essentially same facts was irrational); *Knight v Amelkin*, 68 NY2d 975, 977 (1986); *Matter of Callanan Indus., Inc. v Rourke*, 187 AD2d 781, 782-783 (3d Dept 1992); *Kinderhook Dev., LLC v City of Gloversville Planning Bd.*, 88 AD3d 1207 (3d Dept. 2011).

IV. The Town Board Must Exempt the Project from the Moratorium

If the Town Board does not reject the Proposed Moratorium, then it must exempt the Project.

It is well-settled in New York that a moratorium cannot be adopted, in bad faith, to only prohibit a specific project, which would otherwise be permitted. See *Hamptons, LLC v Rickenbach*, 98 A.D.3d 736 (2d Dept 2012) (holding that a local law adopted in bad faith to only prohibit the proposed project, which would otherwise be permitted, is inapplicable and would vest the developer’s rights at that moment).

Here, the Town has been aware of the Project for over a year since the Applicant applied to the Planning Board for site plan review. During that time the Applicant has sought and obtained a use variance from the ZBA and a determination from the Zoning Enforcement Officer that the Project is a lawful and permitted use under the Town Code. During this process, and at the direction of the Planning Board, and in complete reliance on the determinations and approvals issued but the Town over the last year, the Applicant has expended in excess of \$100,000 in furtherance of the Project.

RRD Ex. 1 - Applicant Attorney Letter - Thomas J. Ruane, April 20, 2026 (continued)

The Proposed Moratorium purports to prohibit the review or approval of any Batch Concrete Mixing Plant facilities. However, there is only one proposed ready-mix concrete batch plant in the Town – the Project. In addition, remarkably, the Town Board blatantly admits on the record that the sole purpose of the is to target the Project. The fact that the Town Board has waited over a year to do so after the Town determined the Project was a permitted use and issued an area variance, is a clear attempt, not to pause, but to permanently halt the Project. This is clear and undeniable bad faith. As such, the Proposed Moratorium must exempt the Project to avoid the Applicant completely losing its entire substantial investment in the Project and protect the Town against unnecessary litigation.

V. Conclusion

The Town Board should withdraw the Proposed Moratorium as it fails to comply with New York or Federal law as set forth above. The Town has failed to demonstrate that a crisis or emergency circumstance exists and/or that a dire necessity exists to issue a pause on development. If the Town Board elects to continue with the unlawful Proposed Moratorium, the Town Board should exempt the Project because the Project's compliance with the Zoning Code and environmental impacts are being reviewed and determined by the Planning Board and will not have any impact any of the alleged concerns noted in the Moratorium.

If not, and if the Town Zoning Code is amended to reduce or prohibit the Project, the Applicant will not be able to make a reasonable return on its investment, an investment that was completely made in reliance on the existing zoning coupled with the Planning Board and ZBA entertaining the review of the Project for over a year.

We urge the Town board to carefully consider every impact of the Proposed Moratorium and exempt the Project from the Moratorium to ensure that our client need not pursue legal avenues and remedies in the courts.

Please do not hesitate to contact my office with any questions.

Sincerely,

/s/ T.J. Ruane

T.J. Ruane, Esq.

Enclosures

cc: Kevin Dailey (kdailey@cliftonpark.org)
Kevin Luibrand (kluibrand@cliftonpark.org)
Stefanie Bitter (sbitter@cliftonpark.org)

EXHIBIT A

RRD Ex. 2 - Applicant Ex. A - Resolution / Resolution Attachment (continued)

Resolution No. _____ of 2026, a resolution scheduling a Public Hearing to consider a local law establishing a moratorium on Batch Concrete Mixing Plant facilities.

Introduced by _____, who moved its adoption, seconded by _____

WHEREAS, the Town of Clifton Park is committed to ensuring the health, safety, and welfare of its residents and the proper regulation of land uses within its boundaries, and

WHEREAS, the Town Board deems it prudent to temporarily pause the approval or establishment of any Batch Concrete Mixing Plant facilities to provide sufficient time to study and address any concerns, including but not limited to zoning, environmental impacts, public safety, and economic implications, and

WHEREAS, the Town Board deems it prudent to temporarily pause the approval or establishment of any new Batch Concrete Mixing Plant facilities to provide sufficient time to study and address any concerns, including but not limited to zoning, environmental impacts, public safety, and economic implications, and

WHEREAS, the Town Board seeks public input and discussion regarding the establishment of a moratorium on such operations within the Town of Clifton Park; now, therefore, be it

RESOLVED that the Town Board of the Town of Clifton Park hereby sets a public hearing to consider the establishment of a 180-day moratorium on any new Batch Concrete Mixing Plant facilities within the Town of Clifton Park; and be it further

RESOLVED that the public hearing shall be held on April 21, 2026, at 7:05 p.m., at the Clifton Park Town Hall, located at 1 Town Hall Plaza, Clifton Park, New York, to hear all interested persons on this matter; and be it further

RESOLVED, that the attached proposal be referred to the Saratoga County Planning Board for its review pursuant to Section 239-m of the New York State General Municipal Law; and be it further

RESOLVED that the Town Clerk is hereby directed to publish notice of said public hearing in the official newspaper of the Town and to take any other actions necessary to provide proper notice to the public pursuant to applicable laws and regulations.

(23)

Cynthia Zlogar

From: Town of Clifton Park Official Website <info@cliftonpark.org>
Sent: Tuesday, March 31, 2026 8:17 PM
To: Cynthia Zlogar; Phil Barrett; Jean Spiegel; Mark Heggen; Darlene Allen; Zabeed Manir; Agatha Reid; John Scavo; Christine Pagniello; Walter Smead; Kelly Miller; Nancy Bellamy; Mario Fantini; Kevin Dailey; Caitlin Fantini
Subject: New Resolution Request #2750

A new resolution request has been submitted. The details of this resolution request are included below.

Department: Town Board
Your Name: Mario Fantini
Your Email: mFantini@cliftonpark.org
Sponsor: Mario Fantini
Agenda Session Date: 04/07/2026 ✓
Board Meeting Date: 04/07/2026 ✓
Alternate Date: 04/07/2026
Budget Number: NA
Budget Description: NA
Amount: NA

Brief Description: Resolution No. ____ of 2026
A resolution adopting a 180-day moratorium on Batch Concrete Mixing Plants introduced by Councilman Fantini, who moved its adoption, seconded by ____.

WHEREAS, Batch Concrete Mixing Plants have been identified as incompatible with the Town of Clifton Park Comprehensive Plan due to potential impacts on community character, air quality, traffic, noise, and proximity to residential uses; and

WHEREAS, the Town requires time to prepare and adopt permanent zoning amendments prohibiting such facilities while preventing premature permit applications that could create vested rights; and

WHEREAS, a temporary land-use moratorium is an authorized and appropriate tool under New York State law and New York State Department of State guidance to preserve the status quo during this process; and

WHEREAS, a 180-day duration is reasonable and consistent with State guidance for targeted zoning amendments; now, therefore, be it

RESOLVED, that the Town Board hereby adopts a 180-day moratorium on the acceptance, review, processing, or issuance of any permits, site plan approvals, special use permits, or other approvals for the siting, construction, or operation of Batch Concrete Mixing Plants within the Town of Clifton Park; and be it further

RESOLVED, that this moratorium shall take effect immediately upon filing with the New York State Department of State and shall expire 180 days thereafter unless extended by further action of the Town Board.



Town of Clifton Park

Planning & Zoning Department

One Town Hall Plaza | Clifton Park, New York 12065 | (518) 371-6054 | Planning@Cliftonpark.org

To: Councilman Fantini

From: John Scavo, Director of Planning & Zoning

Date: March 30, 2026

Re: **Process & Timeline for Amending the Town Code to Prohibit Batch Concrete Mixing Plants and Adoption of a 180-Day Moratorium**

Purpose of this Memorandum

This memorandum outlines (1) the procedural steps and (2) an estimated timeline for the Town Board to amend the Town Code to prohibit Batch Concrete Mixing Plants as a land use in Clifton Park, and (3) the recommended adoption of a 180-day moratorium on the review and issuance of any permits or approvals for such facilities while permanent zoning amendments are drafted. This approach is supported by New York State municipal law and guidance from the NYS Department of State (NYS DOS) regarding land-use moratoria (source material is attached).

Batch Concrete Mixing Plants have been identified as incompatible with the Town's Comprehensive Plan, specifically concerning impacts to community character, air quality, circulation, and proximity to residential uses. A temporary moratorium is an appropriate mechanism to preserve the status quo while the Town develops defensible zoning amendments.

Justification for a 180-Day Moratorium

Based on NYS DOS guidance, a land-use moratorium should:

1. Have a reasonable and defined duration,
2. Serve a valid public purpose,
3. Equitably share the burden across the community,
4. Follow all statutory adoption procedures, and
5. Include a time-certain expiration.

A 180-day period is considered reasonable, especially when the Town is undertaking a targeted zoning amendment addressing a new or inadequately regulated land use, in this case, Batch

Concrete Mixing Plants. Courts have upheld 180-day and 6-month moratoria when municipalities are actively engaged in drafting land-use regulations.

A moratorium would:

- Prevent premature filings intended to circumvent new zoning;
- Provide time to evaluate environmental and operational externalities (e.g., silica dust, traffic impacts, noise, vibrations);
- Ensure consistency with the Comprehensive Plan before new uses establish vested rights;
- Maintain the status quo while permanent legislative changes are prepared.

Required Steps to Adopt a 180-Day Moratorium

The moratorium must be enacted as a local law, following Municipal Home Rule Law and Town Law procedures.

1. ***Draft Local Law Establishing the Moratorium*** - The local law must include:
 - Preamble stating the public purpose and Comprehensive Plan inconsistency;
 - Clear definition of the covered activity (e.g., siting, construction, operation, permitting, site plan review of Batch Concrete Mixing Plants);
 - Duration (180 days);
 - Exemptions, if any;
 - Relief mechanism (variance process) and identification of the board authorized to hear such requests;
 - Statement superseding relevant sections of Town Law if default approval timelines must be paused.
2. ***Town Board Introduction of the Local Law*** - A Town Board member introduces the law and schedules a public hearing.
3. ***Public Hearing (minimum 5 days after notice publication)*** - Notice must be published in the official newspaper and posted as required. The public hearing can only take place once the Town Board has received the County referral recommendation from the Saratoga County Planning Board.
4. ***SEQRA Classification*** - Moratoria are Type II actions, requiring no further SEQRA review.
5. ***County Referral (General Municipal Law §239-m)*** - Because a moratorium is treated as a zoning amendment, the draft must be sent to the Saratoga County Planning Board for advisory review. The Saratoga County Planning Board convenes on the third Thursday of

each month. To be considered for that month's agenda, submissions must be received by the first Thursday of the same month.

6. **Town Board Adoption by Majority Vote** - A simple majority is sufficient unless the County recommends modification or disapproval, in which case a supermajority is required.
7. **Filing with the NYS Department of State** - The law becomes effective upon the filing receipt from NYS DOS and remains in effect for 180 days unless extended by local law.

Process for Amending the Town Code to Prohibit Batch Concrete Mixing Plants

1. **Staff & Town Attorney Drafting (30-45 days)**

Tasks include:

- Review of industrial, environmental, and safety impacts;
- Drafting definitions and prohibition language;
- Evaluating zoning districts where the use should be expressly prohibited;
- Adding performance standards or related provisions if necessary;
- Drafting SEQRA documents (likely a "Unlisted" action requiring a Full EAF).

2. **Town Board Introduction of the Zoning Amendment**

3. **Public Hearing & County Referral Requirements**

As with the moratorium, the zoning amendment must be referred to Saratoga County Planning under GML §239-m and noticed for public hearing. The Saratoga County Planning Board convenes on the third Thursday of each month. To be considered for that month's agenda, submissions must be received by the first Thursday of the same month.

4. **SEQRA Review**

The Town Board acts as Lead Agency and issues a SEQRA determination prior to adopting the zoning amendment.

5. **Town Board Adoption & Filing with NYS DOS**

Upon adoption and receipt by NYS DOS of the filing, the use becomes prohibited.

Estimated Timeline

Attached, is a realistic and legally compliant timeline structured to complete the prohibition within the 180-day moratorium window:

Conclusion & Recommendation

Based on NYS legal guidance and case law, the Town of Clifton Park Town Board is on strong legal footing to:

1. Adopt a 180-day moratorium on the acceptance, review, or approval of Batch Concrete Mixing Plants; and
2. Simultaneously draft and adopt zoning amendments prohibiting such facilities as incompatible with the Town's Comprehensive Plan.

This process preserves the Town's planning authority, prevents the establishment of vested rights by applicants, and ensures that community character and public health concerns are fully addressed.

References

New York State Department of State. (2010). Land use moratoria (James A. Coon Local Government Technical Series). New York State Department of State, Division of Local Government Services.

New York State Department of State. (n.d.). Land use moratoria [Presentation slides]. New York State Department of State, Division of Local Government Services.

New York State Department of State. (1998). Adopting local laws in New York State (James A. Coon Local Government Technical Series). New York State Department of State, Division of Local Government Services.

RRD Ex. 3 - Planning & Zoning Memorandum - John Scavo to Councilman Fantini, March 30, 2026 (continued)

Step	Approx. Timing (Week)	Notes
Draft 180-Day Moratorium Presented to Town Board	Week 1	Staff and Town Attorney prepare draft; identify land uses covered and geographic scope
Town Board Resolution to Schedule Public Hearing	Week 1	PH set with statutory notice periods
Public Hearing on Moratorium	Week 3	Local hearing; no County referral required for moratorium
Town Board Adoption of Moratorium	Week 4	Filed with DOS; moratorium becomes effective
Moratorium in Effective Period Begins	Week 4	180-day clock starts
Preliminary Policy & Legal Analysis	Weeks 4-7	Refine prohibition rationale, document health/safety/land use findings
Begin Drafting Permanent Zoning Amendment	Weeks 6-12	Zoning text, definitions, use tables, enforcement language
SEQRA Classification & Coordinated Review Setup	Weeks 6-8	Likely Unlisted Action; coordinated review recommended
Planning Board & Staff Technical Review	Weeks 10-14	Advisory review; memo to Town Board
County Planning Board Referral (GML §239-m)	Week 14	Submit at least 10 days prior to County meeting
Lead Agency SEQRA Review & Determination	Weeks 14-17	Neg Dec or Draft EAF review completed before PH
Town Board Resolution to Schedule Zoning PH	Week 17	PH scheduled after County referral sent
Public Hearing on Zoning Amendment	Week 19	Concurrent County review window
County Planning Board Recommendation Returned	Week 20	Advisory or supermajority override if required
Final SEQRA Determination (Negative Declaration)	Week 20-21	Must precede adoption
Adoption of Zoning Amendment	Week 22	Board action creates permanent prohibition
Filing with DOS (Law Becomes Effective)	Week 22-23	Effective date per local law
Permanent Prohibition in Effect	Week 23	Moratorium no longer functionally needed
Contingency / Buffer Period	Weeks 23-26	Time reserved for refile, corrections, or legal challenge preparation
Moratorium Expiration	End of Week 26	No lapse risk



Town of Clifton Park

One Town Hall Plaza
Clifton Park, New York 12065
(518) 371-6054 FAX (518) 371-1136

Permit Summary SPR25-000035


Type: Preliminary
 Application Date: 08/18/2025
 Address: 1910 Us Rt 9
 Description: Applicant proposes to construct a ready-mix concrete production plant on 19.40 acres.
 Applicant: Environmental Design Partnership Gavin Vuillaume

Full Application:

Applicant Name Gavin Vuillaume
 Applicant Email gvuillaume@edpilp.com
 Applicant Address NY 12065
 Applicant Company Name Environmental Design Partnership
 Applicant Company Address 900 Route 146 Clifton Park NY 12065
 Applicant Home Phone
 Applicant Cell Phone
 Applicant Work Phone
 Property Owner/Contract Vendee Luke Clemente -
 Authorized Representative Environmental Design Partnership - Gavin Vuillaume
 Billing Contact Environmental Design Partnership - Gavin Vuillaume
 Plans Prepared By Environmental Design Partnership - Gavin Vuillaume
 Type of Construction New Construction
 Total Acreage 19.4
 Total Square Feet 845064.00
 Current Zoning L2 - Light Industrial 2
 Building Area (SF) 2700
 # of Dwellings 0
 # of Buildings 1
 Total # Parking Spaces 5
 Water Provisions Private Service
 Sewer Provisions Private On Site System
 Primary Road Frontage Name Route 9

RRD Ex. 4 - Permit Summary SPR25-000035 - Preliminary Application, August 18, 2025 (continued)

Length	705
Will this project involve IDA funding/sponsorship?	No
Narrative Description	Applicant proposes to construct a ready-mix concrete production plant on 19.40 acres. The proposed building includes a ground level aggregate bin system, conveyor belt, enclosed elevated aggregate bin
Does the project type meet the construction activities listed on Table 1 or Table 2?	Yes
Table 1 SPR	0
Table 2 SPR	1
Total Site Area	19.4
Total Area to be Disturbed	3.6
Existing Impervious Area to be Disturbed	1
Future Impervious Area Within Disturbed Area	2.7
Type of waterbody	Stream / Creek On Site
Table 1 SPR Final	0
Table 2 SPR Final	0
Total Site Area	0
Total Area to be Disturbed	0
Existing Impervious Area to be Disturbed	0
Future Impervious Area Within Disturbed Area	0

 Review Comments by Project ID

Project ID Number: 2025-017

File#	Permit#	Project Name	Route Name	Activity Type	Reviewer	Completion Date	Comment
25-000392	SPR25-000016	#2025-017 1910 Route 9 Commercial Buildings Site Plan (Concrete Batch Plant)	1910 Route 9	Site Plan Review - Concept Zoning Plans Review	Scott Reese	04/18/2025	Per Town Code Chapter 208-64 B.(1) Assembling/fabrication, processing is a permitted use. The applicant will need to provide a narrative on how the proposed use will not result in any noxious noise or odor outside the district and does not have a deleterious effect on the air or water quality and how the operation will not exceed any of the performance standards per Town Code Chapter 208-64 F.
25-000392	SPR25-000016	#2025-017 1910 Route 9 Commercial Buildings Site Plan (Concrete Batch Plant)	1910 Route 9	Site Plan Review - Concept Zoning Plans Review	Scott Reese	04/18/2025	As the Zoning Administrator, I visited one of the applicants operating concrete batch plants and did not observe / hear / smell of any noxious or deleterious conditions.
25-000392	SPR25-000016	#2025-017 1910 Route 9 Commercial Buildings Site Plan (Concrete Batch Plant)	1910 Route 9	Site Plan Review - Concept Zoning Plans Review	Scott Reese	04/18/2025	To clarify the prohibited uses in the Light Industrial zone Town Code Chapter 208-64 C. (3) Manufacture of cement or abrasives. The manufacturing of cement involves grinding limestone and clay to a fine powder, which is then heated to temperatures as high as 2,600 degrees Fahrenheit in a cement kiln. This process is considered a heavy industrial use.
25-000392	SPR25-000016	#2025-017 1910 Route 9 Commercial Buildings Site Plan (Concrete Batch Plant)	1910 Route 9	Site Plan Review - Concept Stormwater Review	Scott Reese	04/18/2025	With the project being installed adjacent to the Dwaas Kill a 303(d) list of impaired waters, NYSDEC Wetlands, and the Land Conservation District, a detailed stormwater management plan will need to address how these areas will be protected during construction and for the long term of the site operations.
25-000392	SPR25-000016	#2025-017 1910 Route 9 Commercial Buildings Site Plan (Concrete Batch Plant)	1910 Route 9	Site Plan Review - Concept ECC Review	Scott Reese	04/18/2025	The ECC notes that this project is adjacent to the Dwaas Kill a CT and a 303D protected water way. Concrete plants present several risks including but are not limited to air and water pollution as well as dust exposure. Given the proximity of the concrete plant to the Dwaas Kill the

RRD Ex. 5 - Review Comments by Project ID No. 2025-017 / SPR25-000016 and SPR25-000035 (continued)

			Batch Plant)					ECC is concerned about potential adverse environmental impacts. The ECC requests that the applicant reconsiders the location of the concrete batch plant further away from the wetland buffers.
2	25-000392	SPR25-000016	#2025-017 1910 Route 9 Commercial Buildings Site Plan (Concrete Batch Plant)	Site Plan Review - Concept	ECC Review	Scott Reese	04/18/2025	The ECC notes that wetlands of unusual importance are regulated by the NYSDEC. These include wetlands in flood prone areas, wetlands with endangered species habitat and vernal pools. The ECC requests the applicant validate that these features are not present.
2	25-000392	SPR25-000016	#2025-017 1910 Route 9 Commercial Buildings Site Plan (Concrete Batch Plant)	Site Plan Review - Concept	ECC Review	Scott Reese	04/18/2025	The ECC notes that the chemicals used in the mixing of concrete include gravel dust, silicate, and other chemicals harmful to the Dwaas Kill environment. The proposed siting places this sensitive environment in jeopardy from fugitive dust, stormwater runoff and potential catastrophic failures. The ECC requests that the planning board requires a Full SEQRA application when evaluating this project.
2	25-000392	SPR25-000016	#2025-017 1910 Route 9 Commercial Buildings Site Plan (Concrete Batch Plant)	Site Plan Review - Concept	ECC Review	Scott Reese	04/18/2025	The ECC requests the applicant provide comprehensive disaster management spill response to any of the components that can enter the Dwaas Kill.
2	25-000392	SPR25-000016	#2025-017 1910 Route 9 Commercial Buildings Site Plan (Concrete Batch Plant)	Site Plan Review - Concept	Planning Director Plans Review	John Scavo	04/18/2025	As the plan details progress, the applicant must provide comprehensive measures to prevent aggregate storage, concrete, and other materials from migrating into the Dwaas Kill and its protected adjacent areas.
2	25-000392	SPR25-000016	#2025-017 1910 Route 9 Commercial Buildings Site Plan (Concrete	Site Plan Review - Concept	Planning Director Plans Review	John Scavo	04/18/2025	As the plan details progress, the applicant must verify that adequate access for emergency vehicles is maintained.

			Batch Plant)					
2	25-000392	SPR25-000016	#2025-017 1910 Route 9 Commercial Buildings Site Plan (Concrete Batch Plant)	Site Plan Review - Concept	Zoning Plans Review	Scott Reese	04/18/2025	Per Town Code Chapter 208-65 D. Height. Permitted height of buildings and structures shall be 50 feet. For any building or structure proposed over 35 feet in height, the Planning Board will conduct a visual assessment and require the applicant to complete Appendix B of the State Environmental Quality Review, Visual EAF Addendum for its consideration. The Planning Board shall also require a line-of-sight-profile with control points to be determined by the Board. It appears that the applicant shall need to conduct a visual assessment.
2	25-000392	SPR25-000016	#2025-017 1910 Route 9 Commercial Buildings Site Plan (Concrete Batch Plant)	Site Plan Review - Concept	Planning Director Plans Review	John Scavo	04/18/2025	Due to the presence of heavy materials, equipment, and vehicles on the proposed site, the applicant must conduct soil tests to ensure the site has a stable foundation for heavy equipment.
2	25-000392	SPR25-000016	#2025-017 1910 Route 9 Commercial Buildings Site Plan (Concrete Batch Plant)	Site Plan Review - Concept	Planning Director Plans Review	John Scavo	04/18/2025	Conduct a traffic analysis to assess the potential impact on local traffic and propose mitigation measures if impacts are identified.
2	25-000392	SPR25-000016	#2025-017 1910 Route 9 Commercial Buildings Site Plan (Concrete Batch Plant)	Site Plan Review - Concept	Planning Director Plans Review	John Scavo	04/18/2025	An internal site traffic control and operations plan should be provided to demonstrate how the layout optimizes material flow and minimizes transport distances while controlling incoming and outgoing traffic on-site without negatively backing up onto the public roadway system.
2	25-000392	SPR25-000016	#2025-017 1910 Route 9 Commercial Buildings Site Plan (Concrete Batch Plant)	Site Plan Review - Concept	Planning Director Plans Review	John Scavo	04/18/2025	Any utility work or construction within the State Highway Right-Of-Way requires the property owner to obtain a highway work permit from the NYS Department of Transportation, whether it is for construction or installation of facilities, or for repairs and maintenance

RRD Ex. 5 - Review Comments by Project ID No. 2025-017 / SPR25-000016 and SPR25-000035 (continued)

2	25-000392	SPR25-000016	#2025-017 1910 Route 9 Commercial Buildings Site Plan (Concrete Batch Plant)	Site Plan Review - Concept	Planning Director Plans Review	John Scavo	04/18/2025	The proposed project is subject to Section 239 of General Municipal Law and will be referred to the Saratoga Co. Planning Board for a recommendation.
2	25-000392	SPR25-000016	#2025-017 1910 Route 9 Commercial Buildings Site Plan (Concrete Batch Plant)	Site Plan Review - Concept	Stormwater Review	Scott Reese	04/18/2025	With the close proximity of this project to the Dwaas Kill, NYSDEC Wetlands, and Land Conservation District, it would reason for a Full Environmental Assessment Form be required to assist in evaluating potential environmental impacts.
2	25-000392	SPR25-000016	#2025-017 1910 Route 9 Commercial Buildings Site Plan (Concrete Batch Plant)	Site Plan Review - Concept	Stormwater Review	Scott Reese	04/18/2025	The applicant should explain how the project complies with the most recent amendments to the NYSDEC Freshwater Wetlands Act.
2	25-000392	SPR25-000016	#2025-017 1910 Route 9 Commercial Buildings Site Plan (Concrete Batch Plant)	Site Plan Review - Concept	SEQR Review	John Scavo	04/18/2025	While the action appears to be Unlisted pursuant to SEQRA, the Short EAF may not be sufficient for the Planning Board to adequately assess the potential for negative environmental impacts. Therefore, the Planning Board may request the applicant provide a Long Form EAF for its consideration.
2	25-000392	SPR25-000016	#2025-017 1910 Route 9 Commercial Buildings Site Plan (Concrete Batch Plant)	Site Plan Review - Concept	SEQR Review	John Scavo	04/18/2025	he applicant must provide detailed information on the specific measures that will be implemented to control dust and noise pollution. Additionally, the applicant should include data on the typical decibel levels experienced by neighboring properties for concrete batch mixing plants of similar size, scale, and operations.
2	25-000392	SPR25-000016	#2025-017 1910 Route 9	Site Plan Review - Concept	SEQR Review	John Scavo	04/18/2025	Provide information regarding the proper treatment and disposal of wastewater generated by the plant.

			Commercial Buildings Site Plan (Concrete Batch Plant)					
2	25-000392	SPR25-000016	#2025-017 1910 Route 9 Commercial Buildings Site Plan (Concrete Batch Plant)	Site Plan Review - Concept	SEQR Review	John Scavo	04/18/2025	Provide information regarding if a concrete washout area will be provided and if so, the methods of operations to minimize environmental impacts to adjacent areas such as the Dwaas Kill.
2	25-000392	SPR25-000016	#2025-017 1910 Route 9 Commercial Buildings Site Plan (Concrete Batch Plant)	Site Plan Review - Concept	Postal Verification	John DeSimone	04/21/2025	If parcel remains one parcel like plans show, existing address will cover this project. 1910 NYS Route 9 Clifton Park, NY 12065
2	25-000392	SPR25-000016	#2025-017 1910 Route 9 Commercial Buildings Site Plan (Concrete Batch Plant)	Site Plan Review - Concept	Fire Marshall Plans Review	John DeSimone	04/25/2025	Provide utility plan showing existing hydrants and proposed hydrants
2	25-000392	SPR25-000016	#2025-017 1910 Route 9 Commercial Buildings Site Plan (Concrete Batch Plant)	Site Plan Review - Concept	Fire Marshall Plans Review	John DeSimone	04/25/2025	provide fire apparatus turning radius on plan
2	25-000392	SPR25-000016	#2025-017 1910 Route 9 Commercial Buildings Site Plan (Concrete	Site Plan Review - Concept	Fire Marshall Plans Review	John DeSimone	04/25/2025	width of all access roads needs to be noted

RRD Ex. 5 - Review Comments by Project ID No. 2025-017 / SPR25-000016 and SPR25-000035 (continued)

			Batch Plant)					
2	25-000392	SPR25-000016	#2025-017 1910 Route 9 Commercial Buildings Site Plan (Concrete Batch Plant)	Site Plan Review - Concept	Fire Marshall Plans Review	John DeSimone	04/25/2025	Provide what existing residence will be. Zoning will have to determine if residence can stay without subdividing parcel.
2	25-000392	SPR25-000016	#2025-017 1910 Route 9 Commercial Buildings Site Plan (Concrete Batch Plant)	Site Plan Review - Concept	Planning Board Meeting	John Scavo	05/20/2025	Ms. Bagramian asked if there would be a cleanout area for the trucks and, if so, how it would be mitigated. She stated that he would like to see a plan with sprinklers to control the dust that may be generated on the property
2	25-000392	SPR25-000016	#2025-017 1910 Route 9 Commercial Buildings Site Plan (Concrete Batch Plant)	Site Plan Review - Concept	Planning Board Meeting	John Scavo	05/20/2025	Mr. Vuillaume stated he will get the hours for the next submittal.
2	25-000392	SPR25-000016	#2025-017 1910 Route 9 Commercial Buildings Site Plan (Concrete Batch Plant)	Site Plan Review - Concept	Planning Board Meeting	John Scavo	05/20/2025	. Mr. Martin stated he would like to see the plant operations further from the Dwaas Kill and he believes screening from Route 9 is a subordinate concern to placing the plant in close proximity to the sensitive Dwaas Kill.
2	25-000392	SPR25-000035	#2025-017 1910 Route 9 Commercial Buildings Site Plan (Concrete Batch Plant)	Site Plan Review - Preliminary	Postal Verification	John DeSimone	08/26/2025	If parcel remains one parcel like plans show, existing address will cover this project. 1910 NYS Route 9 Clifton Park, NY 12065
2	25-000392	SPR25-000035	#2025-017 1910 Route 9	Site Plan Review - Preliminary	Fire Marshall	John DeSimone	08/29/2025	Knox box will be required (info will be supplied with building permit)

RRD Ex. 5 - Review Comments by Project ID No. 2025-017 / SPR25-000016 and SPR25-000035 (continued)

			Commercial Buildings Site Plan (Concrete Batch Plant)		Plans Review			
2	25-000392	SPR25-000035	#2025-017 1910 Route 9 Commercial Buildings Site Plan (Concrete Batch Plant)	Site Plan Review - Preliminary	Fire Marshall Plans Review	John DeSimone	08/29/2025	Due to no water supply on site if sprinkler fire protection is required Exception 507.2 will be required of the 2020 NYSFC.
2	25-000392	SPR25-000035	#2025-017 1910 Route 9 Commercial Buildings Site Plan (Concrete Batch Plant)	Site Plan Review - Preliminary	Fire Marshall Plans Review	John DeSimone	08/29/2025	Will there be vehicles/trucks stored on site after business hours? If yes, please provide detail. (quantity and location)
2	25-000392	SPR25-000035	#2025-017 1910 Route 9 Commercial Buildings Site Plan (Concrete Batch Plant)	Site Plan Review - Preliminary	Zoning Plans Review	Scott Reese	09/08/2025	Per Town Code Chapter 208-64 B.(1) Assembling/fabrication, processing is a permitted use. The applicant will need to provide a narrative on how the proposed use will not result in any noxious noise or odor outside the district and does not have a deleterious effect on the air or water quality and how the operation will not exceed any of the performance standards per Town Code Chapter 208-64 F. The applicant's engineer shall provide additional technical documentation and quantifiable data to support their response to Town Code Chapter 208-64 F. in the letter to Mr. John Scavo, Jr. dated August 18, 2025. 1. Please provide a noise assessment or acoustic study that includes projected decibel levels at the property line during typical peak operations (e.g., mixer loading, cement delivery). Comparison to ambient noise levels from Route 9 is noted in the response - please support this with measured or modeled data. 2. Please respond on how the proposed project will address 6 NYCRR Parts 200, 201, 211,

RRD Ex. 5 - Review Comments by Project ID No. 2025-017 / SPR25-000016 and SPR25-000035 (continued)

								and 212 regarding air emissions and permitting requirements.
2	25-000392	SPR25-000035	#2025-017 1910 Route 9 Commercial Buildings Site Plan (Concrete Batch Plant)	Site Plan Review - Preliminary	Zoning Plans Review	Scott Reese	09/08/2025	The Clifton Park Zoning Board of Appeals (ZBA) granted an area variance on June 3rd, 2025, from Town Code Chapter 208-65 D. Height. Permitted height of buildings and structures shall be 50 feet. The applicant proposed a 61 feet tall structure (drive thru cement bin). An area variance of 11 feet addition to the permitted height of 50 feet was granted by the ZBA.
2	25-000392	SPR25-000035	#2025-017 1910 Route 9 Commercial Buildings Site Plan (Concrete Batch Plant)	Site Plan Review - Preliminary	Planning Director Plans Review	John Scavo	09/05/2025	The Planning Department received a written concern from Melissa McNair of Hemlock Drive regarding the proposed site plan for a ready-mix concrete production facility at 1910 Route 9. Ms. McNair expresses strong opposition to the project due to its proximity within 200 feet to the Dwaas Kill Creek, a designated Class A Trout Stream and 303(d) impaired water body. Her letter highlights the ecological sensitivity of the Dwaas Kill, citing its support for brook trout populations and its designation as a protected waterway under New York State DEC classifications. She notes that the proposed industrial use poses risks of siltation, high-pH runoff, and other pollutants associated with concrete production, which could further degrade the creek's water quality and surrounding habitat. Ms. McNair also references the Town's prior conservation efforts, including the establishment of the Dwaas Kill Nature Preserve, and urges the Board to uphold those commitments by either rejecting the application or requiring a full environmental impact assessment and greater public transparency. She requests that the project be clearly labeled to reflect its industrial nature so residents can make informed judgments. This correspondence has been added to the project record for consideration during site plan review.
2	25-000392	SPR25-000035	#2025-017 1910 Route 9 Commercial Buildings Site Plan (Concrete	Site Plan Review - Preliminary	Planning Director Plans Review	John Scavo	09/05/2025	The Planning Department received written correspondence from Theresa Gunderman of Chapel Woods, Ballston Lake, expressing strong opposition to the proposed ready-mix concrete production facility at 1910 Route 9. Ms. Gunderman's concern centers on the project's

			Batch Plant)					proximityâwithin 200 feetâto the Dwaas Kill Creek, a designated Class A Trout Stream and 303(d) impaired water body. Her letter emphasizes the ecological sensitivity of the Dwaas Kill, which supports brook trout populations and serves as a valued natural resource for the community. She notes that concrete production is associated with significant environmental impacts, including greenhouse gas emissions, high-pH runoff, and land disturbanceâall of which pose risks to water quality, aquatic habitat, and nearby residents. Ms. Gunderman references the Town's prior conservation efforts, including the establishment of the Dwaas Kill Nature Preserve, and urges the Board to uphold those commitments by either rejecting the application or requiring a full environmental impact assessment. She also requests that the project be labeled transparently to reflect its industrial nature, allowing residents to make informed decisions.
2	25-000392	SPR25-000035	#2025-017 1910 Route 9 Commercial Buildings Site Plan (Concrete Batch Plant)	Site Plan Review - Preliminary	SEQR Review	John Scavo	09/05/2025	The applicant has submitted a comprehensive stormwater management narrative prepared by Environmental Design Partnership, LLP, detailing the proposed stormwater design for the redevelopment of 1910 Route 9. The project involves approximately 3.6 acres of disturbance and an increase of 1.47 acres in impervious surface area. The site is located adjacent to the Dwaas Kill, a Class A Trout Stream and 303(d) impaired water body, and therefore requires careful attention to water quality and hydrologic impacts.
2	25-000392	SPR25-000035	#2025-017 1910 Route 9 Commercial Buildings Site Plan (Concrete Batch Plant)	Site Plan Review - Preliminary	Planning Director Plans Review	John Scavo	09/05/2025	Section 1.0 of the Stormwater Management Narrative refers to 3.6 acres of disturbance with approximately 1.47 acres of impervious area added to the site. In contrast to Section 4.0 of the Narrative which refers to the area of disturbance will encompass 4.0 acres. In addition, the LEAF dated May 16, 2025 notes a total of 1.80 acres to be physically disturbed. Therefore, please clarify the acres proposed for disturbance on the 19.373 acre parcel.

RRD Ex. 5 - Review Comments by Project ID No. 2025-017 / SPR25-000016 and SPR25-000035 (continued)

2	25-000392	SPR25-000035	#2025-017 1910 Route 9 Commercial Buildings Site Plan (Concrete Batch Plant)	Site Plan Review - Preliminary	Planning Director Plans Review	John Scavo	09/05/2025	Please confirm at the meeting that the project's Water Quality Treatment (WQv) design treats 100% of the water quality volume associated with the increased impervious area and 25% of the volume from disturbed existing impervious surfaces, totaling 7,179 cubic feet of treated runoff.
2	25-000392	SPR25-000035	#2025-017 1910 Route 9 Commercial Buildings Site Plan (Concrete Batch Plant)	Site Plan Review - Preliminary	Planning Director Plans Review	John Scavo	09/05/2025	Please confirm at the meeting for the public record that the Stormwater Design's Runoff Reduction Volume (RRv) for bioretention basin (SMA #1) is proposed to meet the minimum RRv requirement of 1,217 cubic feet. The basin provides 4,430 cubic feet of reduction capacity, exceeding the minimum threshold.
2	25-000392	SPR25-000035	#2025-017 1910 Route 9 Commercial Buildings Site Plan (Concrete Batch Plant)	Site Plan Review - Preliminary	Planning Director Plans Review	John Scavo	09/05/2025	Please confirm at the meeting for the public record that the Stormwater Management Practices include: 1. One bioretention area with sediment forebay and landscaped treatment soils; 2. Two underground infiltration areas; 3. Three hydrodynamic separators for pretreatment
2	25-000392	SPR25-000035	#2025-017 1910 Route 9 Commercial Buildings Site Plan (Concrete Batch Plant)	Site Plan Review - Preliminary	Planning Director Plans Review	John Scavo	09/05/2025	Please confirm at the meeting for the public record that due to presence of high groundwater and clay soils (HSG D), infiltration practices are limited. The proposed design solution incorporates vegetative buffers, minimal clearing, and strategic grading to preserve natural hydrology and avoid wetland impacts.
2	25-000392	SPR25-000035	#2025-017 1910 Route 9 Commercial Buildings Site Plan (Concrete Batch Plant)	Site Plan Review - Preliminary	Planning Director Plans Review	John Scavo	09/05/2025	As the qualified design professional, at the Planning Board Meeting, please confirm that the stormwater management system has been engineered to meet NYSDEC permit requirements and mitigate potential impacts to adjacent and downstream properties, including the Dwaas Kill. Also, please confirm that the design reflects best practices for redevelopment in sensitive hydrologic settings and will be subject to continued review during the permitting process.
2	25-000392	SPR25-000035	#2025-017 1910 Route	Site Plan Review -	Traffic Review	John Scavo	08/20/2025	As part of the site plan review for the proposed concrete batch mixing facility,

		<p>9 Commercial Buildings Site Plan (Concrete Batch Plant)</p>	<p>Preliminary</p>		<p>the applicant submitted a Traffic Assessment prepared by CME Engineering. The report evaluates anticipated traffic impacts associated with the facility's operations and its compatibility with existing roadway infrastructure. Key findings of the assessment include: The facility is expected to generate approximately 108 daily trips, including 54 inbound and 54 outbound movements. During peak hours, the site will generate 18 trips in the AM peak and 16 trips in the PM peak, which CME concludes will have a negligible impact on surrounding traffic conditions. This is well below the 100 peak hour vehicle trips threshold accepted by the transportation engineering section to determine whether a proposed project warrants a further detailed traffic impact study (TIS). This is also consistent with SEQR guidance provided by NYS DEC in its Full Environmental Assessment Form (FEAF) Workbook, regarding evaluating FEAF Part II, Question 13- Impact on Transportation which notes that - Part 1, Question D.2.j. in this workbook includes a table defining thresholds for significant traffic increases. That table uses the number of new vehicle trips made during peak traffic hours (early morning and late afternoon) to help determine if a substantial increase in traffic is likely to occur as a result of a proposed activity. It assumes that a project generating fewer than 100 peak hour vehicle trips per hour will not result in any significant increases in traffic. The anticipated traffic volumes for the Clifton Park Batch Plant are also well below the 50-vehicle threshold outlined by ITE, indicating that detailed intersection analysis is not needed and that the site generated traffic will be accommodated by the existing roadway network. The peak hour assumptions are based on similar operations to the existing Wilton Bonded Concrete plant which the applicant at the prior two meetings offered to provide tours of the facility to which the Town's Stormwater Management Administrator toured. The sight distance</p>
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RRD Ex. 5 - Review Comments by Project ID No. 2025-017 / SPR25-000016 and SPR25-000035 (continued)

							assessment indicates that adequate intersection and stopping sight distance is provided for a passenger car at the Site Driveway on US Route 9 as long as vegetation and a tree located north of the driveway along the property frontage are removed. The available intersection sight distance for a combination truck exiting the Site Driveway looking left and right to make a left and/or right turn is less than AASHTO guidelines due to existing horizontal curves on US Route 9. A review of the NYS Supplement indicates that the installation of "Intersection Warning" signs is not needed. CME Traffic Engineers recommended that any site signing be placed a minimum of 40-feet back from the travel way (outside the sight triangle due to the horizontal curve) and that the landscaping plan consider sight lines in order to maintain visibility at the Site Driveway. The applicant's representative at the Planning Board Meeting should review with the Planning Board how the landscaping and vegetation north of the driveway with a tree also identified are to be removed in accordance with the recommendation above from	
2	25-000392	SPR25-000035	#2025-017 1910 Route 9 Commercial Buildings Site Plan (Concrete Batch Plant)	Site Plan Review - Preliminary	SEQR Review	John Scavo	09/05/2025	As part of the Planning Board's continued review of the proposed concrete batch mixing facility, I would like to reiterate and emphasize information previously provided by the applicant regarding air quality and dust control measures. The applicant has stated that aggregate materials used in the concrete mixing process are fully contained within the building, and that the mixing operation itself is conducted entirely indoors within a controlled environment and the similar Wilton facility owned by the applicant is a real example given. This design significantly reduces the potential for airborne dust and particulate emissions, which are often a concern with outdoor or partially enclosed operations. Given the self-contained nature of the facility, dust generation is not anticipated to be an issue, and the applicant has indicated that appropriate air quality measures are in place to ensure compliance with

								applicable environmental standards. These include internal ventilation and dust suppression systems designed to capture and control any residual emissions within the structure. Staff recommends that the applicant's representative reaffirm these operational details during the Planning Board meeting and provide clarification, if needed, on how the building's design and internal systems will continue to mitigate air quality impacts throughout the life of the facility.
2	25-000392	SPR25-000035	#2025-017 1910 Route 9 Commercial Buildings Site Plan (Concrete Batch Plant)	Site Plan Review - Preliminary	ECC Review	Scott Reese	09/05/2025	The ECC notes that this project is adjacent to the Dwaas Kill, a Class A trout stream, a C(T) stream and a 303D protected water way. The fishery contains both native and stocked brook trout. The town and it's residents have a significant investment in the quality and the protection of this waterway (Dwaas Kill Nature Preserve). The proposed plant is located within approximately 150 feet of this important environmental resource. Concrete plants present several risks including but are not limited to air and water pollution as well as dust exposure. Given the proximity of the concrete plant to the Dwaas Kill the ECC is concerned about potential adverse environmental impacts.
2	25-000392	SPR25-000035	#2025-017 1910 Route 9 Commercial Buildings Site Plan (Concrete Batch Plant)	Site Plan Review - Preliminary	ECC Review	Scott Reese	09/05/2025	Per Town Code Chapter 208-64 B. (1), "Assembling/fabrication, processing or light manufacturing of products, provided that such activity is not violative of the district regulations as set forth herein, and further provided that such activity does not result in any noxious noise or odor outside the district and does not have a deleterious effect on the air or water quality." The key characteristics of Light Industrial results in minimal environmental impacts of noise, dust, and vibrations. The ECC requests that the applicant demonstrate that this application will conform to the performance standards of the Town Code specifically to the noise and vibration levels by providing measurement of noise and vibration levels.

RRD Ex. 5 - Review Comments by Project ID No. 2025-017 / SPR25-000016 and SPR25-000035 (continued)

2	25-000392	SPR25-000035	#2025-017 1910 Route 9 Commercial Buildings Site Plan (Concrete Batch Plant)	Site Plan Review - Preliminary	ECC Review	Scott Reese	09/05/2025	The ECC requests the applicant provide information on the impact to the ground water quality as trout in the Dwaas Kill are very sensitive to PH and all water quality changes. This project utilizes a gravel access road is porous in nature and therefore will be difficult to control pH changes to the groundwater and other potential contamination.
2	25-000392	SPR25-000035	#2025-017 1910 Route 9 Commercial Buildings Site Plan (Concrete Batch Plant)	Site Plan Review - Preliminary	ECC Review	Scott Reese	09/05/2025	The ECC notes that the project will utilize 10,000 gallons of ground water per day from a private well situated directly adjacent to the 100-foot from the Dwaas Kill. The ECC is concerned of the potential that this well will lower the water table and create a "Cone of Depression" thereby impacting the recharge of the Dwaas Kill.
2	25-000392	SPR25-000035	#2025-017 1910 Route 9 Commercial Buildings Site Plan (Concrete Batch Plant)	Site Plan Review - Preliminary	ECC Review	Scott Reese	09/05/2025	The applicant has indicated that they will tap into the Colonie Channel Aquifer. It is noted that the northern portion of this aquifer is less productive than other high-yield production locations. The Planning Board should require additional information on the proposed well and pumping station and including completion of this section of the Full EAF. The ECC notes that public water is available in the vicinity of this project. Town Code requires where public water is available that the project be served by the community water system.
2	25-000392	SPR25-000035	#2025-017 1910 Route 9 Commercial Buildings Site Plan (Concrete Batch Plant)	Site Plan Review - Preliminary	ECC Review	Scott Reese	09/05/2025	The applicant plans to install a 10,000-gallon fuel tank on the project site. Please note that this fuel tank will need to be above ground due to the presence of a Primary Aquifer.
2	25-000392	SPR25-000035	#2025-017 1910 Route 9 Commercial Buildings Site Plan (Concrete Batch Plant)	Site Plan Review - Preliminary	ECC Review	Scott Reese	09/05/2025	The ECC notes that the project will utilize an existing private septic system. The potential existing for an overloaded septic system to not properly treat the wastewater. The Planning Board should confirm that no wastewater from the plant operations will enter the septic system and potentially contaminate the ground water.

								The ECC notes that there is an existing sanitary system on the property.
2	25-000392	SPR25-000035	#2025-017 1910 Route 9 Commercial Buildings Site Plan (Concrete Batch Plant)	Site Plan Review - Preliminary	Stormwater Review	Scott Reese	09/09/2025	Identify any containment systems for truck washout or cement spill prevention in the SWPPP.
2	25-000392	SPR25-000035	#2025-017 1910 Route 9 Commercial Buildings Site Plan (Concrete Batch Plant)	Site Plan Review - Preliminary	Stormwater Review	Scott Reese	09/09/2025	The Stormwater Management Narrative Introduction states that the proposed project will include two underground infiltration areas and three hydrodynamic separators. The narrative also references an expansion of an existing medical building and two existing stormwater management areas. Please update the SWPPP to reflect the current project.
2	25-000392	SPR25-000035	#2025-017 1910 Route 9 Commercial Buildings Site Plan (Concrete Batch Plant)	Site Plan Review - Preliminary	Stormwater Review	Scott Reese	09/09/2025	Provide test pit data and locations.
2	25-000392	SPR25-000035	#2025-017 1910 Route 9 Commercial Buildings Site Plan (Concrete Batch Plant)	Site Plan Review - Preliminary	Stormwater Review	Scott Reese	09/09/2025	Ready mix concrete has a Standard Industrial Classification Code of 3273 which requires a Multi-Sector General Permit (MSGP) in New York State. The MSGP is required when industrial materials or activities are exposed to precipitation or runoff. The MSGP will require conducting routine inspections and monitoring for Total Suspended Solids, pH, and other pollutants. The SWPPP will also need to be revised to include the specific sources of pollution at the facility and the measures that will be implemented to prevent or control them.
2	25-000392	SPR25-000035	#2025-017 1910 Route 9 Commercial Buildings Site Plan (Concrete Batch Plant)	Site Plan Review - Preliminary	Stormwater Review	Scott Reese	09/09/2025	This project is a complete change of use from a truck repair facility to a concrete batch plant, coupled with an expansion of the impervious area of over 125%, this project can not be treated under the standard re-development regulations. This

Project ID No. 2025-017 / SPR25-000016 and SPR25-000035

RRD Ex. 5 - Review Comments by Project ID No. 2025-017 / SPR25-000016 and SPR25-000035 (continued)

		Batch Plant)					project shall be treated as a new development.
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4/22/25

No additional staff comments.

Professional Comments:

No additional professional comments.

Public Comment:

No public comment.

Planning Board:

Ms. Bagrumian asked how far the driveways are from the railroad tracks and how large the homes are. Mr. Dannible showed a map of the proposed lots and the location of the railroad tracks and stated the home would be about 2,000 sf.

Ms. Fariello stated that her main concern is 6 driveways onto a road that has fast travelers. She stated that she would like to see site distances and shared driveways. Mr. Dannible stated he would yield to DOT and, if necessary, will consider shared drives.

Mr. Ophardt moved, second by Ms. Fariello to establish the Planning Board as Lead Agency pursuant to SEQRA. This was carried unanimously.

New Business:

#2025-017 1910 Route 9 Commercial Buildings Site Plan

SBL: 259.-2-44 Proposed construction of a ready-mix concrete production plant, 1910 Us Rt 9
Zoned: L2 - Light Industrial 2 Status: Concept Applicant: L. Clemente, Consultant: EDP - G. Vuillaume

Consultant/Applicant Presentation:

Gavin Vuillaume stated this is a new project at 1910 Route 9, just to the south of Ushers Road, and Styles is across the street, and is for a concrete plant. He stated that it has an existing residence structure, a garage and a commercial building on the site. Mr. Vuillaume stated that the parcel is about 19.4 acres and has 700 feet of frontage which is an open field to the front of the property and woods areas to the rear. He stated that the Dwaas Kill is to the rear of the property as well and they are proposing no future development behind it. Mr. Vuillaume stated that the Dwaas Kill will have a 100' buffer and they are trying to screen the plant from Route 9, so they are working on the planting plans. Mr. Vuillaume stated that the plant would load concrete onto

RRD Ex. 6 (continued)

4/22/25

trucks and the only other facility is in Wilton and they have an average of 20 trucks per day. Mr. Vuillaume stated a traffic analysis will be done and they plan to use the existing curb cut. He stated most of the noise would be from trucks and they would have to look at the waste produced on-site and may need to apply for a variance for a water tower.

Staff Comments:

No additional staff comments.

Professional Comments:

No additional professional comments.

Public Comment:

No public comment.

Planning Board:

Ms. Bagramian asked if there would be a cleanout area for the trucks and, if so, how it would be mitigated. She stated that he would like to see a plan with sprinklers to control the dust that may be generated on the property.

Mr. Ophardt stated there is one on Fonda Road and it is well screened. Mr. Vuillaume stated that he is trying to buffer it from Route 9 but the visual impact is greater from the south. Mr. Ophardt stated that it is a benefit that there is no residential area around and asked about the hours of operation. Mr. Vuillaume stated he will get the hours for the next submittal.

Ms. Bagramian asked if water would be brought to the site. Mr. Vuillaume stated they are going to try to use the well. Ms. Bagramian asked if there would be fuel storage on the property, and she would like to see the traffic flow on the site. Mr. Vuillaume stated there would be no fuel stored on the property, and there would be 4-5 trucks parked overnight.

Mr. Martin asked how far the operations and batching building would be from the centerline of the Dwaas Kill. He stated that it looked to him as if it was proposed to be approximately 150' to 200'. Mr. Vuillaume agreed with the number, and stated that the batching plant building is about 500'-600' from Route 9 and all of the runoff would go the northeast. Mr. Martin stated he would like to see the plant operations further from the Dwaas Kill and he believes screening from Route 9 is a subordinate concern to placing the plant in close proximity to the sensitive Dwaas Kill. Mr. Vuillaume stated they were pushing it back to try to screen the plant from the roadway.

12



April 16, 2025

Mr. Gavin Vuillaume
Environmental Design Partnership
900 Route 146
Clifton Park, New York 12065

**Re: 1910 Route 9 Commercial Building Site Plan
Tax Map ID 259.-2-44 and 260.-1-28
CP File: 2025-017
MJ File: 700.421**

Dear Mr. Vuillaume:

MJ Engineering, Architecture, Landscape Architecture, and Land Surveying, P.C. (MJ) has reviewed the submission for the above referenced project. Documents received for our review included the following:

- Short Environmental Assessment Form dated March 31st, 2025.
- Conceptual Site Plan Map titled "Batch Concrete Plant" as prepared by Environmental Design Partnership, LLP, 1 sheet in total, and dated March 28th, 2024.
- Town of Clifton Park Agricultural Data Statement and Control Form, undated.

Based upon our review of the above documents, we offer the following comments for consideration.


STATE ENVIRONMENTAL QUALITY REVIEW

1. Based upon our review of Part 617 of NYS Environmental Conservation Law, the project appears to be an "Unlisted" action. In Town Code Section 208.95(F)(9): Subject to and in accordance with the State Environmental Quality Review Act (SEQRA), the Planning Board shall be the lead agency for the purpose of conducting the environmental review of the application for a subdivision. The Planning Board shall conduct an integrated comprehensive environmental review of the proposed project in combination with its review of the application under this article. If the Planning Board is to request Lead Agency status under SEQRA, the need to undergo a coordinated review is optional. Under a coordinated review, involved / interested agencies to be engaged may include, but is not necessarily limited to the following:
 - a. Town of Clifton Park Planning Board: Plan approval
 - b. Saratoga County Planning: GML 239-m County Referral
 - c. New York State Department of Transportation: Proximity to Route 9
 - d. New York State Department of Environmental Conservation: Stormwater Discharge and Notice of Intent
 - e. Clifton Park Water Authority: Water Connection
 - f. Saratoga County Sewer District #1: SCSD Connection

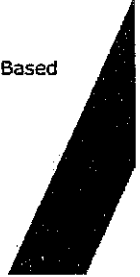
Additional agencies may be identified by the Town during its review of the project.

The applicant has submitted Part 1 of the Short Environmental Assessment Form (SEAF). Based

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Levittown, NY
Piscataway, NJ
Melbourne, FL





upon our review of the submitted Part 1 SEAF, the following comments are offered:

2. Part 1. 2 - The applicant indicated that the proposed action will require a permit, approval, or funding from another government Agency. The applicant will need to select yes since permitting agencies were identified.
3. Part 1. 13.a. - The response indicates that wetlands or other waterbodies regulated by federal, state or local agencies adjoin or are contained within the project site (per the EAF Summary Report). The applicant should provide documentation that confirms the presence or absence of federally or state regulated wetlands adjacent to the project site. Should this change as the project design progresses, additional approvals and permits may be required.
4. Part 1. 15 - The response indicates that the project site contains species of plant or animal listed by NYS as rare or as a species of special concern, including the Frosted Elfin and Karner Blue. The applicant should ensure that this response is inclusive of the U.S. Fish and Wildlife Service IPaC tool to ensure no federally identified species of concern.
5. Part 1. 17 - The response indicates that the proposed action will create stormwater discharge. The applicant indicates that the action will disturb +/- 1.80 acres of land. As such, it will be subject to the NYSDEC Phase II Stormwater Regulations and General Permit GP-0-25-001. Therefore, a full SWPPP will be required that address water quantity and quality. As the project proceeds through the Town's regulatory review process, a fully conforming SWPPP shall be provided for review.
6. Part 1. 18 - The response indicates the proposed action will include construction or other activities that would result in the impoundment of water or other liquids. The applicant stated "Stormwater basin". The project will be subject to the NYSDEC Phase II Stormwater Regulations and General Permit GP-0-25-001.

SITE PLANS

7. The project resides within the Town's LI-2, Light Industrial District. In our review of Section 208-64(B) of the Town's Zoning, it appears that a bulk processing plant may be a permitted as of right use under 208-64(B)(1) processing of products but should be verified by the Town's Zoning Officer.
8. In reviewing the proposed site plan, it appears to be deficient in regards to meeting the minimum bulk lot requirements outlined in Section 208-65 of the Town's Zoning. The noted deficiencies are as follows:
 - a. Section 208-65(D) Height. Permitted height of buildings and structures shall be 50 feet. For any building or structure proposed over 35 feet in height, the Planning Board will conduct a visual assessment and require the applicant to complete Appendix B of the State Environmental Quality Review, Visual EAF Addendum for its consideration. The Planning Board shall also require a line-of-sight-profile with control points to be determined by the Board. The proposed building is 58 feet.



9. It appears a portion of sitework is within the Town of Halfmoon. Any improvements planned within the Town of Halfmoon are subject to the review and approval by the Town of Halfmoon Planning Board and other Town departments.
10. The applicant should review the NYSDEC requirements for operating/air quality permits to ensure the facility will meet these regulations.
11. Identify the date and by whom the wetlands shown were delineated.
12. Provide documentation that the NYSDEC has reviewed and determined that the wetland boundaries shown to be accurate. If a jurisdictional determination has been issued, provide copies to the Town for their records. It appears current operations are within the 100 foot adjacent area.
13. The project will disturb more than 1-acre of land. As such, it will be subject to the NYSDEC Phase II Stormwater Regulations and General Permit GP-0-25-001. Therefore, a full SWPPP will be required that addressed water quantity and quality controls. As the project proceeds through the Town's regulatory review process, a fully conforming SWPPP shall be provided for review.
14. The site statistics table indicates public utilities will be serving the proposed building however a proposed well is shown on the plans. Please confirm the proposed utility connection on site.
15. Provide the anticipated amount of water to be used in the process.
16. If a well is proposed, are on site storage tanks needed to meet the water demand for processing.
17. The submitted information indicates the project is proposing to connect to an existing sewer main(s) within close proximity to the parcel. These mains are owned and operated by the Saratoga County Sewer District No. 1 (SCSD). It is recommended that the Town be furnished with documentation that the SCSD is willing and capable of providing sanitary sewer service to the project.
18. Indicate on the plans the existing water and sewer utilities that are servicing the site.
19. The project proposes access onto NYS Route 9, which includes construction of a widened curb cut and utility connections. This proposed work is subject to the review and approval of the NYSDOT. The applicant shall coordinate with the regional office of the NYSDOT and obtain permitting in advance of construction.
20. Identify on the plans proposed employee parking spaces.
21. Indicate if there will be a truck washing station on site. If so, show how the runoff will be contained.
22. It will be essential to provide the necessary erosion and sediment control measures, especially for work adjacent to or near the Dwaas Kill to manage construction phase sediment transport since the Dwaas Kill is a TMDL impaired water body.

RRD Ex. 7 (continued)



1910 Route 9 Commercial building Site Plan
April 16, 2025
Page 4 of 4

23. It is recommended that at a minimum the number of peak hour vehicle trips, including truck trips be provided.
24. Subsequent submissions shall include building elevations to demonstrate conformance with Section 208-66(C) of the Town Zoning.
25. The following comments are specific to the site layout and compliance with the Fire Code of New York State (FCNYS).
 - a. Confirm whether the building will require an automatic sprinkler. If the building is to be sprinklers, show the location of the fire department connection.
 - b. Show the location of the required Knox Box.
 - c. The location and layout of the fire apparatus access shall be reviewed by the responding agency(s).
26. Show any proposed free standing or building mounted lights. If any are proposed, provide proposed footcandle values at pavement levels.
27. Considering the plan submitted is conceptual in nature, we will reserve further comments until more detailed plans and reports are submitted. Subsequent submissions shall include information as outlined in Section 208-115 of the Town zoning specific to site grading, lighting, erosion control and stormwater management to fully assess the design and its compliance to the applicable standards.

Should you have any questions, please do not hesitate to contact me at (518) 371-0799.

Sincerely,

A handwritten signature in black ink, appearing to read 'Walter F. Lippmann', written over a horizontal line.

Walter F. Lippmann, P.E.
Associate, Land Development Group Manager

ecc: Clifton Park Planning Board
John Scavo, Director of Planning
Scott Reese, Zoning Administrator/Stormwater Management Officer
Jennifer Viggiani, Open Space Coordinator
Melinda Acker



September 4, 2025

Mr. Gavin Vuillaume
Environmental Design Partnership
900 Route 146
Clifton Park, New York 12065

Re: 1910 Route 9 Commercial Building Site Plan
Tax Map ID 259.-2-44 and 260.-1-28
CP File: 2025-017
MJ File: 700.421

Dear Mr. Vuillaume:

MJ Engineering, Architecture, Landscape Architecture, and Land Surveying, P.C. (MJ) has reviewed the submission for the above referenced project. Documents received for our review included the following:

- Long Environmental Assessment Form dated August 11, 2025.
- Preliminary Plan Set (8 Sheets) titled "Batch Concrete Plant" as prepared by Environmental Design Partnership, LLP, 1 sheet in total, and dated June 26, 2025.
- Traffic Assessment, as prepared by CME and dated August 20, 2025
- Stormwater Pollution Prevention Plan as prepared by Environmental Design Partnership, LLP, and dated June 26, 2025.
- Draft ENOI
- Stormwater Management Narrative as prepared by Environmental Design Partnership, LLP, and dated August 2025.
- Comment response letter as prepared by Environmental Design Partnership, LLP, and dated August 18, 2025.
- USFW Endangered Species Correspondance
- Emergency Vehicle Turning Movements
- Concrete Batch Elevations
- Existing and Proposed Renderings as prepared by Environmental Design Partnership, LLP, and dated June 3, 2025.


Based upon our review of the above documents, we offer the following comments for consideration.

STATE ENVIRONMENTAL QUALITY REVIEW

1. Applicant to provide documentation that the NYSDEC has reviewed and determined that the wetland boundaries once received.
2. Uses within the LI District are required to be served by community sanitary sewers and a community water system where available. Sewer service appears to be present on-site; this should be verified. If the existing septic system is to be used, its capacity must be confirmed to ensure it can accommodate any additional proposed uses.

SITE PLANS

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Levittown, NY
Picatinny, NJ
Melbourne, FL



RRD Ex. 7 (continued)



1910 Route 9 Commercial building Site Plan
September 4, 2025
Page 2 of 4

Cover Sheet 1 of 8

3. Include the percentage of lot coverage in the site statistics table.

Existing Conditions Sheet 2 of 8

4. No comments.

Site Plan Sheet 3 of 8

5. The legend indicates asphalt sections will be utilized on site, however no hatching is shown for these locations.
6. It is recommended to utilize asphalt in the areas of the ADA parking and accessible aisle.
7. An appropriate vehicle barrier should be erected at the top of the proposed retaining wall.
8. The retaining wall shall be designed by the appropriate design professional with details and calculations.
9. The sand/aggregate stockpiles are located adjacent to the drainage swale within the gravel area. Implement a barrier around these piles to prevent turbid runoff from entering the stormwater management forebay.

Grading and Utility Plan Sheet 4 of 8

10. Provide retaining walls details as wall reach up to 15 feet in height.
11. Provide the operational procedures for transporting materials into the storage bins. It appears materials will be utilizing a 10% sloped roadway with a 15 foot retaining and placing material in hoppers.
12. What is the purpose of the water storage tank located on the 10% sloped ramp.

Planting Plan Sheet 5 of 8

13. A note should be added to the plans that the required bioretention plantings are referenced on Sheet 7 of 8.

Erosion and Sediment Control Plan Sheet 6 of 8

14. Provide locations of any temporary sediment traps needed during construction. The project is proposing 5-10% slopes and additional erosion control measures should be considered on site to contain runoff during construction.
15. Slopes 1:3 or greater should be provided with an erosion control blanket especially on the west



side of the site adjacent to the Dwaas Kill.

Site Details Sheet 7 of 8

- 16. There are several asphalt details (section, wing gutter etc.) however they are not shown on the plans. Indicate where these details are being utilized.
- 17. Provide a retaining wall detail.

Photometric Plan Sheet 8 of 8

- 18. Renumber this sheet to read 8 of 8 as it should be part of the preliminary plan set.
- 19. It appears the proposed light on the east side of the gravel area is not showing any footcandles. Revise accordingly.
- 20. Is there any proposed lighting along the driveway?

TRAFFIC ASSESSMENT LETTER

- 21. MJ agrees with the trip generation and sight distance methodology explained in the Traffic Assessment.
- 22. MJ agrees with the conclusions stated that the site generated traffic will be accommodated by the existing roadway network.
- 23. MJ also agrees with the stated conclusion that intersection warning signs are not needed along Route 9.

STORMWATER POLLUTION PREVENTION PLAN

- 24. Revise the Table of Contents in the SWPPP to accurately reflect the corresponding sections in the report. For example, the TOC references Section I.F as "Climate Change Resiliency Planning," whereas the report indicates that Section I.F is titled "Requirements for the Contractor and Subcontractor(s)".
- 25. Section I.L.H of the SWPPP states that consultation with SHPO has been initiated and a Phase 1A/1B Archaeological survey was requested. The archaeological survey report shall be submitted to SHPO and a "No Effect Letter" shall be submitted upon receipt and prior to any soil disturbance activities.
- 26. Revise Section I.M.3(f) of the SWPPP to state that the application of soil stabilization measures must be initiated by the end of the next business day and completed within seven (7) calendar days from the date the soil disturbance activity ceased, per Part II.B.1.b of the GP-0-25-001.
- 27. Section I.I Inspections and Record Keeping in the SWPPP Narrative shall be revised to state two (2) inspections will be required every seven (7) calendar days due to the project site discharging

RRD Ex. 7 (continued)



1910 Route 9 Commercial building Site Plan
September 4, 2025
Page 4 of 4

to a 303(d) impaired waterbody.

28. The summary of erosion and sediment control and stabilization measures maintenance/inspection procedures within the SWPPP currently states that all control measures will be inspected at least once every seven (7) days. This requirement shall be increased to two (2) inspections every seven (7) calendar days due to the project site discharging to a 303(d) impaired waterbody.
29. Include the Erosion and Sediment Control Plan within Section 2 of the SWPPP.
30. Confirm WQv calculations throughout the Stormwater Management Narrative and draft eNOI. The WQv calculation in Section 5.2.1 of the Stormwater Management Narrative shall be based on the total contributing drainage areas, including both impervious and pervious surfaces. The calculation must account for the composite runoff coefficient of the entire catchment area.
31. The WQv provided by the proposed bioretention (11,074 cf) does not equal the total WQv required for the site (12,664 cf) in the RRV calculations provided in Attachment A. Revise the design to demonstrate that the full required WQv is captured and treated before being released back into the existing conveyance system.
32. The WQv calculations provided in Attachment A of the Stormwater Management areas do not match the Total WQv provided and Sum of RRV and WQv provided in Question #49 of the draft eNOI.
33. Pursuant to Section 6.4.3.2 Sizing Criteria of the NYS Stormwater Design Manual (July 2024), the permeability flow rate for filter media for bioretention practices can be increased to 1 ft/day.

Should you have any questions, please do not hesitate to contact me at (518) 371-0799.

Sincerely,

A handwritten signature in black ink, appearing to read 'Walter F. Lippmann'.

Walter F. Lippmann, P.E.
Associate, Land Development Group Manager

ecc: Clifton Park Planning Board
John Scavo, Director of Planning
Scott Reese, Zoning Administrator/Stormwater Management Officer
Jennifer Viggiani, Open Space Coordinator
Melinda Acker

04/21/2026

Bill Connor of Vista Court see attachment written and read by Mr. Connor.

Raymond Seymour of Nadler Road reflected on the significant loss of farmland in neighboring communities and emphasized that the Farmland Protection Plan represents a critical moment for the Town. He stressed that the plan must be actively implemented rather than left unused and encouraged the Town Board to establish the proposed advisory committee to help guide and sustain its progress. Drawing on past success with the open space committee, he highlighted the importance of citizen involvement and urged the board to adopt the plan.

Don Harris of Orchard Park Drive expressed strong support for the Farmland Protection Plan and commended those who contributed to its development. Speaking as a representative of Friends of Clifton Park Open Space, he endorsed the plan as beneficial to all residents. He emphasized the need not only to protect existing farms but also to improve their efficiency, support expansion, and strengthen access to larger markets. Harris highlighted the broader importance of agriculture to public health, noting the role of fresh, locally grown produce and referencing the "food is medicine" movement, which connects farming to healthcare outcomes. He stressed that strengthening agriculture has both local and regional significance. Additionally, he raised concerns about potential health and environmental impacts related to a proposed concrete plant, urging the board to consider these risks and explore alternative locations.

Isabelle Prescott of Riverview Orchards expressed gratitude to the Town Board for supporting the Farmland Protection Plan and recognizing the importance of farming. She reflected on her family's long history on the land and noted the significant changes due to development. Ms. Prescott emphasized the need to preserve farmland to maintain the community's character and quality of life, and voiced optimism that the plan will positively impact on the Town's future.

Jason Meyor of Halfmoon stated that although he was not previously familiar with the farming initiative, he gained appreciation for it through the discussion. He emphasized that farming is a challenging profession and expressed support for encouraging and supporting farmers in any way possible.

Anne Dillenbeck of Droms Road expressed support for the Farmland Protection Plan, noting her appreciation for the scenic value of nearby conserved farms. She commended the extensive work that went into developing the plan and the role of the consultant and advisory committee in shaping it. Ms. Dillenbeck strongly encouraged not only adopting the plan but also promptly establishing the proposed advisory committee to ensure active implementation. She highlighted the importance of reviewing and acting on the plan's zoning and farmland-friendly recommendations, emphasizing the urgency of protecting remaining open space, supporting farmers, and reducing land-use conflicts. She concluded by stating that expanding farmland and open space protection would be broadly supported by the community.

Shannon Crosby of Crescent Vischer Ferry Road expressed support for the Farmland Protection Plan. She suggested expanding community gardens as a way to foster community engagement, build agricultural skills, and support individuals interested in farming while encouraging shared local food production.

Clerk Fantini informed the Board that the Town received five emails from residents in support of the Agricultural and Farmland Protection Plan and asked that this support be entered into the official record. See attached correspondence.

No one else wished to be heard.

End 8:16 p.m.

Proposed Local Law establishing a moratorium on Batch Concrete Mixing Plant facilities.

Start 8:16 p.m.

Town Clerk Caitlin Fantini read the Public Hearing Notice advertised in the Times Union on April 16, 2026.

Michael Spector of Ridgewood Drive see attachment written and read by Mr. Spector.

04/21/2026

David Miller of Hidden Valley Lane see attachment written and read by Mr. Miller. Also attached is email from Mr. Miller to the Planning Board, which is an email mentioned in his speech.

Jason Meyor of Halfmoon speaking as a representative of Residents for Responsible Development, stated that the organization includes residents and businesses from Clifton Park, Halfmoon, and Mechanicville concerned about a proposed project. He thanked the Board for holding the public hearing and emphasized the importance of allowing time for review and public input. He advocated for the Board to approve a moratorium, citing concerns related to environmental impacts, public health, traffic, zoning, and procedural issues. Mr. Meyor stated that residents affected by the proposal have reviewed the public record and that their concerns reflect documented evidence rather than speculation. He also noted that additional research materials and correspondence would be submitted for the record, including analysis of zoning classifications and traffic impacts, see attached Research Memorandum. Mr. Meyor argued that a moratorium would allow the Town time to address potential legal, procedural, and environmental issues and to ensure proper review of industrial classification and site suitability. He concluded by clarifying that his group is not opposed to concrete batch plants in general, but believes the proposed location and process require further study and reconsideration.

Eric Berger of Milton a sales representative with over 30 years of experience in the aggregate and concrete industry, spoke in support of the proposed project. He described typical safety requirements and stated that modern batch plant operations use closed-loop systems with dust suppression and water recycling, minimizing environmental exposure. Mr. Berger noted that the aggregate industry is essential and widely used despite common opposition to nearby siting. He referred to the zoning and classification of Route 9 as a State road and light commercial area, and stated that similar facilities operate in comparable locations. He concluded by expressing support for the project while acknowledging that opinions on it are divided.

Annie Friedman of Leonardo Drive stated that most of her points had already been raised by previous speakers, but she added concerns focused on environmental and health impacts related to the Dwaaskill Creek and surrounding areas. She expressed concern about potential effects on water quality and wildlife, including fish and domestic animals that may come into contact with the creek. Ms. Friedman emphasized the importance of considering potential safety and environmental risks to residents and local ecosystems. She also cited general zoning information, noting that concrete plants are typically classified as heavy industrial uses and are often restricted from lighter industrial zones under local zoning regulations.

Chad Gregory of Route 9 stated that he owns property along the Dwaaskill Kill and described the stream as a rare native brook trout habitat supported by natural springs. He expressed concern that nearby construction activity may have affected water temperature and, by extension, the local ecosystem. He clarified that he is not entirely opposed to a concrete batch plant, but raised environmental concerns related to the Dwaaskill Kill watershed and surrounding land use. Mr. Gregory also noted the presence of other heavy truck traffic in the area, including waste transfer operations and Route 9 traffic, as part of the broader context. He further commented on differences between cement and concrete production and described modern concrete plant operations as generally enclosed systems. In his closing remarks, Mr. Gregory criticized aspects of how the project and related public process are being handled, arguing that procedural issues could weaken the Town's legal position. He urged the Board to ensure proper process and governance, stating that failure to do so could lead to unfavorable legal outcomes and financial impacts for residents.

Luke Clemente the applicant, see attachment written and read by Mr. Clemente.

Michael of Old Dater Farm spoke about his personal responsibility as a parent, explaining that his decisions are guided by efforts to keep his children safe. He noted that while he is not an expert in environmental matters, he relies on professional input when evaluating potential risks. He expressed concern about the ability to ensure long-term safety and maintenance of proposed industrial development, particularly in relation to environmental and public health impacts. He highlighted that children are especially vulnerable to air pollution and noted the site's proximity to residential areas, parks, and the Shenendehowa School District. He referenced concerns raised by the Town's Environmental Conservation Committee regarding air quality and supported enacting a moratorium to allow for further review of potential health impacts before project advancement.

TJ Ruane, legal counsel for the applicant, see attachments read and handed in by Mr. Ruane.

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Brian Carter of Commerce Drive (Milton CAT) spoke in opposition to the proposed moratorium. He identified as pro-business and expressed concern that the moratorium could hinder economic development and delay project progress. Mr. Carter stated that Route 9 is an appropriate industrial corridor with existing commercial trucking and business activity, making it a suitable location for the proposed batch plant. He emphasized the applicant's efforts to design a modern facility and suggested that the project reflects due diligence, including site adjustments to reduce environmental impact. He urged the Board to consider cost-effectiveness, regional business growth, and the importance of maintaining efficient project delivery. Mr. Carter concluded by encouraging the board to support continued development in the area without delays caused by the moratorium.

Councilman Fantini stated that while applicants often assert they have completed due diligence, his experience on the Planning Board included requesting a full Environmental Impact Statement (EIS), which was not approved at the time. He noted that such an EIS could still be conducted regardless of that prior vote. He emphasized the importance of slowing the review process to allow a more comprehensive evaluation of the project's potential impacts.

Howard Litwak of Danforth Road expressed concern that concrete dust and related emissions do not remain confined to property boundaries and could impact nearby residential areas along Route 9. He cited potential sources of dust including mixing operations, truck traffic, and aggregate handling. He stated that these concerns have been raised by residents and the Town's Environmental Conservation Committee during the planning process. Mr. Litwak supported the proposed moratorium, saying it would allow the Town time to establish clearer performance standards and buffer requirements before approving any concrete batch plant near residential zones.

Jennifer Colazo of Hendrick Hudson Way spoke as a parent of a new Route 9 driver, emphasizing health and safety concerns for residents and children in the community. She described Route 9 as a heavily used commercial and residential corridor and raised concerns about whether it can safely accommodate increased heavy truck traffic associated with the proposed project. She cited engineering and traffic review materials indicating approximately 108 daily truck trips (54 inbound and 54 outbound) for the site, involving heavy commercial vehicles. Ms. Colazo noted that while the applicant's traffic analysis concluded impacts would be negligible, she argued it did not account for cumulative traffic from other major nearby developments. She referenced ongoing construction of a large Coca-Cola distribution facility in the area and stated that no cumulative traffic study has been completed. Ms. Colazo supported the moratorium as a means to allow time for a comprehensive traffic and safety analysis before any approval is granted.

John DeGiudice of Halfmoon spoke both as a resident and as a representative of Residents for Responsible Development. He stated that communities in New York and other states have experienced negative impacts from concrete batch plants, including dust, noise, traffic, and water quality concerns. He referenced other municipalities that have denied or rejected similar projects, citing incompatibility with light industrial zoning. Mr. DeGiudice noted that he had previously submitted suggested zoning language changes to explicitly exclude concrete batch plants from light industrial zones, as well as supporting documentation from other municipalities' studies. He stated that some studies indicate potential for dust release during system failures and that fine particulate matter can travel significant distances. He concluded by urging the Board not only to consider a moratorium but to prohibit concrete batch plants in light industrial zones altogether, expressing concern about long-term environmental and residential impacts. Please also see attachment.

Eric Grignon of Thunderbird Drive see attachment written and read by Mr. Grignon.

Chris Colazo of Hendrick Hudson Way argued that Clifton Park's Town Code (Article 9) clearly excludes heavy industrial uses from the light industrial district, noting that the prohibited uses list—while not exhaustive—specifically mentions asphalt plants and cement manufacturing as examples. He stated that a proposed concrete batch plant is directly comparable to these banned uses, as it involves large-scale industrial mixing of cement and aggregates. Mr. Colazo explained that the moratorium under consideration would allow the Town to clarify this restriction in the code, removing ambiguity for future applications and protecting the community from similar proposals. He urged the Board to approve the moratorium and concluded by highlighting the meeting's earlier emphasis on preserving open space and farmland, arguing that these priorities reflect the community's values and should take precedence over industrial development.

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Robert of Halfmoon expressed strong opposition to the project, saying he was surprised it had progressed this far after recent Planning Board discussions. He emphasized that the proposal does not reflect the community's desires and shared personal concerns, noting that he and his wife might consider moving if it proceeds due to its impact on their quality of life and their young son. While acknowledging the importance of business development, he argued that this particular project is not suitable for the area and would negatively affect not only Clifton Park but also neighboring communities like Halfmoon and Stillwater. He also raised safety concerns about increased truck traffic along Route 9, predicting more congestion, hazardous road conditions, and potential accidents. He urged officials to set aside politics, prioritize community interests, and align decisions with the town's stated commitment to preserving open space and farmland.

Ann Connolly of Valdepenas Lane stated that while she opposes the proposed concrete batch plant, she believes the Town is handling the situation incorrectly and in a way that could backfire legally. She clarified that certain Town officials previously mentioned are not in favor of the project but are focused on stopping it through proper legal channels. Ms. Connolly warned that pursuing the proposed moratorium and public hearing without appropriate County approval could expose the Town to legal challenges and weaken its ability to defend against the project in court. She expressed concern that these actions may give residents a false sense of progress while ultimately increasing the likelihood that the project proceeds. Emphasizing fairness and due process, she noted that the applicant has legal rights and could challenge the Town through litigation, potentially using claims of unfair treatment. Ms. Connolly urged Town leadership to act responsibly and transparently, cautioning that failing to follow the law could lead to costly legal battles the Town is unlikely to win, despite widespread community opposition to the project.

Supervisor Barrett clarified that, based on guidance from the Town Attorney during the meeting, the public hearing would need to be adjourned and continued to June 5. He reiterated that at a previous meeting he had cautioned the Board that the proper procedures were not being followed when the hearing was initially established, noting that his concerns were dismissed at the time. In light of the Attorney's recommendation, he invited further explanation or context regarding the procedural issue.

Attorney Dailey explained that the public hearing is legally valid under general municipal law, but it cannot be formally closed until the Town receives feedback from the Saratoga County Planning Board. He noted that the matter had been referred to the County on April 6, but because the County meets only once a month and the April meeting deadline had already passed, the review was deferred to May. As a result, the Town must keep the hearing open and adjourn it to the June 5 meeting, at which point the County's comments will be returned, incorporated into the official record by the Town Clerk, and allow the hearing to be properly concluded in compliance with legal requirements.

Supervisor Barrett clarified that there will not be a vote on the proposed moratorium at this meeting.

Councilman Fantini expressed support for continuing the public hearing, stating that the additional time allows for further discussion and consideration of the issue. He emphasized the importance of hearing from the community and gathering more information in order to conduct proper due diligence before making a decision.

E. Berkean of Winter Green Court expressed concern about the potential environmental and public health impacts of the proposed project, noting the contrast between the Town's commitment to open space and the introduction of a potentially harmful industrial use. He urged officials to approach the issue with a rigorous, fact-based analysis, emphasizing the importance of thoroughly evaluating risks rather than dismissing them due to the absence of current problems. Drawing on a scientific perspective, he cautioned that systems assumed to be safe can fail, and that potential future "emergencies"—particularly those affecting residents' health and safety—must be carefully considered. Mr. Berkean advocated for taking the necessary time, including implementing a moratorium if needed, to fully study the issue and ensure informed decision-making, stressing that the community has a right to be involved and protected.

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Supervisor Barrett asked John Scavo to provide an update on the status of the application within the Planning Board process, noting that several questions had been raised at the previous meeting and seeking clarification on where things currently stand.

John Scavo provided an update on the application's status in the Planning Board process, explaining that the Board had issued lead agency coordination letters to involved agencies, specifically requesting that the New York State Department of Environmental Conservation (DEC) assume lead agency status. However, DEC declined, stating that because the project lies outside the 100-foot regulated buffer of a classified stream, any permits related to air quality or species would be considered ministerial actions, meaning they do not involve discretionary judgment and therefore limit DEC's role. As a result, the application remains under the Town Planning Board's jurisdiction. Mr. Scavo noted that the Planning Board will now consider the outcome of the current meeting, particularly regarding the potential moratorium, before determining next steps in consultation with legal counsel. He also clarified that the nearby stream is a classified trout water with a regulated buffer intended to protect water quality, but the project does not fall within that protected area, reducing state-level regulatory involvement.

Supervisor Barrett asked for clarification on the stormwater review process and confirmed that it applies broadly to development projects such as residential and commercial construction. He then requested an update on where the application currently stands within the Planning Board process, referencing questions that had been raised at the previous meeting regarding its procedural status.

John Scavo explained that the application is still at the conceptual site plan stage, with outstanding questions that the applicant has begun to address through submitted documentation. He stated that the Planning Board is currently working to determine lead agency status; however, in the absence of DEC assuming that role, the Planning Board would need to decide the next procedural steps, which could include an appeal to the DEC Commissioner. He noted that, by default, the project would likely proceed as an unlisted SEQRA action, meaning coordinated review may not be required unless the Board pauses the process. If a pause or a positive declaration were issued, the project could require a full Environmental Impact Statement, including public scoping to identify and evaluate key environmental and community concerns related to the proposal.

Erica Hancocks of Mann Boulevard in Halfmoon stated for the record that she independently initiated a petition opposing the proposed project, which has gathered approximately 2,000 signatures. She clarified that she acted solely as a private citizen and resident of Halfmoon, and rejected any claims that the petition was organized in coordination with Town Board members or other officials, calling such assertions inaccurate. She explained that her intent in starting the petition was to inform the public about the nature of the proposed facility and what she believed was not being fully understood at the time. Ms. Hancocks also expressed support for holding a public hearing, stating that community input is essential and that excluding the public from the process would be unacceptable.

Anthony Morelli of Gloucester Street stated that the concerns raised throughout the meeting—including issues such as concrete dust, air quality, impacts to local water resources and wildlife, traffic, and roadway safety—are not currently reflected in the proposed legislation under consideration for the moratorium. He cautioned that if the measure is challenged legally, the absence of these issues in the legislative record could weaken the Town's position. Mr. Morelli noted that since the public hearing would remain open for approximately 40 days, the Town Board has an opportunity to incorporate concerns raised by residents and information already present in the Planning Board record into the proposed legislation. He urged the Board to consider amending and strengthening the draft before final adoption, including re-noticing if necessary, in order to create a more comprehensive and defensible moratorium aligned with community concerns.

Attorney Dailey clarified that the moratorium legislation is still in draft form and has not yet been finalized, meaning it can be amended as appropriate as the process continues. He noted that there is no legal barrier to continuing the public hearing, but the hearing cannot be closed until the Town receives the required referral and comments back from Saratoga County Planning. He reiterated that this procedural requirement is consistent with what was previously discussed at the last meeting.

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Anthony Morelli reiterated that while there is agreement on the procedural path forward, the Town has a limited window—approximately 40 days while the public hearing remains open—to strengthen the proposed moratorium legislation. He emphasized that this time should be used to incorporate the environmental, traffic, and community concerns raised during the hearings into the text of the legislation itself, so that the final adopted measure more fully reflects the record and is better positioned for potential legal defense.

Attorney Dailey explained that one of the key purposes of keeping the public hearing open is to allow the Town Board to fully hear and consider public comments and the existing record, so that the moratorium can be properly and carefully drafted. He noted that this process is intended to ensure the legislation is crafted correctly based on input received during the hearing.

Adam Stiles of Ridgewood Drive spoke in support of the proposed moratorium, characterizing it as a prudent and temporary measure intended to allow the Town time to ensure its zoning code is clear, consistent, and defensible. He emphasized that the moratorium is not anti-development, but rather a “measured pause” to address uncertainty about whether certain industrial or processing uses are adequately defined and regulated under existing law. Mr. Stiles argued that proceeding without clarification could lead to inconsistent code interpretation, legally vulnerable approvals, and avoidable long-term issues. He urged the Town to use the pause to evaluate whether current zoning properly reflects intended land uses, whether performance standards are sufficient, and whether similar properties are being treated consistently. Citing prior case law involving the Town, he stated that courts have upheld temporary, planning-based development controls when they are reasonable and adopted for legitimate planning purposes, framing the moratorium as consistent with that precedent. Mr. Stiles also highlighted potential cross-jurisdictional impacts due to the project’s proximity to municipal boundaries, arguing that both Clifton Park and neighboring communities could be affected. He concluded that a temporary moratorium represents responsible governance by allowing time to clarify the law before major development decisions are made, and he urged the Board to adopt it.

Paul Krump, an employee of the applicant, with 35 years of experience with the company operating multiple concrete plants, spoke in support of the proposed facility. He stated that similar plants he has worked with are regulated by the New York State Department of Environmental Conservation and operate in compliance with applicable laws, with no known issues of violations. Krump described the cement handling process as a closed system, explaining that cement is transported in sealed tanks, transferred into silos without exposure to air, and mixed into concrete in a way that eliminates airborne hazards. He argued that concerns about environmental or health impacts are overstated and characterized some public concerns as “fear-mongering,” noting that concrete is a widely used material found in everyday infrastructure. Mr. Krump emphasized his personal long-term experience working near such facilities without adverse health effects and stated his belief that the plant would not pose harm if properly operated. He also cautioned against changing or amending laws in response to the specific application, arguing that proposals should be evaluated under the regulations in place at the time of filing to ensure fairness and consistency in the review process.

Andrew Gaul of Blue Stone Ridge spoke in support of the proposed moratorium and as part of a residents’ group advocating for Responsible Development. He stated that his position was informed by concerns about environmental and public health impacts, particularly exposure to fine particulate matter (PM2.5), which he described as being associated in scientific literature with respiratory and cardiovascular illnesses, including asthma, COPD, and increased risk of premature death. He referenced studies suggesting elevated health risks for populations living within proximity to concrete facilities and indicated he would submit supporting research to the Town Board for the record. ****please see attached**** Mr. Gaul argued that a temporary moratorium is an appropriate and lawful planning tool that allows municipalities to pause development decisions while reviewing and updating zoning regulations. He contended that such measures do not violate due process or constitutional rights and have been upheld in various court decisions as legitimate exercises of local zoning authority when used for a defined public purpose and limited duration. He further stated that a moratorium would provide the Town time to ensure its regulations are up to date, consistently applied, and capable of properly addressing potential impacts of the proposed use before final decisions are made. He concluded by urging the Board to adopt the moratorium and indicated he would submit additional materials previously presented at other meetings for inclusion in the record.

RRD Ex. 10 - Town of Llyod Records - 3260 Route 9W Concrete Batch Plant Application and Proposed Local Law A of 2026 Heavy Industry Excerpts

Project Narrative

RECEIVED
MAR 10 2026

BY:

3260 Route 9w Highlane NY LLC

Concrete Batch Plant

**NYS ROUTE 9w
Town of Llyod
Ulster County, New York**

March 10, 2026

Prepared By:
The Environmental Design Partnership, LLP
900 Route 146
Clifton Park, NY 12065



**ENVIRONMENTAL DESIGN
PARTNERSHIP, LLP.**



The attached plan represents the concept development plan for a Proposed concrete Batch Plant to be located at 3260 Route 9W. The site is identified as tax parcel 80.3-2-8 and zoned LI Light industrial. The plan illustrates the general intent of the site development and the configuration for the major elements of the proposed design program. The Site Plan Application was compiled in accordance with the Town of Lloyd Zoning Ordinance. The plan is to develop a 4600± sf Batch plant with conveyor system and aggregate piles the existing on-site building will be repurposed as office and support space for the plant.

The project will disturb greater than one acre and will be subject to the New York State Department of Environmental Conservation (NYSDEC) State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activity (GP-0-20-002). A Full Stormwater Pollution Prevention Plan (SWPPP) that includes erosion and sediment control measure will be provided.

Beyond the local Land use boards, the project will requires permitting from USACE for wetland disturbance and from NYSDOT for curb cut modification.

Below is a general overview of the Batch Plant Operations.

Concrete is sold by the cubic yard which is a volumetric measurement equal to 27 cubic feet. There are 5 ingredients that, when combined through a mixing process in the mixer drum, will produce ready mix concrete. There is sand (also called fine aggregate), stone (also called coarse aggregate), cement (the powdered binder), admixtures (concrete enhancement water-based solutions) and water (reacts with the cement to make the hardened finished product). Each load of concrete has a specific recipe or mix design to create specific physical characteristics such as compressive strength of the placed concrete.

There are four primary components to a concrete batch plant: Ground aggregate hoppers, conveyor systems, inside aggregate storage and batching building and cement silos. The ground hoppers are loaded with dump trucks with sand and stone. These hoppers are fully enclosed on four sides and bottom, but open on top to allow for dump truck to dump the sand and stone into the grated hopper. There are small gates on the bottom of the hoppers that are powered by compressed air and electricity. As needed, the batch computer controls an electrical signal that is sent to the requested gate which operates a pneumatic ram that opens and allows the material needed to flow onto the conveyor. The conveyor belt is covered and transports the sand and stone to the aggregate hoppers inside the aggregate building. These hoppers are a set of storage bins separated by steel walls. These internal storage bins are positioned over an aggregate scale. Based on the required mix design, the materials are weighed through a system of pneumatic rams controlled by the batch computer using electrical signals and sensors to make every batch of concrete an exacting recipe. During the



Town of Lloyd Planning Board Application

Submission Date: 3/10/2026

Property Owner: 3260 Route 9W Highland NY, LLC

Is the owner an LLC? Yes Principal Member or Managing Member: Clemente Materials, Inc.

Owner's Mailing Address: PO-Box 189, 248 Watervliet Shaker Rd. Colonie NY 12189

Owner's Phone: (845)765-1645

Owner's Email: LukeC@bondedconcrete.com

Address of subject property: 3260 Route 9W, Town of Lloyd, Ulster County, NY

Tax Map SBL#: 80.3-2-8

Professional Representative: Environmental Design Partnership LLP (EDP)

Representative Address: 900 Route 146, Clifton Park NY 12065

Representative Phone: 5183717621 Representative email: jdannible@edpllp.com

Subdivisions:
Number of Lots: N/A for the purpose of: _____

Site Plans:
(circle one) Commercial / Residential for the purpose of: Concrete Batch Plant

Special Use Permit purpose: N/A Zoning Code chapter: _____

Submission of the items below is required prior to placement on the Planning Board agenda:

1. Completed application.
2. Application fee: Non-refundable check or money order made out to "Town of Lloyd", or cash is accepted.
Amount submitted: \$1,000 (credit cards accepted in person at Town Hall)
3. Escrow fees: a separate check or money order made out to "Town of Lloyd", as determined by the Fee Schedule.
Amount submitted: \$7,500
4. Photocopy of the property deed.
5. Complete Environmental Quality Review Assessment Form as appropriate for the project as follows:
 - a. Short Form EQR: part 1 only.
 - b. Long Form EQR: part 1 only.
6. Agricultural Statement if in an Agricultural District or property is or has been farmed.
7. Coastal Assessment Form: if the project is located in the Town's WBOD overlay or in the Lloyd/Esopus Area of State-wide Scenic Significance or if located in the areas covered by the Town's Waterfront Revitalization Areas.
8. Letter of Agent if someone besides the property owner is representing the project.
9. Letter of Intent: narrative describing the project.

(continued next page)

Local Law A of 2026
2026 Zoning Code Amendments

Town of Lloyd

Local Law A of the year 2026

A local law amending the Town of Lloyd Zoning Code as enacted by the Town of Lloyd Town Board on April-May X, 2026 by Local Law X-2026

Be it enacted by the Town Board of the Town of Lloyd as follows:

SECTION I.

SHORT TITLE

This local law shall be cited as Local Law A of 2026 of the Town of Lloyd and is entitled the "2026 Zoning Code Amendments."

SECTION II.

LEGISLATIVE FINDINGS

The Town Board seeks to regulate Light Industry and Heavy Industry throughout the Town to promote the public health, welfare and safety within the Town of Lloyd. The Town has evaluated its comprehensive plan and existing zoning to identify the need for changes or improvements to the Town of Lloyd Zoning Code ("Zoning Code"). The goal of the comprehensive plan is to provide for the orderly development and redevelopment of properties located within the Town and to ensure that uses within the Town are appropriately located in relation to each other and consistent with the community character of the Town. The Town Board has further considered the potential impacts of ~~Light Industry and Heavy Industry~~ industrial uses, including chemical manufacturing, large scale vehicle salvage, concrete batch plants or manufacturing products containing concrete and similar uses and the associated dust, smoke, vibration, noise, hazardous materials and vehicle traffic and other factors that result from those uses that pose a significant adverse environment~~in~~ impact within the Town and their

RRD Ex. 10 (continued)

Local Law A of 2026
2026 Zoning Code Amendments

~~potential impacts on surrounding uses~~neighborhoods, particularly residential ~~uses~~areas. The Town Board finds that these amendments to the Zoning Code are consistent with the comprehensive plan and existing zoning and will promote the public health, welfare and safety within the Town of Lloyd.

SECTION III.

AUTHORITY

These amendments to the Zoning Code are enacted by the Town Board of the Town of Lloyd pursuant to its authority to adopt local laws under Article IX of the New York State Constitution and Municipal Home Rule Law Section 10, and its authority to adopt amendments to its Zoning Code pursuant to Town Law Section 265 and Zoning Code Article X.

SECTION IV.

PROVISIONS ADDED/AMENDED

~~The following provisions~~Section 100-8 of the Zoning Code ~~are~~is hereby amended ~~or added~~as follows:

(A) A definition of Heavy Industry shall be added to read as follows: – HEAVY INDUSTRY a use engaged in the basic provisioning and manufacturing and processing of materials or products predominately from extracted or raw natural resources, or a use engaged in storage of, or manufacturing processes using, hazardous or explosive materials. Key characteristics include scale [the use often involves large-scale machinery, significant outdoor storage, or high volume utility consumption], external impacts [the use may produce significant noise, odors, glare, or vibrations that are inherent to the process and may be detectable beyond the property

Local Law A of 2026
2026 Zoning Code Amendments

~~boundaries], air emissions with or without monitoring requirements, infrastructure needs [the use typically requires proximity to major transportation hubs (rail, highways, or ports) and can including substantial water, electric or chemical power and accommodating heavy multi-axle freight traffic]. Examples include but are not limited to metal refineries, chemical manufacturing, concrete batching plants including ready-mix plants or raw concrete manufacturing, asphalt batching, scrap metal processors, chemical synthesis plants, tire recycling facilities and large-scale vehicle salvage.~~

~~(B) Light Industry and The definition of Industrial Light is deleted.~~

~~(C) The definition of Light Industry is amended to read as follow: The existing terms and definitions are hereby struck from the code and replaced by the following: LIGHT INDUSTRY - Manufacture, assembly, treatment, processing, or packaging of products within a building. Examples include wholesaling, warehousing, research and development, and related commercial/service activities such as: beverage bottling, distribution and warehousing; contractors offices and storage buildings and other such construction occupations; distribution centers; ice production, storage, sales and distribution; laboratories for research, testing and experimental purposes; manufacture of computers, computer peripherals, electrical appliances, electronic equipment, medical instruments, and other similar products from previously manufactured components; manufacture of precision instruments and equipment, such as watches, electronics equipment, photographic equipment, optical goods~~

RRD Ex. 10 (continued)

Local Law A of 2026
2026 Zoning Code Amendments

~~and similar products; manufacturing of articles or merchandise from previously prepared or natural materials, such as cardboard, cloth, cork, fiber, glass, leather, paper, plastics, wood, metals, prepared, manufactured or cut stone and other such prepared materials; printing and publishing. Such uses-operations should not emit objectionable levels of smoke, noise, dust, odor, glare, or vibration beyond the building envelope, and Exterior storage accessory to the light industry use equal to 1/3 the footprint of the building may be allowed. LI uses shall should not produce air emissions or heavy truck traffic beyond those associated with a typical commercial building of similar size. Building envelope shall conform to a typical architectural layout for a commercial building with uniform low slope roof line, regular footprint and orderly and consistent organization. Fully enclosed exterior storage accessory to the light industry use equal to 1/3 the footprint of the building may be allowed; eExterior silos, conveyors, hoppers are not allowed. Vertical stacks or chimneys shall not exceed the height limit for the zone. Includes limited manufacturing, wholesaling, warehousing, research and development, and related commercial/service activities such as beverage bottling, distribution and warehousing; contractors offices and storage buildings and other such construction occupations; distribution centers; ice production, storage, sales and distribution; laboratories for research, testing and experimental purposes;~~

Local Law A of 2026
2026 Zoning Code Amendments

~~manufacture of computers, computer peripherals, electrical appliances, electronic equipment, medical instruments, and other similar products from previously manufactured components; manufacture of precision instruments and equipment, such as watches, electronics equipment, photographic equipment, optical goods and similar products; manufacturing of articles or merchandise from previously prepared or natural materials, such as cardboard, cloth, cork, fiber, glass, leather, paper, plastics, wood, metals, stones and other such prepared materials; printing and publishing.~~

(D) ~~The existing Use Table is struck from the code and replaced with the new~~shall be amended to accommodate the above definitions. ~~amended Use Table.~~

SECTION V.

SEVERABILITY

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this Local Law shall not affect the validity of any other part of this Local Law which can be given effect without such invalid part or parts.

SECTION VI.

EFFECTIVE DATE

This Local Law shall take effect immediately, as provided by law, upon filing with the New York State Secretary of State.

RRD Ex. 11 - Open Space, Trails, and Riverfront Committee Resolution - September 17, 2025

Resolution of 9/17/2025 for Distribution to the Town of Clifton Park Planning Board

From: The Town of Clifton Park Open Space, Trails, and Riverfront Committee

Resolution Adopted 9/17/25 at the regular meeting.

Committee Members Present for Vote: David Miller, Andrew Neil, David Urkevich, Jim Flaherty, Ray Seymour, Alicia Jacobs, Bill Conner. ECC Liaison Jim Ruhl present.

The Town of Clifton Park Open Space, Trails, and Riverfront Committee urges the Town of Clifton Park Planning Board to reject the 1910 US Route 9 industrial ready-mix concrete batch production plant proposal as an incomplete application due to not addressing significant environmental impacts to and including its proximity to the Dwaas Kill, a trout stream. Furthermore, should the applicant wish to move forward in pursuit of this project, further evaluation of the scope of this project calls for a full Environmental Impact Statement under SEQRA.

Moved by Dave Miller

Seconded by Ray Seymour

Motion carried unanimously by members.

WHY CONCRETE BATCH PLANTS ARE TREATED AS HEAVY INDUSTRIAL

A Plain-Language Overview for the Public Hearing Record

Submitted by Residents for Responsible Development — May 20, 2026

The Question

Concrete batch plants are routinely classified as heavy industrial uses in modern municipal zoning codes. Where a code does not expressly classify the use, the classification question falls to interpretation under general performance standards. This overview describes the operational reasons batch plants are commonly placed in the heavy industrial category.

Operational Characteristics That Distinguish the Use

Concrete batch plants share a cluster of operational features that, taken together, place them outside the activities zoning codes generally intend the term “light industrial” to capture:

- **Outdoor processing infrastructure** — aggregate stockpiles open to the air, ground-level hoppers, conveyor belts, elevated aggregate bins, and vertical cement silos (commonly forty to sixty feet tall or higher). Light industrial uses are typically defined as operations inside a conventional commercial building.
- **Particulate emissions** — cement is a fine powder; aggregate handling generates dust. Crystalline silica and PM10/PM2.5 particulates from batch plant operations are subject to regulation under 6 NYCRR Parts 200, 201, 211, and 212. The state’s air-quality framework treats these facilities as industrial emission sources.
- **Heavy truck traffic** — batch plants operate on continuous diesel mixer-truck cycles. Aggregate deliveries arrive by tractor-trailer; loaded mixer trucks leave throughout the day. A traffic assessment for one proposed regional facility projected approximately one hundred and eight daily truck trips, qualitatively different from warehousing or light manufacturing.
- **Water consumption and discharge** — water is an ingredient (typically thousands to tens of thousands of gallons per day). Concrete washout produces a high-pH alkaline slurry requiring containment. Aggregate stockpiles contribute fine sediment to stormwater. Ready-mix concrete falls under SIC 3273 and triggers Multi-Sector General Permit obligations with operational monitoring for total suspended solids and pH.
- **Noise, vibration, and operating hours** — mixer drums, aggregate dropping into hoppers, pneumatic cement transfer, and diesel trucks idling at five or six in the morning. Early-morning operations are common because contractors require concrete delivered at the start of the workday.

Why Municipal Codes Are Moving to Express Classification

Across New York State and nationally, the dominant pattern in modern zoning codes is to classify concrete batch plants as heavy industrial uses, typically requiring a special use permit and substantive separation from residential areas. New York City zones concrete plants in M2–M3 (heavy manufacturing) districts alongside power plants and waste facilities. Other jurisdictions group the use with quarrying, asphalt batching, scrap metal, and chemical manufacturing. Texas applies a two-mile residential and school setback statewide. Many older codes — including Halfmoon’s, adopted in 1995 — instead regulate industrial uses through qualitative performance standards (“noxious,” “offensive,” “deleterious effect on the air or water quality”) without expressly classifying the use. Jurisdictions revisiting that approach are moving consistently toward express classification: Dallas reclassified the use from administrative approval to Specific Use Permit with public hearings, and the Town of Lloyd, NY’s draft Local Law A of 2026 expressly includes “concrete batching plants including ready-mix plants or raw concrete manufacturing” within Heavy Industry and amends Light Industry to exclude exterior silos, conveyors, and hoppers.

The Honest Caveat

Modern batch plants do incorporate dust suppression, closed-loop pneumatic cement handling, and enclosed mixing. That point concerns how well a heavy industrial use can be managed, not whether it stops being heavy industrial: the exterior stockpiles remain outdoors, the silos remain tall, the truck cycles remain heavy, the early-morning operating hours remain a neighbor-facing impact, and the state continues to regulate the operation as an industrial emission and stormwater source.

What the Moratorium Is Asking the Town to Consider

The proposed moratorium would give the Town time to determine, on a category-level basis, how concrete batch plants and related uses should be classified and regulated under the Halfmoon Town Code, including whether performance standards calibrated to the operational characteristics above should be added before any application is processed.

Attorney Murphy: Ms. Matthews, if you could give us the names of the people in your group we could include them on the list serve so that they can be kept up to date.

Christine Matthews: I will inquire if I can get permission for them to do that.

Jason Moyer, 54 Spice mill: This is one of these occasions, like I know what I'm doing here, but I don't know why I have to be here. It seems to me to be a no brainer that a Town would take a step back to say, "we've got some things happening we need to consider, we may have to have a change in plans". So, in order to do that, we need to take a pause. I encourage you to do that, and I appreciate your time. Thank you.

Howard Litwak, 15 Danforth Road, Halfmoon: Good evening Mr. Supervisor, Board Members, fellow residents, my name is Howard Litwak, I've lived at 15 Danforth Road since 2002. For more than twenty years my quality of life here has been shaped by the simple things, yardwork, spending evenings on the back patio; BBQ's with friends; running on the Zim Smith Trail; not luxuries, just the everyday experiences that defines what it means to live here. That is why I am so worried about the idea of a concrete batch plant being built nearby. It's not about inconvenience; it is a very real possibility that I won't be able to safely enjoy the outdoors the way that I always have. The risk to our air quality seems enormous to me. The idea that stepping outside to mow my lawn, or sitting on my patio, the idea that that could jeopardize my health is literally gut wrenching. So, I am here tonight because concrete batch plants is a heavy industrial use with serious impacts, and our Town deserves the time to fully understand these impacts before anything is approved. I am asking the Board to take the time to do its due diligence for the health, well-being and safety of its residents. Thank you for your service to this community. Thank you.

Benita Zahn, Town of Halfmoon Resident: Good evening. It was very important for me to come here tonight, sadly I was too tired to show up in Clifton Park. I am battling my fourth cancer right now having been exposed because I reported on 911. We all know the reports from the Feds and the City state "It was fine, don't worry", which is much of the lip service we are getting now from those who have a financial stake to build the concrete batch plant, and to other development like that. It's fine, don't worry. I'm here to tell you that you have to worry. I am getting chemotherapy now for this fourth cancer, and even as a reporter, I knew in my heart it was trouble. The experts said don't worry, and that is what our community is being told. That's what the folks in Watervliet were told about the Norton Plant, which was summarily shut down after years of health challenges for the residents there. So, I am here to speak up. There are young families moving into my neighborhood, there are children. What we breathe in our air now, we may not see the effects for 10, 20 or 30 years. So, I strongly encourage you all to take this opportunity to pause. Dollars can be made in many ways. They don't have to be made on the health of the residents who love living in this town. Thank you all for your time.

Jie Zang Ph.D., 61 Fairway Drive, Halfmoon: I highly support your public hearing because of air quality and the small particles from the concrete, and the issues from traffic and emissions from the trucks. I chose Halfmoon to live here because of the air quality, then I found out there were landfills; I work with the EPA and DEC on the landfill that have big emissions, but Halfmoon has no factories, which is good for my family, my kids, and my parents live with me. If the factories come to Halfmoon, then in the future most likely there will be research on how the bad

effect of factories have on families who live there, and maybe families will look to other places like Guilderland and Niskayuna to live instead. Thank you. *Mr. Zhang cited specific, scientific and technical information and was asked by Supervisor Tollisen to provide that information to be added to the public record.*

Jen Colazzo, 11 Hendrick Hudson Way, Halfmoon: 25 years ago, when I moved to the Town of Halfmoon, I was a young mother of one. I stand before you as a mother of three young adults, who are new drivers. While there is so much scientific information to digest about the potential of this moratorium, I would like to speak to you as a mother. For the last 25 years living in the State of New York, I as a teacher have worked as a volunteer advocate for all of our State's children. I've been a PTA volunteer in excess of sometimes 80 hours a week, not just for my children, but for everyone's children. Immediately living downwind of this potential business scares the be-Jesus out of me. Not just because of all the pollution that it potentially will put into our environment, but for the safety of our young people. I drive the corridor on Route 9 many, many times a day and I see the traffic and I am forever amazed that there are not more fatal accidents coming from that general area. In addition to all of the environmental concerns that have been so eloquently presented tonight, and I would like to thank everyone here who is addressing that – I know this information is a heavy lift, and as a former science and math teacher – I get it. This is something that has immediate health effects and will have health effects for many years to come. I am on the cusp of potentially becoming a grandmother, I want to see healthy grandchildren. Please take time and due care to consider the fact that this could happen so close to so many Halfmoon residents is frightening, and we don't have a say in it because we don't live in the town where it was being approved. As a concerned mother, I ask please think about those young people that are out on the road, maybe for the first time with a cement truck loaded, barreling down on their bumper. Thank you very much.

Erica Hancock, 4 Mann Boulevard, Halfmoon: I initiated a petition, it was sent over to Clifton Park when the proposal there first came out. Over 2,000 residents, many of whom live in halfmoon signed the petition to have the town consider the impacts for the community. I really came here tonight to thank you all for hearing the concerns that were raised in January and to be at least having an open dialogue with residents; it is very heartening. I will share I have not felt that on the Clifton Park side, so just to know that you all are considering our real concerns and health concerns for our families means a lot to me, so I hope you will really consider the materials we have sent over, and thank you for what you are doing, I really appreciate it. Thank you.

Andrew Gaul, 1 Bluestone Ridge, Halfmoon: Good evening. I am a member of the Residents for Responsible Development led by Christine, and I know we have submitted a lot of information, and I want to express my strong support for the moratorium, I would like to request a card with an email address so I can submit all of the information that I have discussed at various Clifton Park Boards. Thank you for your consideration. One statistic I'll leave you with, within two to three miles of this proposed site 23,000 people live, and because you guys own part of the land your decision is as important as Clifton Park's decision. Many, many people would be impacted we very strongly support this moratorium to give more time for everyone to have a fair say in what goes on, and make sure the development does not go too fast and that procedures are not skipped or find loopholes and the I's are dotted, and the T's are crossed. Thank you.

Councilman Connors: Thank you Mr. Supervisor. One thing I would like to let everyone know is that we too are residents and we have families, and we take it very seriously here, this is our Town collectively, it is not just the five of us up here. We take many things seriously and take a strong stance on many issues in the Town; we take traffic seriously and I believe this Town Board works very diligently to ensure the safety of all residents and I am proud to be a part of it. I appreciate everyone who came out to speak, that is important. We want that public engagement and we want to understand what is going on over there, so we appreciate that. Thank you.

Councilman Wasielewski: Just a segway to Councilman Connors' comments we are officials elected to represent the residents of the Town of Halfmoon. It is not a political thing at all; we breathe the same air, sit in the same traffic, so we appreciate you coming out and voicing your concerns.

Supervisor Tollisen: Ms. Murphy, just a point of order, we can't vote tonight because of the Saratoga County Planning Board needs to weigh in.

Attorney Murphy: That is correct, but you should still close the Public Hearing.

Supervisor Tollisen: Ok. Last call on public comment.

Christine Matthews: Just a point of clarification, are you saying you would close the Public Hearing tonight? Is your process going to be to have more opportunity for the public to comment, and is there a planned duration of the moratorium, just so people understand what comes next and what would your process envision.

Attorney Murphy: The proposed moratorium which is posted on the website is 180 days at this point. We just extended a different moratorium for an additional 180 days. It all depends on where we are with the science, with the language, with the concerns of the residents. You close the public hearing today, so that the County can proceed with their actions, and every meeting, this Board allows for at the end of the meeting comment on any topic, so there will always be public comment available, plus in order to pass the local law, which is the goal of the moratorium, you have to have another Public Hearing where you hear from the residents.

Christine Matthews: So, to bring to closure we ask that you ensure that concrete batch plants are covered in the moratorium. What would be the process for that?

Attorney Murphy: You can submit whatever you want, whenever you want, I am just instructing the Board to Close this Public Hearing, otherwise there is a risk that the County may not say ok to move forward without impact, because they want to know we are moving along in the process before they move along in their process.

Supervisor Tollisen: Just so we are clear, the moratorium is concrete, cement, asphalt plants, together with pesticide manufacturing according to the Public Hearing Notice.

Christine Matthews: Right, so it is not clear that the concern that the citizens here tonight have with respect to concrete batch plants is included in the moratorium. I had emailed a request to the Town about a week or so ago just asking for a clarification on that. The language on that was written in the Public Hearing Notice, it was not clear whether concrete batch plants would be included or not. That's just a yes or no question for us tonight.

Attorney Murphy: The answer is Yes, and it says right in it concrete manufacturing, so it does not matter if it is a batch plant or a full blown...

Christine Matthews: I think what we have learned in the Clifton Park scenario...

Attorney Murphy: We are not Clifton Park.

Christine Matthews: We have read an awful lot of litigation that has been submitted by applicant, and I can tell you that that language is under contest, so our request tonight is to look specifically at that language just to be sure and legally justified that concrete batch plants are inclusive in what you are considering in your moratorium.

Attorney Murphy: It is in the notice, but I will absolutely make sure.

Christine Matthews: Thank you very much, we appreciate it.

Supervisor Tollisen: Alright, is there anyone else? Hearing from no one, or no one online, I will close the Public Hearing at 7:30 pm. I will note that all of the comments made this evening are part of the public record and there are a few of you submitting documents that will also be part of the public record. Anytime you submit anything to the Town just know that we make sure that it is part of the public record, whatever it pertains to and we do typically put items of correspondence on the agenda as well so everyone is aware of those items as well. Thank you all for joining us this evening, thank you for giving us your input with respect to this moratorium; this is something that is very important to the Town and its residents and we are going to be getting right into it, seeking our engineers assistance with it and making sure that we are doing this the correct way. We will also be taking about this in the Comprehensive Plan Committee as well. Again, thank you all for taking the time to come here this evening, and we will now move on to the rest of our agenda.

RESOLUTION NO.202-2026

Offered by Councilman Wasielewski, seconded by Councilman Connors : Approved by the vote of the Board: Ayes: Tollisen, Catricala, Hotaling, Wasielewski, & Connors.

Resolution Introduced by Supervisor Tollisen

RESOLVED, that the Town Board approves to close the Public Hearing to Discuss Establishing a Moratorium on Concrete, Cement, and Asphalt Plants, Together with Pesticide Manufacturing.

COMMUNITY EVENTS:

The "BUY A BRICK" Program: for the Halfmoon Veterans Walk of Honor at the Halfmoon Veterans Memorial in the Town Park is now accepting orders. Create a lasting tribute for your veteran. For more information, please call 518-371-7410 ext. 2200 or visit our website www.townofhalfmoon-ny.gov.

FARMER'S MARKET: Every Wednesday from 2:00 pm to 5:00 pm in the Town Hall, then Starting May 27th, every Wednesday, outside at the Abele Park across from Town Hall from 3 pm to 6 pm. Come visit our local farms, crafters, and vendors that will be on hand every week.

TOWN OF HALFMOON COMMUNITY GARDEN: Please join us on Tuesday, May 26, 2026 from 9:00 am to 11:00 am as we celebrate the Grand Opening of the Halfmoon Community Garden. A complimentary lunch will be served.

TOWN OF HALFMOON OUTDOOR FARMERS MARKET RIBBON CUTTING:

Please join us on Wednesday, May 27, 2026 at 3:00 pm in the Abele Park to celebrate the Outdoor Farmer's Market. Complimentary Hot Dogs will be served.

CRESCENT PARK TRAIL WALK: Saturday, May 30, 2026. Please contact the Recreation Department to register. There will be a complimentary lunch served at the end of the walk.

TOWN OF HALFMOON HISTORICAL BUILDING: The Historical Building is open by appointment. Please contact Lynda Bryan, Historian at 518-371-7410 Ext. 2331 or lbryan@townofhalfmoon.org. Volunteers are needed for upcoming events: 250th Anniversary of the Revolutionary War, more information to come.

TIRE RECYCLING PROGRAM: SARATOGA COUNTY SOIL & WATER CONSERVATION DISTRICT: Collection Day is Tuesday, June 2, 2026 from 4 pm to 5:30 pm at the drop-off location: Town of Malta, Town Hall, 2540 Route 9, Malta, NY 12020. Program is open to all Saratoga County residents. Registration and proof of residency is REQUIRED (Photo ID with Saratoga County address will be required at drop off) and you must register by Friday, May 29, 2026. For more information or to register please call Saratoga County Soil & Water Conservation District at 518-885-6900.

SUNSET CINEMA: Halfmoon Celebrations Association, Inc. in conjunction with the Town of Halfmoon presents Sunset Cinema, Friday June 26, 2026 at the Halfmoon Town Park, 162 Route 236 in Halfmoon. Movie begins at dusk (approx. 8:30 pm), with free popcorn & water for all while supplies last. This is a free event, so bring your lawn chairs and blankets and enjoy an animated family movie where a crew of reformed mischief makers tries to adjust to life on the straight and narrow, until an all-female crime squad drags them out of retirement for "one last mission". Visit www.halfmooncelebrations.org for more information.

TOWN OF HALFMOON SUMMER CAMP 2026: June 29th-August 7th, 2026 9:00am-3:00pm. Resident registration opens Online only April 27, 2026. In office registration is available by appointment only beginning May 11, 2026. Non-Resident Registration June 8, 2026 based on availability. Hiring Summer Camp Counselors. Please check the Town of Halfmoon website for more information at www.townofhalfmoon-ny.gov or call 518-371-7410 Ext. 2272.

AMERICA'S 250th BIRTHDAY CELEBRATION: Join the Town of Halfmoon as we celebrate America's 250th birthday Thursday, July 2, 2026 6pm to 9:30 pm at the Town of Halfmoon Complex, 2 Halfmoon Town Plaza, Halfmoon, NY 12065. Free Entry, Bounce Houses, Games & Contests; Rock Climbing Wall; Live Music, Fireworks and Complimentary Food & Drinks.

GROOVIN' ON THE GREEN: Halfmoon Celebrations Association, Inc. in conjunction with the Town of Halfmoon, presents Groovin' on the Green featuring the TS Ensemble, a high energy, 8-piece band, Friday, July 10, 2026 from 6:00pm to 8:00pm at the Halfmoon Town Park, 162 Route 236, Halfmoon, NY 12065 Bring your lawn chairs, blankets; dinner, snacks; non-alcoholic drinks; your dancing shoes and enjoy this free event! There will be a 50/50 raffle to benefit Halfmoon Celebrations. Visit www.halfmooncelebrations.org for more information.

SUNSET CINEMA: Halfmoon Celebrations Association, Inc. in conjunction with the Town of Halfmoon, presents Sunset Cinema Friday, July 24 at the Halfmoon Town Park, 162 Route 236, Halfmoon, NY 12065 at the stage. This event is always free, and there will be free popcorn and water for all while supplies last. Bring your lawn

chairs and blankets and enjoy the animated family movie about an orphaned talking bear, who travels from Peru to London. Visit www.halfmooncelebrations.org for more information.

TOWN MEETINGS:

*If a Monday meeting falls on a holiday, the meeting will be held the next day (Tuesday).

- Town Board: 1st and 3rd Wednesday of the month at 7:00 PM
Pre-meeting at 6:15 PM
- Zoning Board of Appeals: 1st Monday* of the month at 7:00 PM
Pre-meeting at 6:45 PM
- Planning Board: 2nd and 4th Monday* of the month at 7:00 PM
Pre-meeting at 6:15 PM
- Trails & Open Space Committee: 3rd Monday* of the 3rd month at 7:00 PM, unless otherwise announced.

REPORTS OF BOARD MEMBERS AND TOWN ATTORNEY

Kevin J. Tollisen (Town Supervisor)

Eric Catricala (Deputy Town Supervisor): (1) Chair of Personnel Committee, (2) Co-Liaison to Planning Board, (3) Co-Chair of Business and Economic Development Committee, (4) Chair for Parks and Athletics Organizations, (5) Liaison to Trails & Open Space Committee.

Councilman Catricala: Thank you, I have nothing this evening.

Paul Hotaling (Town Board Member): (1) Chair for Recreation & Character Counts, (2) Ethics Committee, (3) Co-Liaison to Comprehensive Plan Update Committee, (4) Chair of Infrastructure & Safety (Water, Highway, Building & Maintenance), (5) Liaison to the Information Technology Department.

Councilman Hotaling: Thank you. Our Parks Department is in full swing as is the Highway Department. The Water Department is out flushing hydrants and doing maintenance. It's all due to a great crew to keep this Town going.

John Wasielewski (Town Board Member): (1) Co-Liaison to Planning Board, (2) Chair of Committee of Emergency Services & Public Safety, (3) Liaison to Animal Control and related services.

Councilman Wasielewski: Thank you Mr. Supervisor, as a frequent user of the Town Park, I just want to say kudos to those responsible for paving the trails, they came out really good. They are well used and a true asset to the Town and the residents.

Jeremy Connors (Town Board Member): (1) Liaison to Zoning Board; (2) Chair of Business and Economic Development Committee (3) Chair for Not-for-Profit Organizations (4) Liaison to Comprehensive Plan Update Committee.

Councilman Connors: Thank you Mr. Supervisor, I have no report this evening.

Kelly L. Catricala (Town Clerk): No report, thank you.

Dana Cunniff (Receiver of Taxes): Chair of Committee on Residents Relations

Lyn Murphy, Esq., (Town Attorney): I have nothing, thank you.

Cathy Drobny, Esq. (Deputy Town Attorney): I have nothing, thank you.

PUBLIC COMMENT (For discussion of agenda items) No one came forward, no one online.

Supervisor Tollisen: Department Reports and Department Manager Reports: our Department Managers meet with me and the entire team monthly to provide reports of what is going on in their departments each month, and those reports are available always for review in the Town Clerk's Office.

DEPARTMENT REPORTS

1. Town Justice Fodera

Total # Cases 152 Total Fees Submitted to the Supervisor - \$13,522.00

2. Town Justice Suchocki

Total # Cases 170 Total Fees Submitted to the Supervisor - \$23,988.00

3. Building Permits

Total # Permits - 87 Total Fees Submitted to the Supervisor - \$22,409.13

Fire Inspections - 23 Total Fees Submitted to the Supervisor - \$ 2,050.00

DEPARTMENT MANAGER MONTHLY REPORTS (Can be viewed at the Town Clerk's Office) Building, Planning & Development

CORRESPONDENCE

1. Received from Christine Matthews, 5 Cinnamon Lane, Halfmoon, via email on behalf of Residents for Responsible Development, a Brief for the Public Hearing on the Proposed Moratorium on Concrete, Cement and Asphalt Plants, Together with Pesticide Manufacturing. The Public Hearing will take place May 20, 2026 at 7 pm in the A. James Bold Room at Halfmoon Town Hall, 2 Halfmoon Town Plaza, Halfmoon, NY 12065.
2. Received from Town of Halfmoon Resident, Anna Nickerson, a card of Thanks to Supervisor Tollisen and the Halfmoon staff for all they do for the residents of Halfmoon.
3. Received from Pat & Harold Stata, Halfmoon residents, who sent a card of appreciation for the recent Tavern Night Event held at the Halfmoon Senior Center on April 23, 2026. Mrs. Stata enjoyed the Beef Stew Dinner, as they traveled back in time to hear "Mrs. Elizabeth Peebles" and "Mrs. John Flynn" talk about how they opened their homes as taverns during the Revolutionary War. This is just one of the events that The Town of Halfmoon offered as we celebrate America's 250th Anniversary!
4. Received from New York State Department of Transportation, their notice of Travel Advisory regarding Riverview Road Bridge in the Towns of Halfmoon and Clifton Park, that the bridge carrying Riverview Road over the Northway (I-87) will close to traffic for the next year, starting Monday May 18, 2026 until approximately June 30, 2027 to facilitate a bridge replacement project. Motorists should follow the signed detour utilizing Crescent, VanVranken, Clamsteam and Dunsbach Roads. Motorists should anticipate travel delays and build extra travel time into their schedule. Construction activities are weather dependent and subject to change based on conditions. Please remember: Lives are on the line; slow down and move over for highway workers!
5. Received from City of Troy, Public Utilities, their notice of water rates for May 1, 2026 to April 30, 2027 relating to the water supply agreement with the Town of Halfmoon.

OLD BUSINESS

NEW BUSINESS

RESOLUTION NO.193-2026

Offered by Councilman Wasielewski, seconded by Councilman Hotaling: Approved by the vote of the Board: Ayes: Tollisen, Catricala, Hotaling, Wasielewski, & Connors-ABSTAIN

Resolution Introduced by Town Clerk Catricala

RESOLVED, that the Town Board approves the Minutes of the Town Board Meeting of May 6, 2026 as presented.

RESOLUTION NO.194-2026

Offered by Councilman Connors, seconded by Councilman Catricala: Approved by the vote of the Board: Ayes: Tollisen, Catricala, Hotaling, Wasielewski, & Connors. Resolution Introduced by Supervisor of Buildings and Grounds Maiello

RESOLVED, that the Town Board authorizes the Supervisor to hire Midstate Heating and Cooling to replace four gas heaters at the Town's Water Treatment Plant consistent with the proposal dated 4/9/2026 in the not to exceed amount of \$25,700.00 utilizing their unique knowledge, technical skills, training and expertise regarding our existing systems and to authorize the Supervisor to execute any documentation necessary to complete the work, subject to the review and approval of the Town Attorney.

RESOLUTION NO.195-2026

Offered by Councilman Wasielewski, seconded by Councilman Connors: Approved by the vote of the Board: Ayes: Tollisen, Catricala, Hotaling, Wasielewski, & Connors.

Resolution Introduced by Comptroller Sullivan

RESOLVED, the Town Board hereby approves the Comptroller's Report for April, 2026.

RESOLUTION NO.196-2026

Offered by Councilman Wasielewski, seconded by Councilman Hotaling: Approved by the vote of the Board: Ayes: Tollisen, Catricala, Hotaling, Wasielewski, & Connors.

Resolution Introduced by Supervisor of Buildings & Ground Maiello

RESOLVED, the Town Board hereby approves an expenditure in the not to exceed amount of \$14,282.28 to pay for a LED Court Lighting System from 10-S Tennis Supply and Dinkshot Pickleball, a sole source provider, in accordance with proposal #9334 dated May 5, 2026, said monies to come from the Recreation Fees located in the Special Revenue Fund with \$10,000.00 being reimbursed from the 2025 Economic Development Grant, and to authorize the Supervisor to sign any and all documentation needed to proceed with this project, subject to the review and approval of the Town Attorney.

RESOLUTION NO.197-2026

Offered by Councilman Hotaling seconded by Councilman Wasielewski: Approved by the vote of the Board: Ayes: Tollisen, Catricala, Hotaling, Wasielewski, & Connors.

Resolution Introduced Superintendent of Highways Bryans

RESOLVED, that the Town Board hires Raymond Sitterly as an Automotive Mechanic for the Highway Department at Grade 6 Base Pay \$30.85hr., effective 5/26/2026, subject to successful completion of pre-employment testing.

Supervisor Tollisen: Congratulations Mr. Sitterly, welcome aboard.

RESOLUTION NO.198-2026

Offered by Councilman Hotaling, seconded by Councilman Connors: Approved by the vote of the Board: Ayes: Tollisen, Catricala, Hotaling, Wasielewski, & Connors.
Resolution Introduced by Superintendent of Highways Bryans

RESOLVED, that the Town Board hereby hires Robert Hickey as a Laborer for the Highway Department at Grade 2 Base Pay \$25.06/hr., effective 5/26/2026, subject to successful completion of pre-employment testing.

Supervisor Tollisen: Congratulations Mr. Hickey, welcome aboard.

RESOLUTION NO.199-2026

Offered by Councilman Connors, seconded by Councilman Hotaling: Approved by the vote of the Board: Ayes: Tollisen, Catricala, Hotaling, Wasielewski, & Connors.
Resolution Introduced by Supervisor of Buildings & Grounds Maiello

RESOLVED, that the Town Board hereby hires Jessica Pingelski as a full-time Parks Laborer at Grade 1, Base Pay \$24.33/hr, subject to successful completion of all pre-employment testing.

Supervisor Tollisen: Congratulations Jessica, welcome aboard.

RESOLUTION NO.200-2026

Offered by Councilman Connors, seconded by Councilman Hotaling: Approved by the vote of the Board: Ayes: Tollisen, Catricala, Hotaling, Wasielewski, & Connors.
Resolution Introduced by Supervisor of Buildings & Grounds Maiello

RESOLVED, that the Town Board hereby hires Daniel Retell as a full-time Parks Laborer at Grade 1, Base Pay \$24.33/hr, subject to successful completion of all pre-employment testing.

Supervisor Tollisen: Daniel is not here, but congratulations to him, and welcome aboard.

RESOLUTION NO.201-2026

Offered by Councilman Wasielewski, seconded by Councilman Connors: Approved by the vote of the Board: Ayes: Tollisen, Catricala, Hotaling, Wasielewski, & Connors.

Resolution Introduced by Comptroller Sullivan

RESOLVED, that the Town Board authorizes the Comptroller to make the attached Creation of Appropriations.

PUBLIC COMMENT (For discussion of non-agenda items) No one came forward, no one was online.

ADJOURN

There being no further business to discuss or resolve on a motion by Councilman Wasielewski seconded by Councilman Connors, the meeting was adjourned at 7:37 pm.

Respectfully Submitted,

Kelly L. Catricala Town Clerk



10-S Tennis Supply & Dinkshot Pickleball
 1400 NW 13th Avenue
 Pompano Beach, FL 33069
 Toll-Free: (800) 247-3907
 Local: (954) 969-5440
 www.10-S.com / www.dinkshot.com

Estimate

#93345

5/5/2026

Bill To

Town of Halfmoon
 2 Halfmoon Town Plaza
 Halfmoon NY 12065
 United States

Ship To

Town of Halfmoon
 2 Halfmoon Town Plaza
 Halfmoon NY 12065
 United States

TOTAL

\$14,282.28

Expires	Memo	Sales Rep	Phone #	Ship Via
6/4/2026	1 Half Double Tweener System - materials only	Lucas Hemingway	518-371-7410	Freight Quotes

Quantity	Item	Options	Customer Description	Rate	Amount
1	6TWN050-HDBL-BIK HALF DOUBLE TWEENER®	Color: Black	<p>Included:</p> <ul style="list-style-type: none"> - 8 Long (12 ft) Aluminum light bars, 2 Short (6 ft) Aluminum light bars, 1 power supply box (208-277VAC), universal stainless steel fixing system and an installation manual. - Electric power 2400W. IP 65. IK 08. - Warranty 5 years (components only). <p>Not included:</p> <ul style="list-style-type: none"> - System Installation and electrical connection (An installation manual is provided. Installation support available on demand). - Light switch, dimmer, and contractor. - Connection to the electrical network (must be carried out by a certified electrician). - Adjustments or repairs to existing fence. <p>**Vertical fence posts must be 9-10 ft in height for optimal installation**</p>	\$13,000.00	\$13,000.00
2	6TWNPT-EXT-100 TWEENER® Extension Cable - 100FT			\$189.50	\$379.00

DRY



93345



10-S Tennis Supply & Dinkshot Pickleball
 1400 NW 13th Avenue
 Pompano Beach, FL 33069
 Toll-Free: (800) 247-3907
 Local: (954) 969-5440
 www.10-S.com / www.dinkshot.com

Estimate

#93345

5/5/2026

Subtotal	\$13,379.00
Discount ()	
Shipping Costs (Freight Quotes)	\$903.28
Tax (7%)	\$0.00
Total	\$14,282.28

DRAFT



93345

LIGHTING



Tweener LED Lighting System

Tweener is the only UL Certified, linear LED sports lighting system in the United States. With exceptional visibility, uniformity and minimal glare Tweener is a leader in sports lighting. It can be installed in a few days when attached to existing structures or fencing. Tweener offers competitive purchase, installation, maintenance and operating costs when compared to traditional lighting. Feel comfortable with full court play and uniform coverage when Tweener is installed.

Including : 20 aluminum light bars, 2 power supply boxes (200-300 VAC), universal stainless steel mounting system and an installation manual. LED power consumption ranges from 1500 - 6000 W for all systems. IP-65. IK 08. Horizontal illuminance: 30-39 FCs. Uniformity of illuminance 0.7.

Color : GREEN or BLACK - RAL 9005 UL certified. Warranty 5 years (components & work force - return workshop).

Not included: System installation (Installation support on demand). Connection to the electrical network (must be carried out by an electrician) Adjustments or repairs to existing fence.

Shipping Important information:

Call for shipping estimate. Packaging Size: 1 Crate: 13' 2" x 2' 5" x 1' 8" Weight: 500 lbs • You will need to plan to have the staff and/or necessary equipment for unloading the crate(s).

Single Court System
Double Court System

#6TWN100
#6TWN200

Call for pricing / TweenerUSA.com
Call for pricing / TweenerUSA.com



Court Vision - Solar Powered Light

This freestanding, solar-powered court light delivers bright, stable illumination without vibration during play. Built from durable 4" square aluminum with rounded corners and a black powder-coat finish, it's designed for safety and long-lasting, weather-resistant performance.

6CV10-SLR \$3,799.00



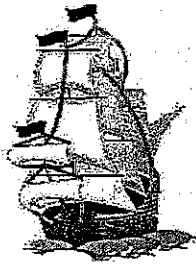
1000W Bulb

1,000 watt metal halide replacement bulbs.

6S1003 \$69.95

Supervisor
Kevin Tollisen

Town Board
Paul Hotaling
John Wasielewski
Jeremy W. Connors
Eric Catricala



TOWN of HALFMOON

2 HALFMOON TOWN PLAZA
HALFMOON, NY 12065
COUNTY OF SARATOGA

(518) 371-7410 Ext. 2200 • Fax (518) 371-0936

DATE: May 20, 2026
TO: Town Board
Town of Halfmoon
FROM: Laurie Sullivan
Comptroller
SUBJECT: Creation of Appropriations

A resolution is necessary to create the following budget amendment of appropriations and revenues in the Special Revenue Fund for engineering fees for on-site quality inspections. These funds are developer's monies held in escrow by the Town in a regular checking account and used for the payment of costs for that particular project. This resolution is necessary to comply with proper accounting procedures as set forth by NYS Department of Audit and Control.

Information Only: The above was derived from the following breakdown of charges to be paid on May 21, 2026, Abstract for engineering and related fees.

DEBIT:	Revenues	25-980	\$25,840.50
	Subsidiary: Home & Community Services		
		25-4-2189.00	\$25,840.50
CREDIT:	Appropriations	25-960	\$25,840.50
	Subsidiary: Engineering Contractors Inspections		
		25-5-1440.40	\$25,840.50

<u>NAME</u>	<u>AMOUNT</u>
Mott Orchard	\$ 25,064.50
GF Haven	\$ 100.00
Red Maples Duplexes	\$ 348.00
Sweeney PDD	\$ 328.00
Total	<u>\$ 25,840.50</u>

