

4/13/20

**MINUTES MEETING  
Town of Halfmoon Planning Board  
April 13, 2020**

**(Please note: Due to recording issues during the first agenda item, the minutes are a combination of verbatim and summary notes of staff present at the meeting)**

**Those present at the April 13, 2020 Planning Board meeting were:**

**Planning Board Members:**

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

**Planning Board Alternates:**

Charlie Lucia-present  
Brendan Nielsen -present

**Coordinator- Building, Planning and Development:**

Richard Harris-present

**Senior Planner / Stormwater Management Technician:**

Paul Marlow-present

**Town Attorney:**

Lyn Murphy-present

**Deputy Town Attorney:**

Cathy Drobny-present

**Town Board Liaison:**

John Wasielewski - present  
Jeremy Connors

**Town Engineer / CHA:**

Joe Romano-present

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***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? Can I have a motion to approve?

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Mike Ziobrowski: Second

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

**New Business:**

**20.023                      Capital Gate Insurance, 457 Route 146- Change of Use/Tenant**

**Tamara Sullivan:** Capital Gate Insurance Group, they are looking to move into 457 Route 146 they have 5 full time employees, they are open Monday through Friday 9 to 5. They estimate that they are going to have 5 to 6 employees and that is the site that that is shared with Jays Auto , it has a common driveway , there is space currently that is dedicated just to Capital Gate Insurance, which seem like that would be enough for the clients that they have coming in each day.

**Don Roberts:** Okay, okay good, before we go any further the first three items are all from Bruce Tanski, they are all commercial use I notice there are no signs applications at this time so I know this is not you at all okay so don't take it personal but we do not want to see any signs on any of these until we get approval from this Board okay.

**Tamara Sullivan:** Yes , I completely understand that , so one of them the third one Thermally yours I don't believe are going to have signs in the future Capital Gate who we are talking about now they are still designing their sign and also the second applicant , Skin Lab they are in the design process a well, Capital Gate , they are actually going to do their own sign application with you guys, so they are going to come before you when they have everything worked out on their end, I'm going to do Skinlab they are going to be utilizing the sign that's currently there, they are going to be changing the sign to putting their own logo on it, they are aware they cannot put up the sign prior to prior to approval from the Board.

**Don Roberts:** Okay thank you very much, now getting back to the first person, any questions by the Board?

**Tom Koval:** That sharing of a lot with Jays Auto, that has come up several times, the parking is so ridiculous, there are still cars parked all over the lawns next door and you know it doesn't change, we have spoken to them several times, we gave him approval for another building at the end of the side road there (Freeman Lane) and we tried to alleviate that and it still doesn't seem to solve it; there is just car all over the place so I don't know how putting more vehicles in there, how much more

**Richard Harris:** Tom the Board actually approved parking on the grass a few years ago and they're not permitted to park in the spots for this insurance agency because it there was a couple other uses at other times.

**Tom Koval:** We are allowing them to park all of those cars on the lawn?

**Richard Harris:** Yep, that part of the prior Board approval was they could park a certain number of, off of the top of my head I don't know how many but I they could park on the grass area, that's correct.

**Tom Kaval:** Well that's kind of shortsighted, the place really looks terrible when you go by it.

**Tamara Sullivan:** There is one thing I want to know, so we had put out no parking signs along the grass right next to where Capital Gates insurance is going to be, so we've got no parking signs there so that side of the driveway should now be clear. They have a designated line in the back of the building, Jays Auto is not allowed to park cars there, I think they were parking cars there somewhat because there was no one in that building but they are not allowed to do that now, so Capital Gate, people for Capital Gates should be able to pull into that driveway and not have to maneuver through a ton of cars, go around that facility to have ample parking and I sketched that aerial photo for Rich because there was some question regarding that.

**Richard Harris:** Yea that was sent to the Board.

**Tamara Sullivan:** Capital Gate put up signs, Bruce had also mentioned that, a driveway I believe to the west of where the current driveway is and he had said that he would put that driveway back in so then those clients can drive right in, that driveway not having to deal with Jay's side at all.

**Tom Koval:** Rich at some point, I know its crazy right now but I would like to know a total number of allowed vehicles at Jays Auto.

**Richard Harris:** Okay

**Rich Berkowitz:** They have their own parking right on the west side of their building right?

**Richard Harris:** Yep, it's on the west side and near the grass on the south side.

**Rich Berkowitz:** Right where the handicapped spot is and right where the tree is, I'm looking at the picture she sent us.

**Marcel Nadeau:** The question I've got is have you ever left parked cars on the grass?

**Richard Harris:** Ill pull the site plan and send it around.

**Tom Werner:** Rich I had made a comment that the concern for patrons to the insurance business that are first time arrivals unfamiliar with the area, and trying to navigate through Jay's auto with all those cars. I think there should be some internal signage to direct the people to the west side of the building it's not going to be obvious and my other concern is people coming from 146 looking now to get into the site, you need some kind of a sign, you talked about sign out front, something has to be there, unless an alternative to add that old driveway back in, in which case there is a driveway that goes in I would say it would be better served coming off of the access to the auction rather than off of 146.

**John Higgins:** Yea I've recalled that the second driveway was a requirement..., to eliminate that driveway as I recall Marcel do you remember

**Marcel Nadeau:** I don't remember

**John Higgins:** In order to get approval I believe, DOT required single access, as I recall but Rich can check it.

**Tamara Sullivan:** Again we are absolutely willing to put up whatever signage we need to, or create a different driveway, whatever you guys say needs to be done.

**Marcel Nadeau:** Yea I think we need to look at some options to see if we can make this site work out better, there is a problem and Jays is questionable.

**Tom Koval:** It is a very congested small site I mean with what he's got there and I really think we need to look into this a little closer, are they already in this location or are they looking to move in t?

**Tamara Sullivan:** This was supposed to come before the Planning Board the last meeting they are storing things and getting ready to do business...

**Tom Koval:** Okay

**Don Roberts:** Well in any event I don't think you want to allow access directly on 146 again and I don't think DOT would either.

**Marcel Nadeau:** That's a busy section there all of the time.

**Tom Werner:** Yea there are requirements there, that I don't even think that they could squeeze it, I don't even think it's possible to explore an access off of that auto auction entrance.

**Tamara Sullivan:** So if I prefer getting them in their sooner rather than later are we going to be able to move in while we figure out everything?

**Don Roberts:** Okay, Tamara as much as we would like to keep this moving there is enough concern where I think we are going to have to table this until we get a clear direction from him, unfortunately.

**Tamara Sullivan:** So what are we going to get in terms of that or should we...

**Don Roberts:** Hopefully we can get it all resolved at the next meeting, hopefully

**Tamara Sullivan:** Okay

**Rich Berkowitz:** Don do we have to clean up Jays site or their site?

**Don Roberts:** I don't think we should hold them hostage for Jays

**Rich Berkowitz:** Me neither

**Tamara Sullivan:** Could I explain one last point, my biggest concern here is that again, this was supposed to go before the meeting that was cancelled and I am worried about putting these guys off too long because I don't want to lose the business, you know they're a new business coming into Halfmoon; they are in Albany now , I am worried with the idea that they are going to find another site , and say you know what we can't move in, we can't start doing business we're done. So Im just wondering if there is any way that I can get them to be in there in some form or capacity to start operating.

**Don Roberts:** Okay, I guess I'll ask the other Board members, I know there are concerns but could we approve contingent on straightening out the access or would you rather table it?

**Tom Koval:** Im not sure how we are going to straighten out this access problem, we've addressed this Jay's site so many times; I don't want to hold this insurance company hostage or hold Bruce hostage because of what one of his other tenants is doing, however he has known about these issues for some time, and we keep bringing them up , he doesn't seem to be getting it solved, once again I don't have firm numbers on what Jays allowed , but I do know that it looks terrible on that section it looks like a used, it doesn't even look like a used car lot it looks like a junk car lot there is cars parked everywhere and it doesn't seem to bother Mr. Tanski what his property looks like, the insurance company should not be held hostage, however Bruce's the real land owner there and his concern is losing a tenant and costing him that money but it doesn't seem to make too much concern the looks of his property all these years so Im at a stale mate I feel as though we are penalizing the insurance company to force him to clean up the property and their asking us for a favor to let the people in when they really haven't done much to clean up , they should do us a favor and get the site in better shape

**Rich Berkowitz:** When was the last time Code Enforcement paid a visit to that site?, it's been there, when was the last time code enforcement has taken a visit to that site?

**Don Roberts:** I don't know Rich had to leave the room here.

**Tom Koval:** Part of the problem of code enforcement is, going there is no one seems to have a clear answer what's allowed, every time I ask a question because this has come up a lot before and always we're not sure what they are allowed or we allowed them to park on the grass, there doesn't seem to be a defined number of vehicles, and if there is a defined number of vehicles it seems to be well in excess of what his property can handle cleanly. That was our whole reasoning behind giving the approval for this other property around the corner, but the site is still looks like a salvage yard, that's where the problem is, I know if it was my property I would be on those tenants constantly but it doesn't seem to be bothering anyone that it looks like that, that whole stretch of road. It looks worse than the auto auction, I think there are vehicles out back we had a discussion just last week right up the street about the number of vehicles out front and stuff out front for sale and the looks of this place, we've had this discussion so many other times about keeping your site in good shape and maybe you can look for an example on our main stretches yet this on just keeps seeming to slip right through the cracks.

**Rich Berkowitz:** Is there a problem with the site plan?

**Tamara Sullivan:** The developer (inaudible) I know that that was an issue, there was an ongoing issue that there were cars parked all along the lawn where Capital Gates is supposed to be, so there was a very narrow driveway to get in, yes there are cars on the opposite side of Capital Gate and you have my word, I don't know how much that means but I, those things I can try and handle, we did put up the no parking sign to try and clean it up and make things look nicer and to my knowledge Jay has obeyed those no parking signs (inaudible) if there is more that you want to see we would absolutely be willing to do that, again my main concern is not holding the insurance company hostage getting them in and we will work with you cleaning up that lawn, and I do understand what you're saying , I understand eye sore , so I get what you're saying.

**Tom Koval:** Yea but Im talking from a business man's perspective, I don't want to cost Bruce any money on this unnecessarily I just want him to, I mean it sounds like he is trying to adjust with no parking signs, I

mean it's gotten kind of out of hand the whole thing, a revised site plan should be in order but once again it is more money we'd be asking someone to spend, we need to look at that property and those buildings as a whole, look at those two properties as a whole and come to an agreement with how many vehicles are allowed on both even though its separate entities how many vehicles are allowed combined on both properties because they do spill into one another; I have no problem with temporary approval for the Insurance Company but it would be a short term until he can get us some revised ideas of what's going to happen there.

**Tamara Sullivan:** If you can give me specifics as to how many cars allowed there, I will make sure that that happens.

**Tom Koval:** Yes Im not speaking strictly for myself, Rich needs to chime in on this I mean obviously

**Richard Harris:** Tom I went back to the office and pulled the site plan I don't think you and I have had a conversation about what the site plan allows so I pulled it out and approval for Jays allows for 11 vehicles parked outside, and an additional 4 on the grass area.

**Tome Koval:** Okay well it has been well in excess of that several times. I don't even like to mandate parking on grass here because it could become standard, 11 there on that site is even a lot it's a small spot so why do we allow them to park on the lawn that's just making it look like tobacco road. I mean I do know why it was approved that way in the first place but it's not the look I want for 146, I can't imagine anybody does.

**Richard Harris:** Unless you change the site plan I mean he's got 11 cars approved back in 2006.

**Tom Koval:** 11 cars? I mean land bank does that mean he's allowed constantly?

**Richard Harris:** If he needs it that's what land bank parking is for, if he needs it.

**Tom Koval:** Okay

**Tom Werner:** Well the aerial shows about 25, 26 vehicles are there, so that is double what you are saying is permitted there Rich.

**Tamara Sullivan:** Well if you're looking at the aerial photos, it would be, it is not actually reflective of what is there today, I just want to clarify that.

**Tom Werner:** Well that's a good thing

**Tom Koval:** It is consistently, I want to say I haven't paid attention for the past month because it was irritating when I would drive by so if they corrected it fine but if they haven't corrected it and we approve this other I will make it a point to look all of the time and we just don't want, it's not appealing for that stretch of road.

**Tamara Sullivan:** And I am learning a lot in the course of this and I will make it a point to go to Jay and it's something I'll look into and make a point to go to Jay and say get these cars out of here, there's too many cars, you know...

**Don Roberts:** Okay we have either got to act on this or table it one or the other?

**Tom Koval:** I make a motion to approve the tenant , out of my better judgement I am going to trust that the landlord does what he says he is going to do, and if they don't we will have to take further action with code enforcement, and that's my opinion. It's on record now that we're not happy, I'm not happy with it, they have to clean up their act.

**Marcel Nadeau:** I think when you do that code enforcement orders actually the 15 spots on that lot

**Richard Harris:** I'll have Code go there tomorrow

**Marcel Nadeau:** But that's not the issue here, it's always over that.

**Tom Werner:** I would add a couple of temporary signs at the company that guides patrons around to where they're supposed to park, otherwise they are going to come in, they are going to get confused, they have never been there and ya don't know what you've got in terms of movements of vehicles a day so just a couple wayfinding signs.

**Tom Koval;** Assign designated parking spots with the insurance company's name on it, parking for Capital Insurance only. So I will make a motion to approve the change of tenant with the conditional signage directing the Capital Insurance customers to the designated parking spots which will also be marked.

**Marcel Nadeau:** Ill second that.

**Don Roberts:** Okay we've got a motion and a second and now Tamara you will talk to Jay about straightening out the site right?

**Marcel Nadeau:** We are also going to have Code Enforcement look at it.

**Don Roberts:** And Tamara you will talk to Jay right? Ok here's what we have, a motion and a second, contingent to approve this, contingent on signage going up for directional purposes and were going to have code enforcement look at the site and you agreed to talk to Jay about straightening his site out, correct?

**Tamara Sullivan:** Absolutely

**Don Roberts:** All in favor of this motion? (All were in favor) Opposed? (None were opposed) Motion carried, okay very good.

*Capital Gate Insurance, 457 Route 146- Change of Use/Tenant (20.023)*

*APPROVED. Board received a presentation and approved the use of the vacant 1,700 SF building for an insurance company, with the following conditions: (1) the applicant shall install signage on site related to designated specific parking for "Capital Gate Insurance"; (2) the applicant shall ensure the site is in compliance with the previously approved site plan.*

**20.023**

**Skin Lab, 1 Route 236 – Change of Use/Tenant**

**Tamara Sullivan:** Okay so, well it's a gentleman and his daughter, he has been doing business in Clifton Park? so it's just the two of them , they are open every day , they are open 7 days a week, their peak hours are typically Fridays and Saturdays between 12 -3 , and they are open from 11am , till 9 pm.

**Lynn Murphy:** Tamara I am sorry to interrupt but the executive order prohibits tattooing at this point in time are they aware of that, and they need to comply with that, you understand that correct?

**Tamara Sullivan:** Absolutely, yes, so when everyone's able to all be off restriction they'll be able to go to work, this was something I had in the works obviously before all of this happened, but of course with... when they are able to go back... there are spaces currently on site for parking should be enough to accommodate the two employees that they have and the clients they have. They are going to be putting up signs, and ...they are going to utilize that sign and change it to their logo.

**Don Roberts:** Okay and that's going to be an application for the sign before it goes up?

**Tamara Sullivan:** Yup and that's going to be hopefully the next meeting, I'm hoping.

**Don Roberts:** Okay, questions by the Board?

**Rich Berkowitz:** I make a motion to approve SkinLab contingent of Covid -19 virus quarantine being over.

**Tom Werner:** I'll second that.

**Don Roberts:** Okay I've got a motion and a second, all in favor? (All were in favor) Opposed? (None were opposed)  
Motion carried.

*Skinlab, Change of Use/Tenant*

**APPROVED.** Board received a presentation and approved the use of the existing 1,872 SF building and site for a tattoo parlor with the following conditions (1) the applicant shall not begin business until the Covid-19 stop work order has been lifted.

## **20.025                      Thermally Yours, 149 Plant Road – Change of Use/Tenant**

**Tamara Sullivan:** Okay Thermally Yours, its two employees, its Jessica Ryan she has an insulation business I believe out of Latham. They are going to utilize 149 as office space, it's going to be one employee in the office, they are 7 to 3:30 Monday through Friday, there is no deliveries there should not be any foot traffic if there is at all it will be very minimal, they typically meet all of their clients onsite where they are going to insulate.

**Marcel Nadeau:** Is this zoned commercial, which side of Plant Road are we on here?

**Rich Berkowitz:** They are at the end.

**Richard Harris:** Yes they are zoned C-1 commercial.

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**Don Roberts:** It's that little house there right?

**Marcel Nadeau:** Is it near Stewarts?

**Tamara Sullivan:** Yup

**Marcel Nadeau:** This is on the Stewarts end right?

**Rich Berkowitz:** It's on the east side opposite Stewarts

**Marcel Nadeau:** Yea there used to be a little repair shop there is he still there?

**Richard Harris:** No this is the house all of the way to the east, right where the intersection is.

**Rich Berkowitz:** It's the last house on Old Plant road

**Marcel Nadeau:** Okay

**Rich Harris:** There should be an aerial in your packet.

**Don Roberts:** Any questions?

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

**Marcel Nadeau:** Ill second it.

**Don Roberts:** Okay all in favor? (All were in favor) Opposed? (None were opposed)  
Motion carried, thank you Tamara good luck.

**Tamara Sullivan:** Thank you.

*Thermally Yours– Change of Use/Tenant*

*APPROVED. Board received a presentation and approved the use of the existing 1,170 SF building and site for a residential and commercial insulation business.*

**20.038                    ADK Junk, Inc, / Adirondack Junkluggers, 4 Jones Road-**

**Don Roberts:** On the next item Tom Koval is going to recuse himself so Brendan is going to fill in.

**Don Roberts:** Kevin are you there?

**Kevin Koval:** I am

**Don Roberts:** Just explain what you want to do please.

**Kevin Koval:** So this is an add on business to what we currently do it's kind of like 1-800 got junk, the call center is off site that is based out of Connecticut , there will be two guys on the truck , and one employee In the office. Since I've been in front of you guys last we have moved quite a few employees out of our Jones road location to a different location , we've moved all of our production out of there so you know it's much less intensive of a use in that spot now , so this business is hauling peoples junk. There won't be any storage on site, we would be seeing typically 4 people a day or so, we load it on the truck immediately it goes to a donation center or recycling or to the landfill. So there is nothing that we would be keeping on site so the impact would be one employee in the office, which is already a current employee of Adirondack Basement Systems and then two guys on a truck, so it would be a minimal impact on the neighborhood.

**Don Roberts:** Okay thank you, I'm really glad to hear you say no storage on site, any questions by the Board?

**Marcel Nadeau:** Kevin the trucks are stored at the site?

**Kevin Koval:** The truck would be parked on site at night yes, and it's no bigger than the box trucks that we had there before, they are an Isuzu cad ford with a 10 yard roll off dumpster box so they are not big trucks they are not the big 30 yard international trucks or anything like that.

**Marcel Nadeau:** Right

**Don Roberts:** Any other questions?

**Mike Ziobrowski:** Kevin would there be any resale of the junk that you collect or would it be the day you pick it up by that evening it will be gone.

**Kevin Koval:** No, there is no resale at this time, that is part of the long term business plan but that wouldn't occur at the Jones road site, that's not part of the current business plan so no there wouldn't be any materials coming back or resale at this time.

**Don Roberts:** I'll make a motion to approve the change of use and tenant.

**Rich Berkowitz:** I'll second

**Don Roberts:** Okay all in favor? (All were in favor) Opposed? (None were opposed)  
Motion carried, now Kevin are you going to have a sign there or no?

**Kevin Koval:** Thank you, no, we don't need any signage the truck is a rolling billboard so we are not going to be applying for a sign at this time.

**Don Roberts:** Okay, thank you good luck.

**Kevin Koval:** Thank you.

**Don Roberts:** Take care

**ADK Junk, Inc. /Adirondack Junkluggers – Change of Use/Tenant**  
**APPROVED. Board received a presentation and approved the use of 150 SF of space in the existing building and site for an office related to their junk hauling business.**

**20.030                      Hoffman Carwash Shed, 1672 Route9, - Commercial Site Plan**

**Marty Andrews:** we are looking to put up a small shed for our greeters on the entrance part of the carwash, its more out of an abundance of caution to keep them out of the weather, most of the days they are outside all of the time, and so we thought a 6 x 8 shed or hut we want to call it, some place they can get out of the sun and in the winter time the cold. It's going to go if your familiar with the carwash now where you pull in we have a menu sign there now, that menu will go away that shed will set on that curbed in area, it's pretty simple we are going to have some electric to it and that's what it's for.

Don Roberts: Okay, questions by the Board?

**John Higgins:** Don when the applicant was originally before us we talked about trying to keep the traffic from backing up on the main road and the applicant assured us they were going to try and double up the cars coming in, well that's not happening, I've been there twice and the traffic was backed up almost up to route 9. I think the applicant has to do a better job of doubling up the cars because when I was there he only had one person taking the money and they really need to double up and get more of the cars stacked on their property and not backing up and almost blocking all of the way back to route 9.

**Don Roberts:** Thank you John, do you want to respond to that?

**Marcel Nadeau:** John I thought that they told us that, that wouldn't happen, I had concerns with that initially

**John Higgins:** Yea, no it's definitely still happening I was involved there twice getting my vehicle cleaned and I was backed up out onto the road and there were cars behind me almost up to route 9

**Don Roberts:** Marty can you speak to that please?

**Marty Andrews:** Yea John do you know what date that was, do you know when that took place?

**John Higgins:** It was a couple weeks ago when we had that nice weather for a day or two and in fact I even mentioned it to the person taking the money , and his answer to me was we are doing the best we can and I said well your still causing a traffic problem so they really need to do a better effort of getting the cars in having two cars next to each other two cars in, because they were backed up way at the beginning of the lot so there was room in front for the cars.

**Marty Andrews:** Okay I can definitely look into that, we widened that and there is no reason why there shouldn't have been a double lane going into the car wash

**John Higgins:** It was only a single lane and again I mentioned it to the person taking the money and his answer was we are doing the best we can.

**Tom Werner:** Sounds like training for the attendants that are out there it sounds like they have to be trained to and understand what they are supposed to do other than collect money.

**Marty Andrews:** Absolutely and that's something that if its brought to my attention, if that happens again you can either let Rich call me or Paul call me or even the Code Enforcement have them come over and we can address that right away because look and I don't want to make excuses for it but you know

**John Higgins:** Your people onsite should be able to see that and know what's going on so you've got to make sure that they are a little more diligent in what they are doing.

**Tom Koval:** John a lot of times what I've seen is you'll get somebody in the narrow part of the passage that blocks both lanes and you'll get a lot of people that will block both lanes and not get to the left or the right and they will stop up the entire section of traffic even though the greeters don't have anybody out there next to them, they don't have the opportunity to file double lanes, ultimately it's a customer problem as well that's what I've seen quite a few times, there which is aggravating I didn't go there that particular day but I notice it has been better.

**Marcel Nadeau:** Do they have any striping that could help them funnel people in there or show people in line that they could go in a different area?

**Tom Koval:** There is

**Marty Andrews:** There is, and most of the people that come there are familiar with the area but again you guys drive the roads and you see how some people drive all of the time and its tough and it's tough to get everybody to funnel into the one lane, into the right lane they are supposed to be in, even after they have visited several times, but with this shed one of the things that we are hoping is now we won't have the greeters walking back into the building John so they will be in that shed so they can see that so if there is only one person out there now they have to walk all of the way back in to get the batteries for their tablet, so they walk all of the way back into the office area so we will have the tables in this shed area so that will help that little bit , im not sure it's going to alleviate all of these but we can certainly address it.

**John Higgins:** If the shed is at the beginning is that going to tend to even make things even worse? Can you move the shed into the west side a little bit further because that way the greeter is further up into the lot you understand what Im saying?

**Marty Andrews:** Yea well it's going to be , I think you guys see the site plan, it's kind of going to be in front of the entrance between the Jiffy Lube and the carwash where the shed is going to set, it is going to have all windows in it so it will alleviate a little bit of the issue, I mean this is the first that I've heard that we have had back up problems, so this is the first time Im hearing that we've had back up problems there, most of the times that im there , there has been no traffic back out onto the road.

**John Higgins:** It was days when you had the nice weather and that's why you know a big group of people wanting to get their car washed.

**Tom Koval:** Yea it was the perfect storm

**John Higgins:** Yea all im saying is if you can make an effort to try and alleviate the back up

**Don Roberts:** Marty you will look into that right?

**Marty Andrews:** Yes I will address it, I absolutely will address it with my staff.

**Don Roberts:** Thank you, Okay can I have a motion please

**Rich Berkowitz:** I make a motion to approve the shed.

**Marcel Nadeau:** Ill second it.

**Don Roberts:** Okay all in favor? (All were in favor) Opposed? (None were opposed)  
Motion carried, you're all set Marty.

**Don Roberts:** Okay that's it.

***Hoffman Carwash Shed- Commercial Site Plan***

***APPROVED. Board approved the request to construct a new 48 SF shed on the existing carwash property.***

**Old Business:**

**19.177                      Impact Athletic Center, Route 146- Planned Development District**  
**Recommendation**

**Mike Bianchino:** I don't know if Im here representing Chris Lichfield and the Lichfield Holdings LLC. For the Impact Planned Development District, if the Board recalled this was referred by the Town Board to the Planning Board on November 6<sup>th</sup> for a recommendation we presented it to the Planning Board on November 12<sup>th</sup> it was referred at that meeting to the town departments and to the TDE's for review. The Chazen the Towns dedicated traffic review consultant completed a traffic study for the project we've reviewed the study and have acknowledged our agreement with the findings, specifically the location of the site driveway across from Werner road and the associated highway improvements to accommodate that location. The site plans, project narrative full environmental assessment forms have been updated to reflect the new driveway location as well as the installation of a traffic signal and left turn lanes on 146. We made a full submission to the department which hopefully the Board has copies of. The building footprint has also been updated to show the modifications and the further refinements to the architectural planning of the building program so it is accurately reflecting where the building is now. The complex will still consist of six basketball courts a large training room, several small exercise studios, locker rooms, daycare, snack bar, office space, small retail area as well as several areas for teams to congregate. The plan also indicates a potential for an outdoor beach volleyball area located in the upland area behind the parking lot, that area could be accessed by an elevated boardwalk to avoid disturbance to the Army Corps wetlands that are on the site. We have shown that for the purposes of the pdd, the applicant has indicated it maybe something he does in the future so we didn't want to leave it out, we wanted to make sure it was included in the pdd research. We believe the resubmission that the Board has, has addressed the issues that were raised by the Planning Board at the November 12<sup>th</sup> meeting and we are here to answer any other questions and to ask consideration for a positive recommendation to the Town Board on the PDD.

**Marcel Nadeau:** The question I have is on the overlay districts suggesting a hundred foot setback and you only proposed to do forty six so how are you addressing that?

**Mike Bianchino:** I think that the discussion that we had earlier was that as a pdd we're asking that the setbacks that were identified in the pdd be included in the legislation and as it does override the zoning, the typical zoning and the underlying zoning would also override the overlay zone, that's our request.

**Lyn Murphy:** That is correct the pdd would override the overlay should the Town Board choose to grant the modifications.

**Marcel Nadeau:** Okay thank you.

**Don Roberts:** Okay Joe what do you think of this?

**Joe Romano:** As Mike had said the biggest issue was the traffic study and where that curb cut should fall and I think that has been resolved with the traffic study and the revised layout.

**Don Roberts:** Okay thank you. Now normally under normal circumstances we would ask for a public information meeting before we passed a resolution back from the Board, however to keep this moving I recommend that we make a recommendation now and if the Town Board sees fit to approve it we will see it again for site plan and we can have a public information meeting at that time and we will still have input.

**Lyn Murphy:** Plus the Town Board does have to have a public hearing they don't have an option.

**Don Roberts:** Alright thank you Lyn, so Im asking for a recommendation to the Town Board.

**John Higgins:** Hold on guys I've got one question, Mike the applicant understands that he is fully responsible for all costs associated with the light and with the traffic improvements correct?

**Mike Bianchino:** That's correct.

**John Higgins:** Okay just wanted to make sure that was on record, thank you.

**Tom Werner:** Question here, has the DOT responded yet Mike?

**Mike Bianchino:** Ill refer that to Rich, I haven't gotten, I haven't seen any feedback from DOT on the study, I know it was submitted to them, the plan would be to sometime here in the very near future to set up a meeting so we can start to get into start preparing the engineer design drawings for the offsite improvements so our next step in the process once we get back to the Town Board is to get in touch with DOT.

**Richard Harris:** Tom I did send the study onto to DOT Gaetano confirmed he received it and they will review it for comments and they will get them to me as soon as they get them together as of today I haven't received them.

**Tom Werner:** Okay I was just wondering if Mike if you have some sort of a preliminary cost on what those highway improvements are.

**Mike Bianchino:** Well I think we've kind of checked around with a couple of sources to see what a recent construction and widening and a signal and the turn lanes and we have advised the client we are in the \$350 to 500,000 dollar range and he is aware of that obviously and it's something that we've got to project a pdd next door, we've got some other improvements that have gone on in the area we think this is a significant benefit to the area that is certainly something that folks have been after for a while and at this point obviously it's our responsibility but it's not going to stop us from reaching out to some other developers to see if we can get some assistance on our end.

**Tom Werner:** Okay, thank you.

**Lyn Murphy:** And just so everybody is aware the Town Board is aware of the fact that there are other PDD's in that area that could be asked to contribute in the future, understanding that this applicant is solely responsible as we sit here today but that may change in the future and we expect that it would.

**Don Roberts:** Thank you Lyn, okay anyone else?

**Rich Berkowitz:** I make a positive recommendation back to the Town Board on this project.

**Tom Werner:** I'll second that.

**Don Roberts:** Okay we have motion and a second for a positive recommendation, all in favor? (All were in favor) Opposed? (None were opposed) Motion carried, good luck Mike.

**Mike Bianchino:** Thanks very much guys

*Impact Athletic Center – Planned Development District Recommendation*

*POSITIVE RECOMMENDATION. The Board heard a presentation for the revised Impact Athletic Center application and made a positive recommendation back to the Town Board.*

**Don Roberts:** Anything else guys?

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

**John Higgins:** I'll second it.

**Don Roberts:** Okay we have motion to adjourn the meeting, all in favor? (All were in favor) Opposed? (None were opposed) Motion carried, good night.