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**MINUTES MEETING
Town of Halfmoon Planning Board
April 11, 2022**

Those present at the April 11, 2022, Planning Board meeting were:

Planning Board Members:

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

Planning Board Alternates:

Brendan Nielsen- absent
Chuck Lucia

Coordinator- Building, Planning and Development:

Richard Harris

Senior Planner / Stormwater Management Technician:

Paul Marlow

Town Attorney:

Lyn Murphy

Deputy Town Attorney:

Cathy Drobny

Town Board Liaison(s):

John Wasielewski
Eric Catricala

Town Engineers:

Joel Bianchi

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

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

Rich Berkowitz: I make a motion to approve.

Mike Ziobrowski: Ill second

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

New Business:

22.049 Walmart Seasonal Outside Storage & Sales, 1549 Rt. 9 – Change of Use/Tenant

Shelly Scovill: My name is Shelly Scovill, and I am one of the managers over there at Walmart. So, it's the same as every other year we use part of the parking lot for flowers and the shrubs and on the side parking lot is where we do our mulch and our soil.

Don Roberts: And the dates it's going to be in effect?

Shelly Scovill: They planned through Memorial Day weekend but its usually done before that, Labor Day weekend yes, we are usually sold out before then so.

Don Roberts: Okay, questions by the Board?

Rich Berkowitz: Ill make a motion to approve.

Don Roberts: Tom recused himself. All in favor aye? (All in favor) Opposed? (None were opposed) Motion carried, all set.

Walmart Seasonal Outside Storage & Sales – Change of Use/Tenant

APPROVED. Board approved the temporary outdoor storage and display of seasonal items

22.054/22.055 American Promotional Events (Fireworks Tent Sales). 1549 Rt. 9 (Walmart) - Change of Use/Tenant & Sign

Lauren Radlen: Yes, I am can you hear me?

Don Roberts: Yes, we can, please say your name and what you plan on doing please.

Lauren Radlen: Yea, my name is Lauren Radlen, Im from T&T fireworks and as of every year we are just going to have out tent located on the Walmart property from June 12, through July 10th for the purpose of selling fireworks from June 20th to July 5th.

Don Roberts: Okay thank you, questions by the Board?

Marcel Nadeau: Did she say June 20th or June 30th?

Don Roberts: June 20th or June 30th?

Lauren Radlen: June 20th, Im sorry, that's when sales start on June 20th. but the Tent will be put up prior to that.

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Don Roberts: Okay

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

Tom Werner: Ill second it.

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

Richard Harris: And I just want to give you a reminder that does need a building permit, so same department that the Planning Board application was submitted just a reminder

Lauren Radlen: Thank you

Don Roberts: Okay you're welcome.

American Promotional Events (Fireworks Tent Sales) - (Walmart) – Change of Use/Tenant & Sign APPROVED. Board approved the temporary use and related signage for the sale of legalized fireworks from June 20 – July 10, 2022.

22.064 Care Access, 9 Parkford Drive – Change of Use/Tenant

Linda Radman: Linda Radman from Care Access we're looking to open a warehouse where we'll have warehouse assets, goods and supplies required to conduct clinical medical trials.

Don Roberts: Okay how many employees at the site?

Linda Radman: Between 5 and 15

Don Roberts: Okay, questions by the Board?

Rich Berkowitz: No trials are going to be performed at the site?

Linda Radman: No

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

Mike Ziobrowski: Ill second

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

Linda Radman: Thank you

Don Roberts: You're welcome

Care Access, 9 Parkford Drive – Change of Use/Tenant (22.064)

APPROVED. Board approved the request to use and occupy 7,500 SF for storage of supplies related to their clinical research company for activities/trials conducted at other locations.

**22.060 Henry's Detailing, 40 Farm to Market Road (Farm to Market Self Storage) –
Change of Use/Tenant**

Tamara Sullivan: Hi Tamara Sullivan for Bruce Tanski Construction, we have two changes of tenants tonight for 40 Farm to Market Road for the Self -Storage Facility. The First one is Henry's Detailing, and he would like to utilize one storage unit which is 1500 sq ft. and he'll be storing his equipment and supplies related to his detailing business. He will not be detailing on site and there is no outside storage or disposal of waste on the property.

Don Roberts: Thank you, questions by the Board?

Rich Berkowitz: I make a motion to approve the change of use and tenant contingent on no detailing on site.

Tom Koval: Ill second

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

***Henry's Detailing, 40 Farm to Market Rd (Farm to Market Self-Storage) –
Change of Use/Tenant (22.060)***

APPROVED. Board approved the request to use 1,500 SF for storage of supplies related to their auto detailing business, with a condition prohibiting onsite detailing activities.

**22.061 Coughlin's Landscaping, 40 Farm to Market Rd (Farm to Market Self -Storage) –
Change of Use/Tenant**

Tamara Sullivan: So, Coughlin's Landscaping also would like to utilize one storage unit, again its 1500 sq ft, and he'll be storing his equipment and supplies for his landscaping and snow removal business, and again no outside storage and no disposal of waste.

Don Roberts: Questions by the Board?

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

Marcel Nadeau: Ill second

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

Tamara Sullivan: Thank you.

Coughlin's Landscaping, 40 Farm to Market Rd (Farm to Market Self-Storage) –

Change of Use/Tenant (22.061)

APPROVED. Board approved the request to use 1,500 SF for storage of supplies related to their landscaping and snow removal business.

22.045 Lands of Johnson – Subdivision of Lot 2, 115 Farm to Market Rd. - Minor Subdivision

Duane Rabideau: Duane Rabideau from VanGuilder and Associates, representing Bruce Tanski before the Board tonight to subdivide a vacant 23.6-acre parcel of land out of the 282-acre Johnson Farm. The parcel is located at the southeast corner of the intersection off Farm to Market and Pruyn Hill road. The parcel is zoned C-1 Commercial. The applicant and owner are aware that any future development of this parcel will need future planning Board review and approval at that time. We are here tonight only for the subdivision portion of the approval of the 23.6-acre parcel of land, and that is our proposal before the Board tonight.

Don Roberts: Thank you Duane, question by the Board?

Rich Berkowitz: I make a motion to have a public hearing on May 9th.

Mike Ziobrowski; Ill second.

Don Roberts: All in favor aye? (All in favor) Opposed? (None were opposed) Motion carried, see you May 9th.

Lands of Johnson – Subdivision of Lot 2– Minor Subdivision

PUBLIC HEARING SET. The Board received a presentation on a proposed two-lot subdivision and set a Public Hearing for May 9, 2022.

Old Business:

22.023/ 22.024 Lands of Fellows/Werner Rd. Subdivision & Duplexes, Werner Rd. Minor Subdivision & Special Use Permit

Duane Rabideau: Okay for the record Duane Rabideau from VanGuilder and Associates before the Board for the continuation of the proposal for a proposed 2 lot subdivision on Werner Road. The initial application proposed a 2-lot subdivision and applying for a special use permit to construct duplexes on these proposed lots. We have since eliminated the special use permit portion of the application and are requesting only a 2-lot subdivision for single family residential homes to be considered and that's our proposal.

Don Roberts: So, you listened to the neighbors that's good.

Duane Rabideau: Yes, that's correct for this application yes.

Rich Berkowitz: So, we are just here for minor subdivision?

Duane Rabideau: That's correct.

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Rich Berkowitz: So, we need a public hearing?

Richard Harris: We already had it.

Marcel Nadeau: I make a motion to declare a neg dec.

Rich Berkowitz: Ill second.

Tom Koval: What about these requirements for the water line?

Mike Ziobrowski: Well, the water line would still come in effect, are the houses still going in the same location?

Duane Rabideau: That's correct.

Mike Ziobrowski: The water line still comes into effect, so basically last time we brought this up they just want to confirm that the water line runs across the road that way if the Town had to get access to it. They would have to be clear with the person that owns the home that, that's a possibility

Tom Koval: Staff is requesting a condition saying that the applicant agrees to hold the Town harmless along with any other requirements to the Town and the Town Attorney related to Town waterline on the property.

Lyn Murphy: We had talked about that at the other meeting, yes that's fine with me.

Tom Koval: So, we are all set?

Don Roberts: So, we are alright?

Tom Koval: I guess we're good.

Mike Ziobrowski: Ill second

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

Mike Ziobrowski: I make a motion for the approval of the minor subdivision.

Lyn Murphy: With the condition that?

Mike Ziobrowski: With the condition that the Town has access to the waterline and will be held harmless.

Marcel Nadeau: Ill second.

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

Duane Rabideau: Thank you.

Don Roberts: Thanks for listening to the public.

Lands of Fellows/Werner Rd Subdivision & Duplexes, Werner Rd – Minor Subdivision & Special Use Permit

APPROVED. The Board approved the revised request for a two-lot single family home subdivision with conditions related to Town access to the property for maintenance of an existing water line. (Applicant withdrew Special Use Permit application for the construction of two (2) duplex homes).

21.171 King PDD Retail Building, 5 Halfmoon Crossing Blvd – Site Plan

Todd Fischer: Good evening, everybody, my name is Todd Fischer Im with Equinox Companies. I apologize our civil engineer is not here, yet I don't know if we are going to need him but what we are proposing is a 21, 250 sq. ft. building, next to Trader Joes. This hasn't changed since you saw it originally with the Trader Joes project, and I wondered if you had any questions if not, I think we have answered some of the questions that CHA had on the project.

Don Roberts: Okay, before we get into that I will say that your right Clough Harbor was the initial engineer on this project, so we are going to refer it to them for review as well as Saratoga County Planning Board and the fire district.

Richard Harris: This has already been looked at
Don Roberts: We're all set with that; we don't need to?

Richard Harris: Yes, everything else is done on this just there were a couple of minor storm water related updates they needed to do to the plan, so we did ask for a position on it now.

Don Roberts: Okay, alright it makes it easier, any questions by the Board?

John Higgins: When Trader Joes came in we talked about traffic and potential problems and in conjunction with the car wash across the street , I know the initial couple days, everybody expected that but since then between , especially on weekends , between both businesses there is a problem with traffic , now I don't have a problem with this business as long as its not a high traffic volume but looking at the number of parking spaces I think you expect it to be another high volume , what are we going to do about the traffic out there?

Todd Fischer: I wasn't aware honestly that there's a traffic issue on the weekends.

John Higgins: Do you drive on route 9 on weekends?

Tom Koval: 9 Yes, I have to agree with him, I'm over a lot on the weekends at the car wash I don't think its as bad as we anticipated and I also want to say that there just looking for approval on the building they haven't come in front of us with a tenant at this point, so that should be addressed when a tenant comes in.

John Higgins: Well, I just wanted to address it at this point, so the applicant understands that there is a concern, and I was out there, and the traffic was backed up on route 9 heading north trying to make the turn and between Hoffmans and Trader Joes and this was not the opening weekend when there were police out there directing traffic, this was after that.

Marcel Nadeau: And I've also seen issues at Home Depot with Trader Joes and the whole intersection.

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Tom Koval: I think Home Depot is a problem, I do see that but

John Higgins: It's the whole area, that's you know, and I'm just trying to make sure the applicant understands that the Board is concerned about traffic in that area.

Mike Ziobrowski: I think the point is too right, that Trader Joes it's the same entrance into Trader Joes and exit is the same on that you are going to be using for this facility, correct?

Todd Fischer: Correct

Mike Ziobrowski: And that's where you get, kind of like four points of traffic that come together between the Home Depot and Halfmoon Crossing

Tom Koval: I think part of the problem is the exits and entrances just don't line up, so you have a staggered almost between Trader Joes and Home Depot. Home Depot is a little further west than Trader Joes, so it creates a little confusion there when you are trying to get out but once again, that's not what they are asking us tonight so we're kind of wasting time.

Marcel Nadeau: Kind of giving them a heads up on it.

Tom Werner: Yea so Tom I'm not understanding that, the Trader Joes and this building entry and exit is directly across the street from

Tom Koval: I thought it was just offset a hair?

Tom Werner: No, it's directly, yea.

Tom Koval: I stand corrected

John Higgins: I just wanted the applicant to understand that we do have a concern about traffic, so I for one if it's a high-volume traffic potential that you're looking at here I think we are going to have to really take a good hard look at it.

Todd Fischer: Well, I think this is, we're working with several tenants right now, and it's not nearly what we thought we were looking at with Trader Joes. I think that it's really not as bad as everybody expected.

Rich Berkowitz: I think it's a lot better than what people expected.

Mike Ziobrowski: I think it's the differential in the time volume like you get a high amount of traffic at the car wash early in the morning and then the traffic becomes high volume to Trader Joes, and it just happens to work better for some reason.

Tom Koval: Keep in mind Hoffmans is going to be doing something else down the road, we've approved several times. Is there any chance of putting a second curb cut in between the liquor store and Trader Joes?

Todd Fischer: Well actually we have a curb cut between the liquor store and the bank, so in effect out of this site there is really, there are really three exits, four for that matter.

Rich Berkowitz: So, this parking lot is going to connect to the other parking lots?

Todd Fischer: Yes

Rich Berkowitz: Oh, okay so that solves a lot of problems.

Mike Ziobrowski: One of the things I think would help it as well is if you could actually enter from that exit that's behind Exit 9 Wine and Liquor, I think that's only an exit right now.

Todd Fischer: Clifton Park wanted that kind of a one way in so that's something we could investigate with them.

Tom Werner: Yes, you have to realign it, I think.

Mike Ziobrowski: You would have to realign it.

Todd Fischer: Yea it was kind of cantered so there was only a right out of there

Mike Ziobrowski: But if you were able to pull in there as well it gives you that additional point to enter and not impact basically the entrance off of Halfmoon Crossing so just a thought.

Don Roberts: All of this should not hold up any approvals

Rich Berkowitz: I'll make a motion to approve the site plan base on the final engineering review, consistent with the neg dec that we voted on previously

Mike Ziobrowski: Ill second.

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

Todd Fischer: Comments understood thank you.

Don Roberts: Okay.

King PDD Retail Building– Site Plan

APPROVED. The Board approved the application to construct a new 21,250 SF retail building with a condition requiring final Town Engineer review.

20.076 Hands Hollow Subdivision, 73 Staniak Rd- major Subdivision (Cluster)

Jason Dell: Good evening, Jason Dell Engineer with Lansing Engineering here on behalf of the applicant for the Hanks Hollow Cluster subdivision. We were before the Board last December for the project for the public hearing and after the public hearing you folks provided a preliminary hearing for the project since then we have received our DEC approval , we've also received the Department of Health approval for the project, we do have the Saratoga County Sewer District approval in place and at the last Board meeting you folks had requested for us to look at the intersection of Staniak and Cary road and myself , Paul , Bruce, Tamara and

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Bill we met out there on December 29th to take a look at that intersection. Bill didn't have any complaints about the intersection on record. He himself hadn't received any nor were there any in the file so he wasn't aware of any issues with that intersection and as we looked at it there wasn't a whole heck of a lot that can be done right now. As indicated during the pre-meet Bill indicated that he would like to at it a little bit further with MJ to see if there could be any intersection, additional intersection warning signs or directional arrows that could be put out there and obviously we would be willing to work with the Town if they were identified but at this point we've addressed all of MJ's comments, we've gotten all of the agency approvals and we're here tonight to request a final approval from this Board.

Don Roberts: Thank you Jason, any approval will be contingent on working with the Town Engineer.

Jason Dell: Understood.

Don Roberts: Comments by the Board?

Rich Berkowitz: Ill make a motion to have a final approval of the subdivision contingent on the proposed site distance improvements and consulting with the Town Highway Superintendent.

Don Roberts: And Town engineer.

Rich Berkowitz: And Town engineer.

Mike Ziobrowski: Ill second

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

Lyn Murphy: Just for clarification for the record purposes it's my understanding that the Planning Board wanted to make sure that those required like distance improvements were done during the first phase of the work.

Jason Dell: They've already started.

Lyn Murphy: Perfect.

Don Roberts: Okay, thank you.

Jason Dell: Thank you.

Hanks Hollow Subdivision – Major Subdivision (Cluster)

FINAL APPROVAL. The Board granted Final Subdivision Approval to the proposed Major Subdivision with conditions related sight distance improvements and review by the Town Engineer for additional street signage.

22.066/22.067

Noradki Subdivision, 3 Tabor Road- Minor Subdivision & Site Plan

Luigi Pelessi: Good evening, Luigi Pelessi with ABD Engineers, here representing Lenny Antonosio. Lenny is the applicant on the project and the owner is Sharon Noradki. We were here before this Board back in

October 2021, with a different layout more residential in style. The total parcel is 90 plus or minus acres, 92 I believe. There is an existing single-family house known as 2 Tabor Road, that single family house will remain and what we're here for tonight is site plan review for approximately 25 acres to construct 3 warehouse buildings and office with its own access off of Tabor Road. We are doing it in phases. Phase I is building 2 as shown on the overall parcel here, so access is going to be off of Tabor Road, full curb cut in and out with three buildings situated, tractor trailer loading dock areas at grade, doors as well as parking throughout. The way we laid this industrial warehouse park is having all of the traffic movements internally. 113 Tabor road recently received approvals for 43, 000 plus or minus warehousing, kind of look at that plan and reviewed some of the minutes from that and the applicant is looking to move forward with an industrial warehouse development, its an allowed use in the zoning district , we are aware that its close by to the Northern Sites residential subdivision, however again with this layout we are keeping everything internally providing a buffer around the perimeter and as you can see our buildings as proposed are a little further away than what was recently proposed for 113 Tabor Road. Public utilities are available at the site, both water and sewer. The sewer runs right along the Dwass Kill and we'll work with the Saratoga County Sewer District for that connection, and of course the stormwater will be controlled and treated per the DEC stormwater regulations. Right now we do have plenty of parking spaces , we don't have a tenant yet for any of these buildings , they'll be built on speculation, but per the Town code we do meet the number of required parking spaces for warehousing and we feel its excessive and as we go through this process we can certainly bank some of the parking spaces and provide more green space, but right now we're at 86 percent greenspace I believe, so if there is any questions I'd love any feedback that any members might have tonight.

Don Roberts: First of all, we are going to want a traffic study done

Luigi Pelessi: Okay

Don Roberts: Okay, we are also going to refer it to our Town engineer for review

Richard Harris: Id like to make a suggestion for the Board to consider, well since MJ Engineering did in addition to being the Town engineer also did the traffic review for 113 Tabor I think it would kind of be at a scale of efficiency makes sense for the Board, and I, we usually work that out we discussed that we did that for 113 Tabor and I think it makes sense if Joel...

Don Roberts: Okay now we will also refer it to Saratoga County Board, fire district, and we're all set, yea.

Joel Bianchi: One item, when they do refer to the fire district, this is going to be one of those projects, we ran into to it on Earls, your over 124,000 SF, you need secondary emergency access for a fire truck. You have to go to the Department of State and seek that state variance that is not under the Town's control.

Luigi Pelessi: So that's 124,000?

Joel Bianchi: Of the 60 once you are over 60 you need to have automatic sprinklers or a secondary means of access

Luigi Pelessi: These will be fire sprinklered

Joel Bianchi: Well once you hit 124 it does not matter you need a secondary means of access and they have to meet the remoteness requirement.

Luigi Pelessi: Okay

Joel Bianchi: You might be able to get secondary means, but you will not meet the remoteness, so you will have to get a variance from the Department of State.

Luigi Pelessi: So secondary means would be 2 curb cuts on Tabor Road, because I can't get access from the back it's the railroad tracks

Joel Bianchi: It's not a Town requirement, it is State fire code.

Luigi Pelessi: Yea, okay.

Richard Harris: Yea its not even as simple as 2 access on Tabor, it has to be a minimum of half the distance

Joel Bianchi: Basically, there has to be 2 and they have to be as far apart as possible.

Luigi Pelessi: So basically, what you're telling me is 124 is the max unless the State would

Joel Bianchi: Once you go 124, it kicks in that additional provision in the state fire code.

Luigi Pelessi: I wasn't aware of that.

John Higgins: Also, Don I noticed that you have parking backing directly into the main road, you're going to have tractor trailers and everything else moving in and out of that single access road, and you're going to have cars backing out of parking spaces, I think that's a problem, potential problem.

Luigi Pelessi: Yea we had a different look in that front area, you can see we pulled the parking area away from the building just to try to reduce the pavement on the site, the original way I had it was the parking was closer to the building so you had some more maneuverability for the cars that would be parking in that area maybe we could look at that again, you know to give more back up maneuver and no conflict with the tractor trailers so.

John Higgins: Im just concerned about people backing out when you have tractor trailers moving in and out.

Luigi Pelessi: Okay

John Higgins: Thank you.

Rich Berkowitz: Based on Joels comments tonight are you going to reconfigure this whole project now or?

Luigi Pelessi: I think I'm going to have too yea.

Rich Berkowitz: Okay so we shouldn't waste our time, not waste Im sorry

Luigi Pelessi: This was a perfect comment here, it doesn't matter what layout just having that thought in mind and when I do kind of massage the site plan, I will keep that in mind so if you can offer anything it would be certainly helpful when I do massage the site plan. I don't want to say it's a waste of time.

Rich Berkowitz: No, I don't want to say that

Luigi Pelessi: But thank you for having me here today.

Don Roberts: So, what your saying is Joel will be getting another site plan review

Rich Berkowitz: I don't want to use somebody else's time on something that is going to be reconfigured, how is that as a better term?

Lyn Murphy: You're trying to save the applicant money by not reviewing a site plan that is not going to be the same

Joel Bianchi: By saying my comment, it's not my comment, it's the State fire code, I don't want to say you should not pursue the project, I'm just making you aware of it because more and more projects of this size, not just the Town of Halfmoon but across the state are facing this. The State is seeing applications for this variance more often; lands are restricted, you only have so much of our engineering that can achieve that. The point being, when it gets referred to the fire department, this plan or some future plan, the Department of State urges that you get a favorable opinion from the fire department on your project.

Luigi Pelessi: Okay

Richard Harris: Does the Board want us to as staff to pursue not only Joels review but fire department, county start the traffic study based on a revised plan as discussed or do you want to see it come back here?

Don Roberts: I think we should wait until he gets the next plan, the revised plan

Richard Harris: Bring it back here?

Don Roberts: Bring it back here

Richard Harris: Okay.

Tom Koval: We will be voting on something blind here, we're talking about something blind

Mike Ziobrowski: In my opinion would to as far as the variance goes, the variances they are not unheard of so it's done for projects before its just it needs the support of those around it, so the fire department would have to have walked and said yea this is reasonable.

Richard Harris: Yea , to echo what Joel said a member of our staff reached out also to Department of State and they indicated that the Towns opinion weighs also and in this case the Town would be this Planning Board, its not a Town Board action, so I don't think that means a vote on the final site plan but some sort of indication that is short of a variance the Board finds this development acceptable whether its 124, 150 , 190 that , that will go a long way I think in addition to fire chiefs comments.

Tom Koval: The State has these regulations for a reason, they didn't just pull it out of their rear end, and it's for safety purposes.

Mike Ziobrowski: I would say it's almost like a two partner, it's like your fire chief, and your authority having jurisdiction and kind of both looked at it and are in agreement.

Luigi Pelessi: Yea I would be interested to look at it myself because we've got the biggest building there on Tabor Road which has access like 250 feet of frontage, the one side so is it all the buildings or is it on the road.

Joel Bianchi: It's cumulative of all buildings on the lot.

Luigi Pelessi: On the lot.

Joel Bianchi: Not the individual buildings.

Luigi Pelessi: Okay

Don Roberts: So, I guess we should have you revise your plan, and then come back before us and then we can have Joel review that revised plan.

Lyn Murphy: At least discuss it with the people that you are representing if they don't want a revise, it and they want to go forward with the variance then that's fine but if they want to change it ahead of time, we'll save them money of doing all the reviews and then doing it again.

Richard Harris: I do want to add that the applicant is ultimately like you do with some phase subdivision projects, seeking final site plan whenever that happens on just building number 2 at this point, keep that in mind

Don Roberts: That's a good point thank you.

Richard Harris: You know you look at SEQR you look at traffic for overall but for in terms of final site plan, Scott Earl's done this and then actually Bruce has with some of his phasing of his Farm to Market Self Storage, he gave like an overall, I'll call it approval of a concept plan but then final site plan on just either phases or individual buildings

Don Roberts: Zero in on that

Richard Harris: Yea so I mean that's another half this Board might find acceptable as you go down this path and approve this first building which is well within the building code requirements as the applicant builds constructs gets tenants and seeks a variance for the rest of it, just another idea.

Luigi Pelessi: Yea I mean I would like to pursue that thought, you know, building 2 phase I, which is less than a 124,000 sq. ft. and then as we move forward we can certainly tweak and work through the fire department comments and you know, it's a matter of taking one of these buildings and reducing the size footprint if that's the way the applicant wants to proceed.

Richard Harris: Yea a phased approach that allows some level of approval and then while you seek your variance, you can decide whether , and we have applicants that do It all of the time, it changes from the first concept like you saw , it happened with Glenn Meadow some of the residential subdivisions , just happened with Betts Farm, the initial phase was going to have 4-plex buildings and 2 unit buildings, came back and they are all single family so markets change, times changes you may find one tenant that only wants 30,000 and keep some within the level of the code.

Luigi Pelessi: And one of the reasons why we picked building 2 was because its centrally located on the parcel and we need to do some extensive grading on the site and move some dirt to the back of the site so starting in the middle will help with getting the grades to where we need them to be for the future buildings.

Richard Harris: Yea I would suggest you take a look at a phased approach that allows you to keep this process going while you might pursue a secondary review with the State.

Luigi Pelessi: that makes sense.

Don Roberts: Alright, okay.

Luigi Pelessi: Okay, very good thank you.

Noradki Subdivision & Warehouses – Minor Subdivision & Site Plan

TABLED/REFERRED TO AGENCIES. The Board received a revised proposal to construct up to three (3) light industrial/warehouse buildings. The Board tabled the application and requested a revised plan that meets NYS Building Code requirements for access.

21.159/ 21.160

ELP Halfmoon Solar, 48 Smith Road – Site Plan & Special Use Permit

Don Roberts: Since Charlie was here for the public hearing and the site visit, he is going to take Toms place up here.

Joel Bianchi: So what you have, we provided you three documents, one was the Part II, which we went over last meeting and all I did was check the boxes as we went over it. The only one which rose to the point where there were impacts that were moderate to large were: Consistency of Community Plans and Consistency of Community Character and the way we capture those, there are two subsequent documents; and I'm going to review that, I was merely documenting what we did. There was the Part III EAF, which is the findings of significance, which is really just checking boxes type 1 action, it includes Part I, II, and III. The back pages talks about the Planning Board is lead agency ***inaudible*** that you were going to, you said if there was one or more adverse impacts, preparation GEIS. So, the one item that is of most importance is the third document which is the positive declaration, the Boards Notice of Determination and Significance. Again, we name the action, the SEQR status is a Type 1, an environmental description of the action, the location but the important item is, the reasons supporting this determination. So, what we did is we basically paraphrased and I think captured what the Board thought were the items of concern, so the first on is the proposed action, land use components are different in sharp contrast to the current surrounding land uses, which I believe the Board was polled and the majority found that, that was an act of moderate to large significance. Second item was the proposed action was inconsistent with the predominant architectural scale.

John Higgins: Can we go back for a second, because I'm not sure where it is but it might be in this section, where it talks about the moving more than a thousand tons of dirt or trees and I brought that up last time and you said it was addressed later in the GEIS, or in the SEQR but it never was addressed later so I don't know where it's appropriate but there's definitely going to be moving dirt and trees.

Joel Bianchi: So, you brought up the item that is 1D, moving 1,000 tons of natural material.

John Higgins: Correct

Joel Bianchi: Natural material under SEQR, under that question only talks about removing of soil. The reason being, if you look at the Part II, it is relevant to the Part I questions and it references question D.2.A of the EAF of the Part I. Everything under section D.2 of the Part 1 all relates to soil moving and mining, that's all it deals with. It has nothing to do with tree removal, now your question was soil and trees.

John Higgins: Soil and trees

Joel Bianchi: Nothing in that question relates to removal of trees

John Higgins: But they're going to be moving, is it talk about just removing it from site or moving it onsite?

Joel Bianchi: Question D.2 has to deal with excavation, mining, dredging, construction ***inaudible***

John Higgins: Which they're gonna be moving more than a thousand tons of dirt onsite just, they talked about having to re-grade a lot of the site to get the angles that they need for their solar panels.

Joel Bianchi: Yes, but it's not classified as a mining operation.

John Higgins: No, it's not so that 1D is strictly a mining operation?

Joel Bianchi: Predominately yes, every project has, not every project but projects of this scale have earth moving operations, the real concern for us is the operation start to borderline on a mining operation, the extraction of soil for sale or moving of major amounts of soil offsite to other locations because that brings in other impacts, i.e. traffic, dust, noise and they made no representations throughout their presentations that the earthwork was going to facilitate or require an extraordinary amount of traffic offsite to import or export material. Therefore we concluded that it is not really a mining operation.

Marcel Nadeau: So, what you are saying is they're just moving the dirt within the site

John Higgins: Okay then how about all the trees that they are going to take down, is that addressed somewhere else?

Joel Bianchi: That is discussed in a sort of vague way under agricultural under 8.D: the proposed action may irreversibly convert agricultural land....

Marcel Nadeau: What number is that, Joel?

Joel Bianchi: Its part 2 which is, page 5.

John Higgins: We can wait and talk about it then if you want, Im not asking you to jump around I just wasn't sure

Joel Bianchi: It's basically converting Ag land to non-ag land. There is no question specifically about the removal of trees, it touches on some points throughout the Part II.

John Higgins: Well, I know from my own personal experience I was limited on how much I could remove in the way of trees during a one-year period on my property so Im asking is that addressed somewhere here.

Joel Bianchi: I don't know any details about your project and what limitations were imposed ***inaudible***

Tom Koval: Who limited you, John?

John Higgins: Well Paul's very aware of it, because you know because I went to the Town and explained that I was trying to increase my agricultural fields and I was told that I couldn't do more than 5 acres

Tom Koval: For agricultural?

John Higgins: Yes, agricultural in the way of tree removal for 1 year and you know Paul can discuss it but that's what I was limited to on my site.

Tom Koval: Agricultural has those limitations

Richard Harris: Are you talking about 5 acres without doing a stormwater pollution prevention plan maybe?

John Higgins: No, it was I was limited to 5 acres of removing trees to make farmland?

Richard Harris: That was a restriction we put on you.

John Higgins: Yes

Rich Berkowitz: Are you sure it wasn't grading operations as opposed to removal?

John Higgins: No, because I didn't do any major grading, it was strictly tree removal, Paul?

Paul Marlow: Yes, what we discussed was the concept of 5-acre waivers, which are linked to construction permits for construction activities

John Higgins: Right

Paul Marlow: So that doesn't really apply in your, when you're talking civil cultural what we discussed before

John Higgins: Correct but

Paul Marlow: Civil, cultural is a right to farm practice, regulations are a little bit different than, the 5-acre thing comes in relation with a construction permit or a site plan or subdivision of something of that nature

John Higgins: So, this applicant under this project as we spoke earlier would be limited to 5-acre disturbances at each phase?

Paul Marlow: Without prior written approval from the Town, they cannot exceed 5 acres they can phase, it happens with just about every subdivision, that's more than a few houses, they phase it where they'll do up to 5 acres, 4 and a half acres, stabilize to the satisfaction of the Town and move onto the next phase, which I believe is the approach that they had here where they would do it in phases to keep it under 5 acres.

John Higgins: Okay

Richard Harris: Yea one time its not necessarily a one-year situation, it's until the 5 acres is stabilized and we do have people that ask for 5-acre wavers and there done but limited we want to make sure its passed or its during growing season where grass like this time of year you plant seed, and it washes away. Paul and I were very hesitant to allow those wavers this time of year because of that but, hot dry summer months we would tend to allow that more but its five acres at a time, but its on a construction site not on a timber harvesting or situation your talking about , you know we have developers right now that were worried they might end up going over that 5 acres and we've been warning them we're not in the mood to do that this time of the year , give the 5 acre waver. They're supposed to be very limited. Not sure to your situation but.

John Higgins: No, no im just, you know they are going to be taking a lot of trees off o-site on this site and I just wanted to make sure it was addressed in the site somewhere in the process to address the amount of truck traffic and heavy equipment traffic that's going to be on a small rural back road. I just think it needs to be mentioned somewhere.

Tom Koval: What do you think is going to happen with this when we don't do a solar farm on it?

John Higgins: You're going to get a bunch of houses.

Tom Koval: This is all very short sided in my opinion, I just want it out there, very short sided, your worried about taking trees out, wait until we've got 80 goddamn houses on it.

Don Roberts: Okay Joel where were we, please.

Joel Bianchi: Okay so item 2, the proposed action is inconsistent with predominate architectural scale and character of the area: the majority of you felt that was moderate to large impact, the third item was the proposed action was inconsistent with the character of the existing natural landscape. The majority of the Board felt that was a moderate to large impact. So, we are good with that really the next step is we can't file this, the nest thing is we would contact the applicant say these are the three items of concern that the Board wants to focus on, and they will be charged with preparing a draft scoping document, once that comes out then we can start filling in what we highlighted in yellow, which are dates for distributing the draft scoping document to the general public. So if the Board is okay with this, again, I was just trying to capture what we talked about at the last Board meeting; the next thing is to reach out to the applicant, let them do the scoping document.

4/11/22

Lyn Murphy: Just for purposes of the record the applicants are online, so they are aware of this conversation although they are not present here in the room.

Don Roberts: Okay that sounds good to me anyone else have any questions?

Mike Ziobrowski: I agree within context of what we talked about.

Don Roberts: Everybody in agreement (Board agrees) Okay anything else. Thank you, Joel good job, thank you.

***ELP Halfmoon Solar – Site Plan & Special Use Permit
SEQR FINDINGS/PART 3 FEAF. The Town Engineer and Board reviewed the SEQR Findings for
completion of the Part 3 FEAF***

Mike Ziobrowski: I make a motion to adjourn the meeting.

John Higgins: Ill second

Don Roberts: All in favor aye? (All in favor) Opposed? (None were opposed) Motion carried. thank you, good night.