

12/14/20

**MINUTES MEETING
Town of Halfmoon Planning Board
December 14, 2020**

Those present at the December 14, 2020 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:

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:

Joel Bianchi

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

Don Roberts: Good evening, and welcome to the last Planning Board meeting for the year 2020, let's hope 2021 is better. Have the Board members had a chance to review the minutes from the last meeting?

Rich Berkowitz: I make a motion to approve the minutes

Mike Ziobrowski: Ill second

12/14/20

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

Public Hearing(s)

17.221 Bayberry Drive – Major Subdivision

Don Roberts: Would anyone like the notice read? (no comments) as you can see we are virtual and there are only a few of us in the room and I will ask that everyone please be patient because things are not going to go as well as they would if we were all here so let's just be patient and we will get through this all together alright. Is the representative here to explain the Bayberry Drive subdivision are they online?

Jason Dell: Jason Dell here can everybody hear me?

Don Roberts: Go ahead Jason

Jason Dell: Okay good evening Jason Dell an engineer with Lansing Engineering here on behalf of the applicant for the Bayberry Drive subdivision. The proposed project is located on Bayberry Drive approximately 480 feet north of the intersection of Cambridge and Bayberry Drive. The parcel is about 8.5 acres in size and it's zoned as R-1. For the project the applicant would like to do a 5 lot subdivision of the property. Four of the lots range in size from about .47 acres to about an acre with the largest of the five lots being in excess of five acres towards the rear. Also included with this project will be a lot line adjustment for 12 Casper Drive, 14 Casper Drive and 3 Martin Court. The reason for the lot line adjustments will be to take care of some existing encroachments that are out there on the project property. Access into the subdivision will be by one main curb cut, as well as one additional curb cut for one of the driveways for lot number four. There is a twenty foot wide no cut buffer that has been , that's shown around the outside of the project site, or excuse me just on the inside of the boundary of the project site, so that's on the plans. Water and sewer will be provided to the project by municipal connections as well as the connection to Colonial Green sewer and we're here tonight for the public hearing on the project and to answer any questions that the Board may have and we have addressed all of CHA's comments up to this point we are here for the public hearing and answer any questions the Board may have.

Don Roberts: Thank you Jason, at this time we will open the public hearing and I would like to start by saying that we have received a couple of letters from concerned residents they've been shared with the applicants representative and they will be entered as part of the record, that being said the public hearing is open if there is anyone in the audience here tonight that would like to speak please come up and say your name and address and any comment you may have.

Margaret Gerum: Good evening my name is Margaret Gerum I live at 42 Deer Run Hollow and Im concerned about this project. I just don't like seeing too much of nature taken away from people who live and have been living in a community and then to see something go in the middle of them seems to me aggressive, and unfortunately we recently had a really big mansion built in our neighborhood which I don't understand so I am concerned what kind you know assuming this does go through as another scenario could these possibly be those mansion type buildings we have one now on Deer Run Hollow and its perplexing because you know happy for them they are able to afford a beautiful property but it really seems out of place and then I see this plan to put some additional homes kind of squeezed in the middle of several homes that have been established and I really have to see nature taken away ,you know I would just home that there has been a lot of input and consideration about the homes that are already there and how this will impact them and I hope it's not just a money maker for our Town our Town seems to be doing very well and I want it to

12/14/20

continue to be Im very proud to be a member of Halfmoon ,but I would not be happy if this went through and suddenly we have incredible estates going up. That would change the character of my neighborhood thank you.

Don Roberts: Thank you Ma'am, Jason would you like to comment on that please?

Jason Dell: Sure , the proposed project with the five lots that the applicant is proposing is I feel appropriate for the area , the property actually could accommodate more than five lots so I feel the five acres and the five lots are appropriate for the area ,unfortunately we would not be able to control the exact size of the house that would like to go in there as long as they met all of the requirements as per the Town of Halfmoon code, they would be able to build that and I again I don't have any control over any mansions that would have been constructed in that part of Town either .

Don Roberts: Thank you, do you have another question, go ahead.

Margret Gerum: I appreciate your response but as a person who doesn't attend all of the meetings I don't know the ins and outs, there seems to be unknowns about what kind of houses could go in there and I understand five is less than ten but Im still very concerned about the homes that are already there and how this is going to impact their connection to the nature around them and the nature generally of this development and where we live. Thank you.

Don Roberts: thank you, just please remember that this application meets all of the Town code requirements so I mean they can try and do what they are proposing just so you are aware of that.

Margaret Gerum: Okay

Don Roberts: Okay, would anyone else like to speak? Would anyone else in the room like to speak? Yes sir, come up, and okay come up yes.

Gary Resteau: Thank you, Gary Resteau at 49 Cindy Lane and I just beg your indulgence and your patience I have no idea how these things, these Planning Board things work and Im not very good at reading that diagram which I've seen but I know there is a drainage that goes right through that property it looks like right where the storm sewers drain off and will that be preserved? How do you, you wouldn't stop that would you?

Don Roberts: We will have Jason answer that, do you have any other concerns besides that?

Gary Resteau: That and I believe on that diagram certain areas are designated as wet lands does that mean they would not be built on?

Don Roberts: Yea Jason can address all of that, Jason will you respond to all of that please?

Jason Dell: I believe that the wrong map may be up right now but I believe the question from what I could understand is about a drainage ditch coming across and if that was going to be impacted, there is an existing wetland channel and a stream channel that does flow along the property, along the edge that will not be impacted by the project that's been delineated and has the appropriate set- backs from it so we will not be impacting the wetlands on the project there.

12/14/20

Gary Resteau: Okay so the dotted line around the large lot does that pretty much designate as far back as you could build?

Jason Dell: I believe the question was about how far back they could build, the setbacks are shown on the plan as to how far back that they could build if they wanted to , we are showing the house and the limits of clearing further up front as the further you go back obviously your construction costs go up accordingly, so we are showing where the proposed house would be, where we feel would be about the right spot on the plans that we submitted its shown on the land grading plan that we submitted

Gary Resteau: Alright I guess what the Board has to decide is if this could be subdivided legally according to Town rules and then once that happens that construction that happens on it is kind of up to the developer as long as they stay within the Towns rule.

Don Roberts: That's correct

Gary Resteau: So they seem like there is a little latitude in there for the developer , okay I think I understand I think you've answered my questions but just let me go on record and say I second the comments of the previous speaker , you know we hate losing the habitat and the trees and I know Im being selfish so people want to buy that and do that , that's great but I hope that they don't wind up clear cutting that whole section in there , there is a lot of trees so Im assuming once they have the permit to go they actually could go in and take down what they need to take down to build, alright.

Don Roberts: Jason could you, is there any plans that leave any buffering to your knowledge? Is there any buffering between these lots and existing neighbors?

Jason Dell: Yes there is a twenty foot wide buffer, deeded buffer that's on the subdivision plan as well as our LMG sheet.

Don Roberts: Did you hear him sir he said twenty foot buffer.

Gary Resteau: Twenty foot buffer, there is still a lot of timber in the middle there alright thank you very much.

Don Roberts: Okay, okay your welcome, Sir, M'am

Shirley Resteau: Shirley Resteau 49 Cindy Lane, I have a question that large five acre piece, okay will have one residence on it?

Jason Dell: Yes

Shirley Resteau: And as long as the person who owns that buys it or has it first is there any way that that five acres by anyone else be that owner or anyone else could subdivide that into it and turn five acres into five houses because they would all have an acre and suddenly it is a big deal, I understand your saying right now there's going to be the coming in from Bayberry the four houses there the five acre piece goes into the back with one residence but where that residence sits on that five acres and whether or not fifteen minutes after this is started they or the next person who owns it or whatever can divide that into other ones that's a big deal, that's a really big deal and to everybody else's point in here that stream that runs through there runs through the whole Town goes all the way down to the river , that needs to be preserved, not dealt with not

12/14/20

built over , but preserved, the trees that are in there that is an environmental area there is wild life , okay we need the trees to provide the air that we breathe in that Town and if they take and clear cut all of the way through there that's something close in my mind to criminal.

Don Roberts: Thank you Ma'am, Sir.

Brian Minor: Okay my name is Brian Minor, I live at 43 Cindy Lane, I've lived there since 2004 when we purchased the home , back then the appeal of that home was the pristine back yard , we were told and my neighbors were as well that , that was unbuildable lot behind us it would never be built on it would be forever wild that's what we were told when we purchased the home, that's what my neighbors who have been there since day 1 when the development was built were told Im not sure who else can speak to that here but I've confirmed that with my neighbors that I've talked to. I feel even stronger than my neighbors here that have been speaking out I am vehemently against this building of this subdivision , I can speak for the folks on Cindy Lane that the folks around Bayberry and the other surrounding streets can speak for themselves . First of all we've got two Board members here today have either of you been to the property?

Don Roberts: I have yes

Brian Minor: You've walked it?

Don Roberts: I haven't walked it I've seen it though

Brian Minor: You've seen it. Your staff and you're the Board member? Okay Im not sure about the folks that are online as well I would invite any one of you to come and sit in my living room , sit in my dining room it looks straight out there's a ravine goes down and back up if you build on that lot especially the big lot that's the one that most concerning to me the big lot , any home that is put there will affect every home on Cindy lane there's five homes there that will all have a perfect view of that persons home and they will be staring straight into our dining rooms , living rooms, back porches patios that we have put a lot of money in , this project will have an impact on the marketability of my home and all the ones on Cindy Lane and the others for the other homes can speak for themselves but Im vehemently against this project I don't think it should happen I think it's crazy to destroy the wild life back there , the trees and the environment that's back there now I think its crazy again I would invite any Board member to stop by my house and come and sit at my dining room table and look at the direct view that they are going to have and its close it goes down and straight back up so it will appear very large , any home that's built on that top lot , okay so I hope you all consider that if nothing else please don't build on that big lot and I think that will cut down somewhat at least on the Cindy Lane side okay thank you folks for your time .

Don Roberts: Okay thank you and I must tell you Im sorry you were told that but obviously whoever told you that , that was not getting built was wrong so.

Brian Minor: I can get how that could happen, I do I've sat on a Board like this myself for many years and I do understand that things get said that shouldn't but just because something can be built doesn't mean it should be built.

Don Roberts; that's true, that's very true but as I said before they are within their rights to propose this just so you are aware. Okay

Brian Minor: Absolutely

Don Roberts: Thank you very much sir, anyone else? Okay yes sir with the yellow mask

Gary Montgomery: My name is Gary Montgomery I live at 49 Bayberry Drive I too when we purchased the house back in the 80's we were told that was forever wild of course at that time we also had the pumps going there for the water supply so obviously no one could build there. One comment I have to make is the shed on my property which according to this survey is way off my property, that shed has been there for over 30 years okay. When I moved it I unfortunately do not have a copy of our survey from when we moved it, that was not pointed out as being off the property, the shed closer to my house yes I do know that is off the line but the builder had offered to basically put another shed further in to take care of it. I just want to point that out that as far as I know I don't believe, I cannot say for certain this survey is correct, but whatever. The other thing is on the , I think it is lot #5 the drawing of the lines looks like it comes across the wetlands, is that in fact true are they going to be able to build right up to my property line? If so they are on a heck of an incline down into the wetlands, anything built there is going to pollute down into your wetlands so I'd like to find out what their plan is on that spot.

Paul Marlow: There is a note on here it is tough to read but there is a fifty foot , I have a smaller plan here you can look at if you like, there is a fifty foot buffer to the adjacent wetlands that would give them some distance for lot one down here,

Gary Montgomery: You're lower left plot notice how the line for the property line is going right over the wetlands, that is my property along side of that.

Paul Marlow: Yea, so my question is are they going to try and build on the other side of the stream?

Don Roberts: Jason can you address that please?

Jason Dell: Sure , we do show the appropriate setbacks for that lot number five I believe you're talking about and I believe there flag going back to the larger lot in the back that extends to the Bayberry Drive , the lot inside of there is Paul referred to before it has a fifty foot buffer to the wetland than then there is the building envelope where the house can go so that building envelope does meet the requirements for the Town , you know with the appropriate setbacks to the wetlands and the stream.

Gary Montgomery: Okay my point is that triangle on the other side of the stream.

Paul Marlow: Oh this right here?

Gary Montgomery: Yea , that is all downhill right into the wetlands any building there even though you're going to be past the setback is going to run right down and fill the wetlands

Paul Marlow: Jason did you get that?

Jason Dell: I think he mentioned are we going to be building on that area?

Don Roberts: Yes, are you.

Jason Dell: No, that area wouldn't be able to meet the minimum set -backs of the wetlands.

12/14/20

Gary Montgomery: Okay that's one of my concerns, anything I put off that side is going to go down into the ditch, which is nice for leaves but I don't want to see anything else

Jason Dell: It's pretty much wetlands all in that area over there so no, the answer is no there is no proposal for any kind of building over there it's all wet

Gary Montgomery: And is the plan still to replace my shed or are you going to ease it out or what?

Jason Dell: Im sorry which shed is yours?

Gary Montgomery: The one in the rear of my property this is Montgomery at 49 Bayberry, correct the one in the rear, yea that one.

Jason Dell: I will have to talk to the applicant about that one, the only lot line adjustments were on the other side of the project for right now

Gary Montgomery: Okay, very good I guess that's my point.

Don Roberts: Okay thank you sir, anyone else in the room, yes sir?

Lee Waddell: Good evening everyone my name is Lee Waddell, 47 Cindy Lane , I just want to add upon what Brian Minor said , a neighbor of mine that I too was told before buying the property that the seller did tell me that is was forever wild , I just want to have that on record but more importantly as Mr. Minor mentioned both sides of this are if you look at 47 Cindy Lane their neighbors are up high in hills and you go down into the wetlands with the stream and then the hills go back up I want to know what the builder plans on doing so if there is an eye sore with these houses how are you possibly going to block , you can't do it with a fence, if you wanted to put some barrier so you don't see your neighbors in back Im trying to , I want to address what can be done so something is , so you have some kind of block between what you're seeing back there

Paul Marlow: You're talking about up in this area?

Lee Waddell: Yes because Im thinking if I wanted to put up a fence it would have to be over fifteen , twenty feet high because of how high I am and how low the streamline would be and going back up to where the new houses would be built upon.

Don Roberts: Jason is there a buffer in that area as well?

Jason Dell: Yes there is a twenty foot buffer and there is also the wetland boundary right there and there is also the fifty foot setback from that wetland buffer in that area.

Lee Waddell: So your saying that all together from the stream there from 47 Cindy lane there is seventy feet buffer?

Jason Dell: No there is a twenty foot wide deeded buffer that's the wetlands and then there is the 50 foot buffer for any structure to the wetlands, so the wetlands and that 20 foot buffer would not be able to be cleared.

12/14/20

Paul Marlow: Yea, so this is that fifty foot line we are talking about.

Lee Waddell: I see, so that dotted line, I'm sorry I came late so that's the end point?

Paul Marlow: That's fifty feet buffer for the wetlands

Lee Waddell: What's the dotted line compared to the solid line behind that encompasses it?

Paul Marlow: The solid line right here that's the jurisdictional wetlands, so that's where the stream runs, it's a classified wetland, and then we have a fifty foot setback from those wetlands and that's what this hash line right here is, this is that twenty foot section that he mentions along the property line and you've got your wetlands that meander through here and the fifty foot buffer off of the wetlands, so basically this is your area of development.

Lee Waddell: So then between the dotted line

Paul Marlow: So basically from here to your property line is essentially you know, no cut if you want to call it that.

Lee Waddell: I see, but the owner of lot one or yea lot one they would be able to clear if they wanted all of the way back to that dotted line is that correct?

Paul Marlow: I suppose in theory yes, I don't know that they would but theoretically that is all area that could be developed whether they wanted to put sheds or garages or just have more grass you know, I don't know what the builder will do.

Lee Waddell: So again it goes back to my question what can the seller or the person that is going to be developing this, that is a buffer that to me it's not a buffer that to me is not a buffer if they are going to clear all of that land I want to know if that's going to be cleared or not, is there a way to find that out? That's a big difference right there, if you're talking it's a house that's toward the front there you have at least three to four acres more that's undecided on what's going to be don't with that, am I right?

Paul Marlow: It would be up to the builder or homeowner.

Don Roberts: What they want to do with it.

Lee Waddell: I see

Paul Marlow: Because you could build a house and I could buy it ten years from now and clear the whole thing.

Lee Waddell: Yea

Don Roberts: Besides I mean it's just like when you bought your house I mean you were free to do what you wanted with it, with the property really.

Lee Waddell: Right

12/14/20

Don Roberts: Why should they not be allowed to do what they want with their property I guess, that's what it comes down to you know.

Lee Waddell: I see, okay thank you very much.

Don Roberts: Thank you very much, anyone else in the room yes sir, thank you Lynn

Bob Brenton: Hey my name is Bob Breton I live at 3 Oak Court off of Bayberry Colonial Green. I've been a resident there since 1966 and I've had the overview of the back area forever I understand things happen but I also from the day we moved in there we were of the opinion that it was forever wild, and having been in the Town of Halfmoon that long and I've had many conversations with people because we've had attention to that area, with the wells, the water area back there for the collection of water in the creek and so forth and that concerns me. So that part of it I feel real bad about the fact that that's going in there, I would like not to see it but I don't know if we have any chance to stop it but that lot number one, can you give me any idea and I did come in here a couple of minutes late but can you give me an idea is that a lot for one family, do you have any idea where they would be looking at building it what part of that five acres?

Don Roberts: Jason do you what the footprint is going to be for the building on the largest lot?

Jason Dell: Yes Paul do you have the LMG sheet by any chance?

Paul Marlow: Not on here no

Jason Dell: the proposed lot that is on our plan is this portion of the lot right here there is a shared driveway that comes up and it terminates and the house is approximately right here.

Paul Marlow: I just grabbed that LMG sheet for them to look at.

Don Roberts: While you are looking at that I sure wish I knew who the person was who said it was going to be forever wild because they sold you all a bill of goods just so you know that, alright that was wrong to say.

Bob Brenton: Obviously we know a lot of bad people have passed through government in this Town for a lot of years so but having said that my next question is, there has got to be a road going up to that big lot, and the other houses, I see you mentioned a flag lot could you explain that maybe not all of us are aware of that, how it would fit into that area?

Don Roberts: Yea Jason can you explain the flag lot and where the driveways will be please?

Jason Dell: Yes there is not a road being extended back there, there is actually a shared driveway that comes in and it wraps up and into the back and it stops where the house is going to be constructed. The term flag lot is in reference to kind of like a flag pole and the lot gets its frontage along Bayberry Drive you can kind of see that in the upper or the left side of the plan where it's highlighted in yellow.

Bob Brenton: So could I assume that , that drive is gonna come in from Bayberry along the creek off of Bayberry make a left turn just past where the artesian wells are or were and run parallel to the creek all of the way up to number one lot?

Jason Dell: It's going to go like this

12/14/20

Paul Marlow: If you look at, in that packet that you have, the sheet that I pulled out it says LMG 1 on the bottom right hand corner it shows the five houses where the development, that will give you the layout of what the builder is looking to tentatively do, so you can see where the driveway is coming in for all of the houses.

Bob Brenton: Okay

Lyn Murphy: Paul because he is the only one looking at that plan can you please put the cursor on that lot where they're showing , now that's just a depiction of where they think the house will go.

Paul Marlow: Yup so it's probably about in this area I would say

****This portion of tape is inaudible****

Paul Marlow: According to what they've given us and the sheet that I handed that gentleman that's about the general vicinity of where they are looking to put the home

Bob Brenton: On the map where the circle one is on the map?

Paul Marlow: Yes, that is correct, yup.

Bob Brenton: That is the narrowest part of that whole lot, so to speak, it kind of broadens up

Paul Marlow: Yea it may be related to cost.

Bob Brenton: Good for them, bad for us. Where did that 50 foot buffer start from the creek going out, if you walk that area there where the creek is it's quite a wide area

Paul Marlow: So if you look up here at the screen this area right through here that's where that fifty foot buffer is related to the Army Corps wetlands.

Bob Brenton: And right along the edge do you see that gray area that is very straight? Yes what is that?

Paul Marlow: That is that twenty foot no cut buffer that they referenced with the last gentleman's comments

Bob Brenton: Okay, and then fifty foot from there and then out?

Paul Marlow: Fifty foot from this solid line right here , because this is the edge of the wetlands and so the Town has a fifty foot setback requirement from Army Corps of Engineered wetlands, so this is the limits of the wetlands as they have delineated them and therefore this is the fifty foot setback from those limits of wetlands.

Bob Brenton: Okay, I thank you.

Don Roberts: Thank you sir, would anyone else in the room wish to speak? Okay since people in the room have spoken is there anyone online that wishes to speak, please say your name and address and any comment you may have please.

12/14/20

Andrew Chatterton: Im here this is Andrew Chatterton I live at 10 Deer Run Hollow

Don Roberts: Okay go ahead

Andrew Chatterton: Not adjacent to this but I did have questions, what is the zoning of this area is it all for single family homes only?

Paul Marlow: No there can be two family.

Don Roberts: Its R-1 residential.

Paul Marlow: Its R-1 residential so the primary use of that zoning district is single family homes there are some provisions for two family homes but those are approved through this Board they have to do a special use permit for those so they can't just necessarily go in there and build a duplex like they may be able to a single family.

Don Roberts: Jason what's the intent of the development is it all single family homes?

Jason Dell: That is correct, it's all single family homes

Don Roberts: Thank you

Andrew Chatterton: And the five acre lot also falls into that single family home intention?

Don Roberts: Yes

Jason Dell: That's correct

Andrew Chatterton: Could the purchaser of the five acre lot subdivide it further and make multiple dwellings there?

Don Roberts: He would have to come before this Board once again if he were to do that.

Andrew Chatterton: So the answer is yes if they came before the Board and the Board approved it?

Paul Marlow: Jason is there enough road frontage on that flag lot to do another subdivision?

Andrew Chatterton: My concern is mostly about clear cutting and how much will be done because this forested area provides quite a bit of oxygen for my neighborhood, for my part of the neighborhood being developed by these trees, and if there is nothing in the provisions by the Board that limit the amount of clearcutting to just the building of a house these people coming in buying this could clear cut it all and we would lose not just the habitat but a lot of oxygen production.

Don Roberts: Well whoever buys the property has a right to do with it what they wish within the guidelines, I mean I don't know how we could stop someone from working on their own property like that , Jason do you know what the intentions are by any chance, if you don't that's fine?

Jason Dell: No, I mean we showed a reasonable lot and a reasonable limits of clearing and grading for that lot which certainly is not clearcutting it, I don't see any benefit to clearcutting the whole lot you know as to people eluded to before you know the people that buy the lot there , they are not going to want to have straight shots to see all of their neighbors either ,so it makes sense , if I were buying a lot I certainly wouldn't clear cut the trees right through the clear cut.

Andrew Chatterton: I guess the problem I have is we don't know what the intentions of a buyer are we can guess what we would do but we are not them and there is somebody over on Windsor who , or on Woodin who's been cutting their property and selling wood what's to stop somebody from doing the same here?

Don Roberts: Once again if it's their property and they are acting within the regulations there is not much we can do.

Andrew Chatterton: I guess this is, I find this to be an irresponsible move for the Board to approve this without looking at provisions to see what the laws are and what may need to be changed to prevent that before this is done.

Don Roberts: You can feel that way sir however, we said before this proposal meets all the Town regulations, okay.

Andrew Chatterton: Yes but the Town of Halfmoon has a bad record for looking at regulations before approving things.

Don Roberts: I disagree with you on that.

Andrew Chatterton: I think that the Halfmoon Board needs to take a pause look at their current regulations and review them before moving forward with this, you have a bad record in the Town of Halfmoon and that's all I wanted to say.

Don Roberts: I respectfully disagree with that but thank you for your comments, anyone else like to speak out there? Jeremy Myers do you wish to speak please?

Jeremy Myers: Yea Id' like to speak, Im just curious why wasn't this land developed thirty five, forty years ago when Bayberry was put in or when Casper was put in or Deer Run was put in, why all of the sudden now does it meet the provisions, regulations Im just a little flabbergasted at as to why all of the sudden now this land is developable, could you explain that?

Don Roberts: I can't Jason could you?

Jason Dell: No I have no idea why the property was not developed thirty five years ago, the proposal in front of the Board now is what the applicant who currently owns the property would like to do with the land as the Chairman mentioned before it meets all of the requirements of the Town.

Jeremy Myers: Right well he's owned it for fifteen years and I find it ironic all of the sudden now he is able to get this pushed through, and Im sure there has been a number of other people owning the property I would like a little more history on this , just so I have a better clarity and a little bit more peace of mind , it feels like this is being pushed upon us , I don't know I just to me it doesn't make any sense why out of the blue this is

12/14/20

okay, and your telling me this is the very first time in almost forty years that someone's put a proposal together.

Paul Marlow: Just for clarification the original application that came in for this was from 2017 and then for some reason kind of just sat there and they picked it back up now. I know that's not obviously a long period

Jeremy Myers: From my understanding they couldn't get the deed, that's why it fell through.

Paul Marlow: We don't know the intricacies of their marketing and their sales and what deals may or may not have worked out for them.

Jeremy Myers: Okay so what about prior to this though, why now is this being developed again that's the question I have, we've had forty years of development in this area between Casper, Deer Run and even further back from Bayberry so why all of the sudden now It's okay to build on this property?

Paul Marlow: If I'm taking a guess maybe the prior owners didn't have the desire to develop it, I don't, I couldn't honestly tell you, I mean we have farms that have been around for over a hundred years that have never seen more than one farm house so I don't know exactly why or why not an owner did or didn't develop it or waited to this time I can't speak for previous owners.

Jeremy Myers: Well okay so I guess the next question is, is since we are losing all this forest I guess you could say in our back yards, that's going to severely diminish our property values are you taking any action to help save us, maybe lower our taxes, I don't know, how are you going to help us the residents of this area?

Don Roberts: That is not up to this Board to decide, you know I mean I'm hearing all of this about how you are going to lose the property and I'm trying to find a nice way to say this, the land sat there for years if somebody really wanted the woods behind their house why didn't they go and try and purchase that land, okay the land was there for years, now someone comes along and wants to develop it and everyone's upset about it, I mean you probably should have realized when you bought it, I realize you were sold a bill of goods, normally, normally you buy a piece of property and there is vacant land behind you and you don't buy it someone else can buy it and develop it, I mean that's all it comes down to, I'm sorry.

Jeremy Myers: There is nothing to be sorry about I just want an explanation as to why it wasn't developed prior to him purchasing the property, there has to of been some road blocks to preventing development, I mean Clifton Park is highly sought after as well as Halfmoon so you can't tell me this wasn't attempted prior to him owning the property something prevented it and all of the sudden now it's okay so I guess that's where I have a problem I want more back story or back history.

Paul Marlow: I suppose you would probably have to talk to the previous property owner.

Don Roberts: Would anyone else

Jeremy Myers: Wait you guys don't have that on record?

Don Roberts: No, I mean

Jeremy Myers: This is the first time someone has brought a proposal to you since 2017?

Richard Berkowitz: This property has been zoned for a number of years and it hasn't changed zoning I think that the owner just wants to develop it at this time, it's like buying a stock twenty years ago and you hold and hold and hold, that stock reaches a certain value and then you sell it.

Don Roberts: Would anyone else out there like to speak please? Okay M'am in the room here you have something else to say you come up and say your name and address again and what you want to say

Laurie Valk: Hi this is Laurie Valk can you hear me, okay I am at 21 Deer Run Hollow and Im also a member of the Homeowners Association Board of Deer Run Hollow I had a question with regards to the lots and what's going to be built on the lots , and I do apologize I was late to the meeting It took me a little while to find the link to join but basically what Im wondering , it sounds like its single family residence do we know square footage , are these low income housing, what is the plan?

Jason Dell: The plan is for single family residential, the lot cost will be market based the house size will be what can fit for the maximum house size will be what can fit on the lot in accordance with the code. What we showed on our plan has a footprint of about 2,000 sq. ft., which is a good size house however if somebody wants to build a house that is smaller than that, they can if somebody wants to build a house that's larger than that they certainly can, as long as they are within, in accordance with the Town of Halfmoon Town Code, but yes it is for single family residential.

Laurie Valk: Okay thank you.

Don Roberts: Thank you M'am, would anyone else out on the internet like to speak? Okay M'am in the room here you want to say something again please come up and say your name and address again.

Shirley Busteau: Shirley Busteau 49 Cindy Lane, obviously its economics I mean now it's a good time to develop because you can get the price out of it , whatever I understand that , I think in years past , and I don't know how far back whatever, there were artisan l wells , there was a watersheds system that was ran through that property that made it undevelopable, if that's a word , but I believe that its since because of the development and because of the way this infrastructure is now that can be developed and I think at one point in time , I don't know who owned it then , this gentleman or whoever else whatever but at that point in time because of that water shed that ran through there and the wells that were aligned with that it couldn't have been developed at least the large lot couldn't have been developed.

Don Roberts: That's a possibility, thank you very much for clarifying that, would anyone else anywhere like to speak? In the beginning I said we received two letters that would be part of the record, okay, thank you for all of your comments, at this time we will close the public hearing, comments by the Board members? Board members any comments?

Rich Berkowitz: Don this has been zoned R-1 for twenty, thirty years if I can remember?

Don Roberts: I believe so Rich yes

Rich Berkowitz: Okay this meets all Town requirements?

Don Roberts: Yes it does

Rich Berkowitz: Okay I'll make a motion for a Negative SEQR declaration.

Don Roberts: Does anyone else want to comment first or are we moving ahead here?

John Higgins: Ill Second

Don Roberts: Okay we have a motion and a second, all in favor? (All were in favor) Opposed? (None were opposed) Motion Carried, thank you.

Rich Berkowitz: I make a motion to approve the Major Subdivision.

John Higgins: Ill second it.

Don Roberts: Okay we have a motion and a second, all in favor? (All were in favor) Opposed? (None were opposed) Motion Carried, thank you for your comments.

Bayberry Drive Subdivision – Major Subdivision

APPROVED. Board held a Public Hearing and subsequently approved a 5 lot subdivision on Bayberry Drive.

New Business:

20.150 GT Toyz, 1537 Route 9 – Sign

Ron Lavesque: Good Evening, I'm Ron Lavesque with the Sign Studio Im here to present the wall signs for GT Toyz , he is located at 1537 Route 9 , basically what we have here is an obstacle in the way of good fortune. Mr. Goldstein had opened up a while back a GT Toyz as a motor sports retailer with a couple of major manufacturers. He has had pretty good success over the year and what happened was Kawasaki was looking for a new retailer, there being no Kawasaki retailers in Saratoga County they based their selection on Mr. Goldstein based on his past performances with the Yamaha Brand. So which leads us to where we are today where we are having another major manufacturer wanting to give a franchise to Mr. Goldstein which also opened up an area for bringing in another manufacturer for trailers which basically a inline product that fits well with the other types of manufacturers that he sells here which is motor sports. To do this now in a way that we can utilize the existing signage and also bring in the other branding with the other two manufacturers , so what we did is we proposed to put the like signs on top of each other rather than taking up any linear space keeping it much negative on the building as possible keeping it closely tight together and we have it all blend in uniformly, we came up with this proposal here which is getting an additional 72 sq. ft. in building signs in which generated an initial square footage on the overall signage. We had prior knowledge that we were going to exceed the square footage that had been allowed by the Town but being in the situation that we are in we know that good fortune has helped us along the way and we figured that you know we are going to have to do this as we go along. Knowing well in advance that the Board will deny the application we're hoping tonight is that we will get a favorable response from the Board for the project to move forward. Through the Zoning Board hears that the Planning Board had a favorable opinion ****This portion of tape is inaudible**** they will know the outcome of this process and this project both the Planning Department and the Zoning Department.

Don Roberts: Thank you, as you know we do have to deny this application but before we do that I have a concern myself Im glad you're doing Greg I really am however my concern is if we , we will deny this if the ZBA approves it suppose you get some other venders coming in that want to do the same thing , I would

12/14/20

hope that you would not keep on coming back wanting to increase the overage of your signage I mean after this if you have more good fortune I would like to think that you would find a way to decrease signage somewhere else on the property , I don't want to keep on doing this over and over again I hope you understand that ?

Ron Lavesque: I do understand , we also looked at what this would be like if this was a strip center, most strip centers will have this amount of square footage over the linear footage of a building so we're taking that into consideration because most automotive dealerships are allowed to have all of their brands out on their , combining those two together we were hoping that the Board would see that because it is a multiple manufacturer type of facility , is that something that hasn't happened in the past , It's kind of ****This portion of tape is inaudible****some of the signage in the area I think its Glenn Peters Jewelers down there you can find the same square footage of the building they may have more signage that what is proposed on this building.

Don Roberts: That's because they are strip malls and there is different uses in there.

Ron Lavesque: ****This portion of tape is inaudible****the retail field who probably have less businesses in the near future on the retail end than we do now and with this being one of those types of businesses that people do have combined businesses , that people do sometimes take it out for a test drive and feel it out , this type of business has more sustainability than a lot of other retailers that we would probably see , in the decline in the near future so like I said its one of those good fortune things but it does come with obstacles.

Don Roberts: Nice try but I don't agree with you comparing this to a strip mall so we are not going to even go there, but as I said

Ron Lavesque: No im not saying we are a strip mall I want to be clear.

Greg Goldstein: I understand what you're saying , the long and the short is we would like to just get equal representation for the brands without having to reconfigure all of the rest of the signage , I understand what you're saying about the future.

Don Roberts: Thank you very much, Board members remember we must deny this application as presented so can I have a motion to that affect please?

Lyn Murphy: ****This portion of tape is inaudible****

Don Roberts: Alright Board members we need a motion to deny this application as presented

Rich Berkowitz: Can we express our opinions on it and then the Zoning Board will take our thoughts into consideration?

Don Roberts: Go right ahead Rich

Rich Berkowitz: Don I agree with you a hundred percent if they need to have all of these signs on the building they should shrink them down like everybody else in Town and just obey our regulations.

Don Roberts: Any other comments by the Board?

12/14/20

John Higgins: Yea Don and Rich I also agree that they should not be an exception and they should follow the regulations that is now established, that the Town makes everyone else follow.

Don Roberts: Thank you John, anyone else?

Tom Werner: Yea I agree with that, I agree with what John just said.

Marcel Nadeau: I agree with the Town code, what the Town code has you have to go by those rules.

Tom Koval: I agree as well it's starting to get a little too busy.

Rich Berkowitz: I'll make a motion to deny the application then.

Tom Koval: Ill second

Don Roberts: I have a motion and a second to deny the application as presented all in favor? (All were in favor) Opposed? (None were opposed) Motion carried, thank you very much.

GT Toyz- Sign –

DENIED. Board denied the proposed wall-mounted signage for GT Toyz as it exceeded the allowed square footage.

20.151 The Crossings Monument Sign, Crossings Blvd

Tom Wheeler: Im Tom Wheeler with AJ sign company, basically what we are looking to do is install this, It's more of a landscape feature it's on Crossing Boulevard it's at the entrance to the Crossings, it's at the actual entrance. We are going to do a retaining wall with some landscaping bushes and flowers and then non lit aluminum letters on the wall saying The Crossing.

Don Roberts: Okay it meets with the Town code so do we have a motion to approve please?

Rich Berkowitz: I make a motion to approve.

Tom Koval: Ill second.

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

The Crossings Monument Sign, Crossings Blvd – Sign

APPROVED. Board approved a new free-standing/monument sign for the Crossings shopping center.

20.155 Rite –Aid Sign Replacement, 1483 Rte. 9 – Sign

Adam Wakulenko: Im Adam Wakulenko from Adirondack Sign Company on behalf of Rite Aid , basically what we are looking to do is just place all of the existing signage with their new branding standards , according to their math we are reducing the square footage a little bit also.

Don Roberts: Comments by the Board?

12/14/20

Tom Koval: So it's replacing everything existing, size wise right Adam?

Adam Wakulenko: Correct, yes it's just all new, it's just their brandings that's all, everything is.

Tom Koval: I make a motion to Approve.

Rich Berkowitz: Ill second.

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

Rite – Aid Sign Replacement - Sign

APPROVED. Board approved all new signage for the existing Rite Aid store.

20.162 Nextera Energy Sign, 13 Executive Park Dr. – Sign

Adam Wakulenko: This is me again, basically what they want to do is put a new sign in the existing structure same I believe size as what was there before, real nice looking sign with dimensional letters, nice and clean and I think it's very fitting.

Don Roberts: Any comments from the Board?

Rich Berkowitz: I make a motion to approve the sign.

Tom Koval: Ill second.

Don Roberts: All in favor? (All were in favor) Opposed (none were opposed) Motion carried, thank you.

Adam Wakulenko: Thank you very much.

Nextera Energy – Sign

APPROVED. Board approved a new free-standing/monument sign for the existing tenant.

20.147 / 20.154 Halfmoon Wine & Liquor Expansion 1471 Rt. 9 –Change of Tenant/Use & Sign

Lyn Murphy recused herself from this item.

Michael Klimkewicz: Hi Im Michael Klemkevicj the owner of Halfmoon Wine and Liquor on 1471 route 9 Im here tonight for a change of Tenant and a sign change. Our plan is to stay in the existing footprint which is 2000 to 30000 sq. ft. by incorporating the adjacent suite. The hours of operation will be the same the number of employees will remain the same.

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

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

Don Roberts: Do I have a second?

Tom Koval: Ill Second

12/14/20

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

Halfmoon Wine & Liquor Expansion - Change of Use/Tenant & Sign.

APPROVED. Board approved the expansion of the existing liquor store into the adjacent suite as well as new associated signage.

20.158 Miller Environmental Group, 574 Hudson River Rd - Change of Use/Tenant

Mark Pacicca: Mark with Miller Environmental this would be a new tenant in this building.

Don Roberts: What will you be doing sir?

Mark Pacicca: Im sorry I couldn't hear you

Paul Marlow: What is your business, what exactly do you do.?

Mark Pacicca: We are an environmental group we would be storing response equipment, safety equipment inside this building, we are a response company.

Don Roberts: Any outside storage at all?

Mark Pacicca: No outside storage at all

Don Roberts: Okay questions by the Board?

Tom Koval: How many employees are you going to have?

Mark Pacicca: It would be one part time employee monitoring this equipment.

John Higgins: Outside you're just strictly going to have a dumpster and that's it?

Mark Pacicca: Yes, a dumpster with maybe a truck part of the time

John Higgins: Im sorry I could not hear you

Mark Pacicca: Possibly a dumpster and a pick up and no outside storage what so ever

Don Roberts: No vehicles stored outside nothing stored outside is that correct

Mark Pacicca: That is correct Sir.

John Higgins: Okay thank you.

Don Roberts: Anyone else? Okay who made the motion please? Okay Tom Koval made the motion and Rich Berkowitz seconded correct?

12/14/20

Rich Berkowitz: Yes

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

Miller Environmental Group- Change of Use/Tenant

APPROVED. Board approved the use of the vacant 7,500 SF space for an emergency response facility.

20.159 CB-20 Inc. 3 Liebich Lane – Change of Use/Tenant

Tom Franceski: My name is Tom Franceski and Im one of the owners of CB-20 we are a technology solutions provider, been operating continuously since the early 80's present ownership since 2007 , we are headquartered out of Schenectady we need incremental warehouse space which is primarily what we are going to use this facility for , its 4000 square feet , we bring equipment in for customers to service technology needs , we aggregate in one spot and then we'll distribute to different locations that the customers have and thats the use that we have for this facility. Its limited access, maybe one delivery in and out per day, one van, in and out per day of our team with limited number of employees, really just one person managing the facility for us.

Don Roberts: Any questions by the Board?

Mike Ziobrowski: Tom your hours of operation are?

Tom Franceski: We'll use the facility primarily from eight in the morning perhaps to eight at night but rarely that late, eight at night most of the activity will happen between the hours of nine in the morning and five o'clock.

Mike Ziobrowski: Okay thank you.

Rich Berkowitz: I'll make a motion to approve.

Mike Ziobrowski: I'll second.

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

Tom Franceski: Thank you.

CB-20 Inc. – Change of Use/Tenant

APPROVED. Board approved the use of the vacant 4,000 SF space for a technology solutions provider

20.160 Cooley Commercial Truck, 1627 Rt. 9 – Change of Use/Tenant

Dan Cummings: Eric Cooley is here I think he's got the narrative, he is the actual tenant.

Don Roberts: Okay someone please explain what you want to do on the site.

12/14/20

Eric Cooley: Okay we will be running a business on that site called Cooley Commercial Trucks, we've been operating for almost twenty years about three miles south on route 9 , in the Town of Colonie and its specifically for sits of commercial trucks , pre-owned commercial trucks. There is no repairs to speak of, we subcontract our repairs we may occasionally put an outside mirror on something very minor in the parking lot but we won't need a garage. Our motor vehicle license is only to sell not to do any repairs for outside owners and we will be using maybe , we will stock the lot with maybe 35 vehicles or so and I believe there is parking there for about 70 vehicles. Our hours of operation are going to be eight to five Mondays through Friday and eight to one on Saturday and there will be three employees total.

Don Roberts: Well what size trucks are we talking?

Eric Cooley: Its medium duty commercial trucks like a box truck twelve footer, sixteen footer that generally is the size of the vehicle that we will have, we will occasionally dump trucks.

Don Roberts: No tractor trailers there?

Eric Cooley: No, no nothing that size, medium duty.

Don Roberts: Okay, comments from the Board please?

Mike Ziobrowski: Will you have any buildings on site that you will need to do any sort of upgrades to the vehicles?

Eric Cooley: No, no, we sub that type of work out to other companies if it's a matter of installing a bed or a box on a box truck we don't do that on site.

Mike Ziobrowski: And you said you'd limit the vehicles to 35?

Eric Cooley: There will be approximately 35 vehicles for sale there yea

Rich Berkowitz: How many do you currently have in Colonie?

Eric Cooley: We have somewhere around 35

Rich Berkowitz: Okay and that's how many trucks go in and out of there in a months- time as far as sales?

Eric Cooley: Sales we probably retail up in wholesale about 15

Rich Berkowitz: And how do they get onto the lot, are they trucked in are they driven in?

Eric Cooley: No driven everything is driven

Tom Koval: They do occasionally truck them in and I was going past your site in Colonie yesterday and one was being delivered on a truck, on a small truck that was parked in the center lane of route 9 so, but this lot is quite a bit bigger than the route 9 lot Rich.

Rich Berkowitz: Okay, is there a sign with this also?

12/14/20

Eric Cooley: Not currently no

Rich Berkowitz: So you are comfortable with a maximum of 35 vehicles?

Eric Cooley: Yes

Rich Berkowitz: Okay I make a motion to approve the change of use and tenant with a maximum of 35 vehicles allowed on site

Mike Ziobrowski: Ill second

Don Roberts: Okay that's good before we vote sir if you want a sign you have to come back for a sign you realize that right?

Eric Cooley: Yes, I have to come back for sign approval yes

Don Roberts: Yes, okay thank you, and you'll advertise Halfmoon right?

Eric Cooley: Yes we will

Don Roberts: Thank you very much, okay we have a motion and a second, all in favor aye? (All were in favor) Opposed? (None were opposed) Motion carried, good luck.

Eric Cooley: Thank you.

Cooley Commercial Truck – Change of Use/Tenant

APPROVED. Board approved the use of the vacant site to allow for automotive vehicle sales with a limit of 35 vehicles at one time.

20.148 Lands of Pingelski Subdivision & Lot Line Adjustment, 246 Upper Newtown Rd – Major Subdivision

Duane Rabideau: Duane Rabideau from VanGuilder and Associates representing Patrick Keyoskey before the Board for the proposal of a two lot subdivision and lot line adjustment. It's located at 246 Upper Newtown Road, the proposal is to cut out a 2.87 acre parcel of the remaining 40 acre parcel of land that was left over with the Pingelski Family Trust from the Creekview Estates PDD which is just to the right hand side of this proposed lot we are subdividing out. Of the 2.87 acre parcel is for a proposed single family home and it's going to tie into the public water that runs along Upper Newtown Road, there will be an onsite septic system. The other portion of this proposal is a lot line adjustment and a land annexation of a half an acre triangular piece down at the bottom of the map, of this remaining Pingelski land to the existing single family residence which is to the left of the house that you see on the map which is owned by Richard Pingelski, so basically it's the lot line adjustment and the cutting out that three parcels of land, and that's our proposal before the Board.

Don Roberts: Thank you Duane, comments by the Board? Any comments by the Board?

Rich Berkowitz: I'll make a motion for a public hearing on January 25th

12/14/20

Mike Ziobrowski: I'll second

Don Roberts: Okay we have a motion and a second for a public hearing on January 25th 2021, all in favor? (All were in favor) Opposed? (None were opposed) Motion carried, okay Duane we will see you on January 25th alright

Duane Rabideau: Okay, thank you very much

Don Roberts: Thank you sir.

Lands of Pingelski Subdivision & Lot Line Adjustment – Major Subdivision

PUBLIC HEARING SET. Board set a Public Hearing for January 25, 2021 for a subdivision/lot-line adjustment.

20.149 22 Corporate Drive Parking Expansion, 22 Corporate Drive – Site Plan

Jason Dell: Good evening Jason Dell here with Lansing Engineering here on behalf of the applicant 22 Corporate Drive Paring project it is located at 22 Corporate Drive along the eastern side of Corporate Drive. The project site consists of a parcel that has a full area of about 1.98 acres and the site is currently occupied by Atlantic Testing Laboratories. The site consists of existing 10,000 sq. ft. commercial building and an approximate 18,000 sq. ft. parking area. The existing parking is inadequate for the current needs of ATL and is also in need of repair to better facilitate and direct the traffic flow the project proposes to expand and reconfigure the existing parking to better meet the needs of the employees and clientele at ATL. The project also proposes to expand and improve the dumpster pad as well as the ramp up and into the building. So the current parking lot configuration includes about 22 parking stalls and proposed improvements to the parking area will be to expand that parking to be able to accommodate about 52 stalls that will have a more organized parking structure to it. The proposed improvements to the dumpster pad area will include the construction of a concrete pad that will allow for recycling dumpster a refuse dumpster and a materials dumpster. The existing curb cut to Corporate Drive will continue to be utilized for the project and there are no improvement or modifications to the existing building or are proposed at this time. And so we are here to introduce the project to the Board and advance the project however the Board sees fit.

Don Roberts: Thank you Jason, we are going to refer this to Joel Bianchi from MJ Engineering our Town Engineer for review but that being said any comments by the Board?

Mike Ziobrowski: Jason are you expanding the proposed stormwater management areas as well, that's all proposed it's not there currently?

Jason Dell: That's correct, there will be submitted an existing conditions plan too which kind of shows the current configuration of the parking area, it's basically just a catch basin that's down in the parking area now and what we are going to look to do with this plan is to provide just an area to collect storm water as well as discharge the current catch basin so that's where we will be looking to provide some improvement to the drainage area out there , a full SWPPP is not required for the project by any means due to the size but we will be looking to help out the drainage situation out there.

Don Roberts: Anyone else? As I said we will refer this to our Town Engineer Joel for review and we will let you know Jason alright.

12/14/20

Jason Dell: Thank you.

Don Roberts: Thank you very much, anyone else out there? Can I have a motion to adjourn?

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

John Higgins: I'll second it

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