

8/24/20

**MINUTES MEETING
Town of Halfmoon Planning Board
August 24, 2020**

Those present at the August 10, 2020 Planning Board meeting were:

Planning Board Members:

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

Planning Board Alternates:

Charlie Lucia
Brendan Nielsen

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:

John Wasielewski
Jeremy Connors

Town Engineer:

Joe Romano
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? Can I have a motion to approve please?

Tom Koval: I make a motion to approve.

8/24/20

Rich Berkowitz: Ill second the minutes

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

Public Hearing (s):

20.079 Rousseau Subdivision, 74 Rt. 236 – Minor Subdivision

Don Roberts: Would anyone like the notice read? (No comments) Come on up, say your name and address and what you plan on doing please.

Steve Rousseau: Good evening my name is Steve Rousseau and this is my wife Susan, we live at 74 Route 236, we also own 76 Route 236 and our proposal is to cut off one additional lot 2.12 acre lot for a single family 2900 sq. ft. residence. We will be tying into the municipal water out front. We met the road frontage requirements on 236, we met the setbacks in the back for the home to be placed on and that's all I have to say.

Don Roberts: Thank you, at this time we will open the public hearing would anyone present here in the meeting room like to speak? (No comments) Would anyone online like to speak? Once again would anyone online like to speak? (No comments) Seeing no one wishes to speak we will close the public hearing, comments from the Board members?

Marcel Nadeau: I make a motion to declare a negative declaration pursuant to SEQR

Richard Berkowitz: I second

Don Roberts: All in favor for a neg dec on SEQR? (All were in favor) Opposed? (None were opposed) Motion carried.

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

Rich Berkowitz: Ill second

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

Steve Russo: Thank you.

Rousseau Subdivision – Minor Subdivision APPROVED. Board held a Public Hearing and approved the request for a residential two lot Minor Subdivision and lot line adjustment at 74 Route 236.

20.072 Beadle Subdivision, 187 Woodin Road – Minor Subdivision

Don Roberts: Would anyone like the notice read? (No comments)Go ahead Duane.

Duane Rabideau: Duane Rabideau from VanGuilder and Associates here representing Rodney Beadles request to subdivide a 1.8 acre parcel into 2 single family residential lots. The parcel is located at 187 Woodin road lot A is this northern lot right here that's .6 acres. Lot B is this larger parcel right here its 1.15 acres, the two proposed lots will be tied into the public water, public sewer. The entire lot at one time was a residential lot, apparently it burned down, and basically that is our proposal before the Board.

Don Roberts: Thank you, at this time we will open the public hearing would anyone present here like to speak? Please come up and say your name and address and any comment you may have.

Brett Horlacher: Good evening everybody my name is Brett Horlacher, I am a resident at 193 Woodin the property directly adjacent to the northern border of the northern property yup right there, I submitted my questions by email I would just like to get further clarification on tying into public waters and public sewers specifically if the sewer lines that transverse my property Mr. Bowdens property and then the third most property tie in to the private sewer company that eventually gets tied in for a private sewer company, I think its Colonial its up above if those lines would be placed in new?

Don Roberts: Duane would you like to respond to that please, before we do Rich we are going to enter this gentleman's email into the record

Richard Harris: Yea I gave you all a copy along with another residents email

Don Roberts: And they will both be entered for the record

Richard Harris: Mr. Rabideau did respond to both

Don Roberts: Okay, can I have a response please?

Duane Rabideau: The proposed sewer for this house and that one, the laterals are proposed to go out to Woodin road and tie into, what is that road up there, Colonial and there is a manhole about a 100 feet in or so, we are going to tie into that. We did talk with the owner of the private sewer company, plus Saratoga county sewer and they agreed to accept the flows he agreed that we could tie into the system. The lateral that would be put in would have to tie into the county sewer districts quality control, so it will be a separate two lines.

Brett Horlacher: I just want to make sure that the lines from the two homes to the tie in on Colonial will be new from, okay great thank you.

Don Roberts: Okay you all satisfied, okay thank you, would anyone else here present like to speak? (No comments) Would anyone online like to speak? (No comments) Again anyone online like to speak? (No comments) Seeing no one is there we will close the public hearing, comments by the Board members?

Rich Berkowitz: I make a motion to make a negative declaration for SEQR.

Mike Ziobrowski: I second

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

8/24/20

Rich Berkowitz: I make a motion to approve the minor subdivision.

Mike Ziobrowski: I second

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

Duane Rabideau: Thank you

Don Roberts: You're welcome

Beadle Subdivision – Minor Subdivision APPROVED. Board held a Public Hearing and approved the request for a residential two lot Minor Subdivision.

Old Business:

20.080 Eddy's Traditional Chinese, 1683 Rt. 9 (St. Johns Plaza)

Darla Dolzal: My name is Darla Dolzal I'm from Ray's sign we are applying for a sign permit for a set of channel letters for a sign on the building.

Don Roberts: Are you just replacing what was there before?

Darla Dolzal: Yes

Don Roberts: Okay, comments from the Board?

Rich Berkowitz: I make a motion to approve the sign

Marcel Nadeau: I second it.

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

Darla Dolzal: Thank you

Don Roberts: You're welcome

Eddy's Traditional Chinese9 (St. John's Plaza) – Sign APPROVED. Board received a presentation and approved a new wall-mounted sign for Eddy's Traditional Chinese.

17.221 Bayberry Drive Subdivision – Major Subdivision

Jason Dell: Good evening Jason Dell with Lansing Engineering, here on behalf of the applicant for the Bayberry Drive subdivision this project was before the Board some time ago, I believe back in 2017 as a concept review and we are back before the Board this evening for a, basically to reintroduce the Board to the concept in the hopes to advancing the project to review so to refresh the project is located along Bayberry

Drive its approximately 480 feet north of the intersection of Cambridge Drive Bayberry Drive the project site the overall boundary of the site is about 8 .52 acres and it is zoned as part of the R-1 zoning district. So for the proposed project the applicant would like to subdivide the parcel into 5 single family lots, the lots will range in size from approximately .47 acres to 1.47 acres with the largest lot being in excess of 5 acres being in the back portion of the site. There will be two access points for the proposed lots there is a shared driveway shown servicing 4 of the lots as well as one individual lot , driveway excuse me servicing the lot to the south. We are proposing around the outside of the subdivision the 20 ft. no cut buffer to provide some buffering to the adjacent neighborhood. Water will be supplied to the subdivision by service connections to the existing municipal water main that's out on Bayberry Drive and sanitary sewer that will be provided to the project as well, and stormwater will be managed in accordance with all requirements. So we are here tonight to re-introduce the project to the Board and advance the project as the Board sees fit.

Don Roberts: Thank you Jason, comments by the Board?

Mike Ziobrowski: Jason there is a , where the drive right here stops and there doesn't appear to be a home or a dwelling is that intended to be a K- turn for a firetruck or something of that nature?

Jason Dell: That is correct, that shared driveway will have to be robust enough to handle an appropriate emergency vehicle weight and size so it's also a turn around for a fire truck in the back.

Mike Ziobrowski: Alright thank you.

Tom Werner: Jason what is the length of the shared driveway?

Jason Dell: I believe it's shown as 20 feet wide.

Richard Harris: We are going to want the fire department to take a look at that, the turnaround, I doubt we sent it to them in 2017 but regardless we should have them look at it again.

Jason Dell: Okay

Don Roberts: And also have Clough Harbor look at this again alright?

Richard Harris: Yea they already had done the review letter a couple of years ago that was just responded to so I think they are looking at

Jason Dell: We responded to that letter

Richard Harris: You responded to that one, stuff happens quickly

John Higgins: What is the sewer hook -up individuals or?

Jason Dell: Right now we will have to work through that as we go through the design process but yes for the most part they would be individual services coming out, be it gravity or grinder pump connection.

John Higgins: Thank you.

8/24/20

Don Roberts: Anyone else? Okay we will do the reviews and get back to you alright.

Jason Dell: Thank you.

Don Roberts: Thank you, Jason.

Bayberry Drive Subdivision – Major Subdivision TABLED. The application for a proposed 5-lot subdivision was tabled and referred to agencies for review.

New Business:

20.094 **Upstate Cars LLC, 457 Route 146 – Sign**

Applicant Failed to Appear before the Board

20.088 **Upstate Acoustical Corp, 40 Farm to Market Road – Change of Use/Tenant**

Tamara Sullivan: Hi Tamara Sullivan for Bruce Tanski Construction here tonight because Upstate Acoustical would like to utilize one of our storage units 1500 sq. ft. over at 40, Farm to Market Road, and similar to our other tenants its storage use only , no waste disposal on the site , no retail use or anything of that nature.

Don Roberts: No outside storage

Tamara Sullivan: No outside storage

Don Roberts: That's it?

Tamara Sullivan: That's it

Don Roberts: Questions by the Board?

John Higgins: I know you mentioned no waste disposal so there is not going to be a dumpster or anything like that?

Tamara Sullivan: There is not

John Higgins: Okay thank you.

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

Mike Ziobrowski: I second

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

8/24/20

Tamara Sullivan: Thank you.

Upstate Acoustical Corp– Change of Use/Tenant APPROVED. Board received a presentation and approved a Change of Use/Tenant application to allow a drywall/sheetrock company to use 1,500 SF of warehouse space to store supplies and materials.

20.089 Myshopangel Promotional Products, 434 Route 146- Change of Use/Tenant

Vicki Peluso: Hey everybody My name is Vicki Peluso, I am the owner of Myshopangel we sell promotional products online and basically I purchased the residence of 434 Route 146 to use as now my office base which I noted in the information I sent I have one full time employee 3 part time which due to Covid most of them are working from home.

Don Roberts: That's it?

Vicki Peluso: That's about if you have any questions just ask.

Don Roberts: We are going to have questions yes, now what hours do you have, is there certain hours you have?

Vicki Peluso: Yes right now they are 10 to 4 Monday through Thursday 10 to 3 Monday through Friday and I should note I'm online so my customers are throughout the United States I have very few local customers, nobody comes in I've been in business for 19 years and I've had maybe one customer ever come in because nobody is local they're buying through google and what have you online so customers are not coming into this I don't have a display area I don't have a cash register no cash or anything.

Don Roberts: No sign or anything?

Vicki Peluso: I don't have a sign no

Richard Harris: Do you plan on a sign at some point?

Vicki Peluso: At this moment no, maybe in the future, because of Covid I've been hit pretty hard so, but right now it's not in the future but I know where to come.

Richard Harris: If you are going to put one up it's going to require to come before the Board also, just so you know.

Vicki Peluso: I just saw that so now I know, thank you.

Don Roberts: Okay any questions by the Board?

Mike Ziobrowski: How many parking spots do you have at this facility?

8/24/20

Vicki Peluso: I would call it myself, you can sort of see it I just pull in myself so that's one and then I only have, we have put 2 cars but again most of my employees are working from home so if you drive by you'll usually see one car maybe 2 but to answer your question if I had to guess I could put 4 in there comfortably.

John Higgins: And it's strictly business, there are not going to be any residents there at all?

Vicki Peluso: Oh no, no residents. It's just business Monday through Friday.

John Higgins: Strictly office?

Vicki Peluso: Yes

John Higgins: Thank you very much

Vicki Peluso: Thank you.

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

Rich Berkowitz: Ill second

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

Myshopangel Promotional Products– Change of Use/Tenant APPROVED. Board received a presentation and approved the Change of Use/Tenant application to allow an online-based retail business.

20.093 Capital Disc Jockeys, 1471 Rt. 9 (Crescent Commons) - Change of Use/Tenant (20.093)

This application was removed per the applicant's request.

20.092 Fluffy Paws Dog Grooming, 18 Cambridge Ave. – Home Occupation

Samantha Russell: Hello my name is Samantha Russell and I am a dog groomer, I live at 18 Cambridge ave. and I'm looking to have a home occupation of being a dog groomer Im kind of on a small scale just myself, a couple days a week 4 to 5 customers a day. Parking we have a 2 car garage so my vehicle will be in the garage so as far as the driveway itself comfortably two cars in and out technically it could fit more. That's about it, any questions.

Don Roberts: Any questions by the Board?

Rich Berkowitz: Where are you doing this right now?

Samantha Russell: Right now, I used to work for Pet Smart right now I work in Glennville.

Rich Berkowitz: Do you have an office in Glennville or a place of business in Glennville?

Samantha Russell: I work for somebody else, Wagtown dog grooming

8/24/20

Rich Berkowitz: Okay we did have something similar a few weeks ago that was not approved just because this type of in house occupation as far as going in and out.

Tom Koval: Most of our in house occupations are for online type of businesses where there is no customers visiting the house due to neighbor concerns so

Samantha Russell: I know there is one over in Clifton Park that has been successful for years and never having issues with customers in and out once again it's a one person business so it's just a couple in and out.

Don Roberts: We also have to take into consideration the neighbors around you also so if we do go forward with this there will be a public hearing and then we will have an expanded notice for the whole neighborhood probably right?

Richard Harris: Yes we are required by Town code to send out certified public notices regarding a public hearing date and what the projects about, define the area at minimally we have to notify adjacent residents but usually on home occupations the Board goes a little bit further into the neighborhood to get the opinion of the neighbors.

Samantha Russell: Okay

Tom Koval: We got a lot of push back from the neighbors on the last one and it got denied, people don't want the extra traffic, they don't want people parking

Samantha Russell: Okay

Don Roberts: If you wish to go forward we can schedule the public hearing for what, one month from now?

Richard Harris: Yea the 28th, of September.

Don Roberts: Okay we can do that, any other questions first, anyone else?

Marcel Nadeau: I don't think I would be in favor of this Mr. Chairman

Don Roberts: Okay thank you, so it's up to you we can go forward with the public hearing for one month from now if you wish?

Samantha Russell: I would like to go forward I would also like to note with it being dogs barking wouldn't be an issue because it would be a one person at a time, one customer at a time and so that, noise wouldn't be an issue.

Tom Koval: I make a motion to set a public hearing for the 28th of September

Mike Ziobrowski: Ill second

8/24/20

Don Roberts: All in favor? (All were in favor) Opposed? (None were opposed) Motion carried, see you September 28th, alright, okay thank you.

Samantha Russell: Thank you.

Fluffy Paws Dog Grooming – In-Home Occupation PUBLIC HEARING SET. Board set a Public Hearing for September 28, 2020 for the proposed Home Occupation for a dog grooming business.

20.032 / 20.033 Pagoda Duplex, 315 Grooms Road- Minor Subdivision & Special Use Permit

Aaron Vera: Good evening my name is Aaron Vera Im with Verity Engineering, representing Edward Pagoda, for 315 Grooms road. We are proposing a two lot subdivision in requesting subdivision approval and a special use permit for two duplexes at that address. We were in front of the ZBA last month for several variances I believe the total was four. Those variances were for lot width and front yard setback. We did successfully obtain those variances and so tonight we are here for site plan approval or I guess scheduling a public hearing. The property is a little over two acres in size, we would be creating roughly one acre lots. Access would be from Grooms road with a shared driveway over an existing water line that the Town has which they have an easement to. The lots would tie into that water service but sewer service would be individual septic systems. There is a minimal clearing as part of the project and we provide the required amount of parking. If the Board has any questions I'm here to answer them.

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

John Higgins: Has Frank Tironi seen this, because they are going to be paving over an easement where there is a water line?

Richard Harris: No it hasn't been sent to him for review yet.

John Higgins: Okay I just

Tom Koval: Yea that was my concern too, we'll have to look at that; I'm not sure how that works.

Aaron Vera: Typically if I may the Town would have a hold harmless agreement and so that pavement would be at the owners risk, if they ever needed to access that waterline the owner would have to replace that pavement on their own dime.

Rich Berkowitz: Aren't there a lot of driveways that go over waterlines?

Tom Koval: Not Town waterlines

Rich Berkowitz: Oh okay them go under the road?

Tom Koval: Yea generally

Aaron Vera: I mean there is the waterline in the road, yea yea.

Tom Koval: Just out of question I would say have Frank look at it and should this get looked at by fire too?

8/24/20

Richard Harris: Yea definitely

Tom Koval: Okay, I make a motion to set a public hearing on the 28th of September

Mike Ziobrowski: Ill second

Don Roberts: All in favor? (All were in favor) Opposed? (None were opposed) Motion carried, see you September 28th.

Aaron Vera: Thank you.

Richard Harris: Can you get pictures of the style because I think the Board would be interested in seeing for that next meeting you can even email it to me, just because I think that, did you have them for ZBA?

Aaron Vera: So Ed's done a similar project down the road he said it's like that

Richard Harris: That's the one I'm thinking of

Aaron Vera: But I'll get you photos

Richard Harris: The first time I met with him he said that and I think that would be helpful to the Board to help see the style

Pagoda Duplex – Minor Subdivision & Special Use Permit PUBLIC HEARING SET. Board set a Public Hearing for September 28, 2020 for a proposed two-lot Minor subdivision and Special Use Permit to allow two residential duplex homes

20.091 Plant Road Estates (Orchard Pointe) – Site Plan

Tom Samascott: My name is Tom Samascott owner of Malta Land Company and developing the Plant road Estates subdivision. We had a number of C/O's that were allowed before road improvements to Plant road had to be done which was 50 , by the 51st had to be done. Late last year , earlier this year Rich and I started talking about those , we actually met early in the year with water department and the highway I believe engineering was there to get the process started then Covid 19 thing hit and everybody shut down. I am approaching the 51st C/O so I'm asking for an extension of time to get those road improvements done , I have contracted with Creighton Manning who has updated the prints sent them to DOT for review they expect them back sometime this week with any changes DOT wants then I can get bids and get the process moving. What I'm looking for is 70 C/O's instead of 50 and I believe the Board would like to see a time limit on it too but Im fine with that June 1st of 2021 works for me I fully intend to get it done this fall assuming DOT doesn't hold us up for too long.

Richard Harris: And that would be whichever comes first?

Tom Samascott: Yes whichever comes first?

Richard Harris: So you can get your 71st C/O but it has to be by June 1st?

8/24/20

Tom Samascott: Right

Don Roberts: Okay questions by the Board?

Mike Ziobrowski: How many homes are there again?

Tom Samascott: Excuse me?

Mike Ziobrowski: Are there 71 homes?

Richard Harris: A hundred and fifty

Mike Ziobrowski: A hundred and fifty so like half the homes

Tom Samascott: Yea we're at 42 or 43 c/o's at this point and then we've 34 more under contract we're going to hit the 71 for sure so like I said we had every intention of doing it this season and got shut down.

Richard Harris: Yea we've talked I mean, you and I either formally or at the counter you know last year a couple of times, yea probably by the end of the year, next year maybe we've got to sit down which we did in January or February and we had a game plan

Tom Samascott: And it got changed

Don Roberts: Anyone else?

Richard Berkowitz: I'll make a motion to amend a condition of the final subdivision approval to allow the improvements at the south end of Plant Road (Rt. 9 intersection) to be completed before the 71st Certificate of Occupancy is issued or June 1, 2021, whichever comes first; and to allow the applicant to submit a bond to be posted for the proposed improvements at the north end of Plant Road (Old Plant Road intersection).

Marcel Nadeau: Ill second

Don Roberts: All in favor? (All were in favor) Opposed? (None were opposed) Motion carried, okay we will try it again, Upstate Cars LLC route 146 a sign, are you either here or online?

Plant Road Estates (Orchard Pointe) – Site Plan APPROVED. Board approved a request to amend a condition of the final subdivision approval to allow the improvements at the south end of Plant Road (Rt. 9 intersection) to be completed before the 71st Certificate of Occupancy is issued or June 1, 2021, whichever comes first; and to allow the applicant to submit a bond to be posted for the proposed improvements at the north end of Plant Road (Old Plant Road intersection).

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

John Higgins: Ill second

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