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**MINUTES MEETING
Town of Halfmoon Planning Board
January 24, 2022**

Those present at the January 24, 2022 Planning Board meeting were:

Planning Board Members:

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

Planning Board Alternates:

Brendan Nielsen
Chuck Lucia

Coordinator- Building, Planning and Development:

Richard Harris

Senior Planner / Stormwater Management Technician:

Paul Marlow

Town Attorney:

Lyn Murphy

Deputy Town Attorney:

Cathy Drobný

Town Board Liaison(s):

John Wasielewski
Eric Catricala

Town Engineers:

Joel Bianchi

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

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

Rich Berkowitz: I make a motion to approve the minutes

Don Roberts: Can I have a second?

Marcel Nadeau: I'll second.

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

New Business:

21.124 Brow RX Beauty, 1581 Rt. 9 (Fireside Plaza) - Sign

Don Roberts: Are they going to be online?

Richard Harris: Yea they might be online, hi, is the applicants for Brow Rx Beauty online? Okay they confirmed they would be online

Don Roberts: Okay well we will come back to them at the end of the meeting, alright.

***Brow Rx Beauty (Fireside Plaza) – Sign
TABLED. The applicant failed to appear***

21.224 The Cleaning Authority, 1581 Rt.9 (Fireside Plaza) – Change of Use/Tenant

Daisy Zubair: Daisy Zubair, 1581 rt. 9 Halfmoon, 12065.

Don Roberts: Explain what you want to do.

Daisy Zubair: I'm going to be, it's going to be a cleaning business, its residential, a franchise.

Don Roberts: How many employees?

Daisy Zubair: I'm starting off with about 2 to 4 and then it will eventually grow to about 10 by the end of the year.

Don Roberts: So they report there and then they go out and do their cleaning?

Daisy Zubair: Correct, yes

Don Roberts: Okay, questions by the Board?

John Higgins: Which location in the building, are you going to be on the upper or the lower level?

Daisy Zubair: Correct, on the upper level

John Higgins: On the upper level

Daisy Zubair: The first unit on the left

John Higgins: Okay, and you going to have any company vehicles that are going to be parked there that they use to go to the sites?

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Daisy Zubair: At this time no, they will use their own vehicles

John Higgins: Okay and there's no outside storage of material or equipment?

Daisy Zubair: No, correct, no

John Higgins: Okay, thank you very much

Don Roberts: Just so you know if you want a sign you're going to have to come back for a sign?

Daisy Zubair: Yes, correct it's in the works

Rich Berkowitz: So they just come with their own vehicles and their supplies and leave?

Daisy Zubair: Correct.

Rich Berkowitz: Okay, I make a motion to approve the use and tenant.

Tom Werner: Ill second it

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

Daisy Zubair: Thank you.

The Cleaning Authority (Fireside Plaza) – Change of Use/Tenant

APPROVED. Board approved the request to use an approx. 1,800 SF space for an office and of storage for products related to their cleaning business.

22.004 Rome Bath Remodeling Warehouse/Operation, 9 Parkford Dr. – Change of Use/Tenant

Richard Rome: Richard Rome, 9 Parkford Dr., Clifton Park.

Don Roberts: Halfmoon, Halfmoon.

Richard Rome: I'm sorry Halfmoon, we're looking to use the warehouse , I believe the current owner has a 15,000 sq. ft. structure ,we're looking to occupy half the structure to run our remodeling business out of. Currently we would use it as a warehouse location only and then we would come back as some point in the future we would like to put some offices and a small show room within the facility.

Don Roberts: Questions by the Board?

Rich Berkowitz: I make a motion to approve

John Higgins: I realize that you're not discussing anything about outside storage so everything will be included inside the building?

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Richard Rome: Correct, yes Sir

John Higgins: Any idea approximately how many vehicles , trailers you're going to have stored there, just we like to get it on the site plan just in case the inspector has any questions.

Richard Rome: Currently Sir we would not, nothing would be parked outside, all material, all building materials inside even the vehicles that we use to operate out of would be parked inside the building, the only exterior parking would be during business hours where our employees would park in front of the building and then access the company vehicles inside the building, but no, nothing would be stored outside.

John Higgins: Okay that's fine just as I said we like to get it noted on the approval, thank you.

Rich Berkowitz: Lyn if he comes back for retail he has to come back here correct?

Lyn Murphy: Correct.

Rich Berkowitz: Okay, so I'll make a motion to approve the change of use and tenant and if you do need to come back for retail you just have to come before us again.

Richard Rome: When you say retail Sir?

Rich Berkowitz: Well, are you building a showroom?

Richard Rome: Yes but we don't sell anything out of the showroom , no transactions actually occurs in our bath remodeling its simply displaying the bath products in the show room our customers all the homes all of the sales occur in home, where we come to the customer. We use the showroom where customers can come in and see the product or see the various showers, vanities so forth

Mike Ziobrowski: It's like a kitchen mock up

Richard Rome: It's a mock up, correct but no sale physically occurs in the building.

Lyn Murphy: if that were to change he's saying you would have to come before this Board

Richard Rome: I'm sorry?

Lyn Murphy: If that were to change you would have to come before this Board

Richard Rome: Oh okay I understand, okay understood

Richard Harris: I just want to clarify something , your application stated that it would be 1000 sq. ft. for an office , 1000 sq. ft. for a showroom and the remaining 5500 for warehouse storage

Richard Rome: Correct

Richard Harris: If that's what you want the Board to review I think they would be doing it at this time and I don't know that you would need to come back unless you started retail sales

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Lyn Murphy: That's what we're saying

Richard Harris: Okay I just wanted to clarify that it's not 7500 sq. ft. just storage

Richard Rome: Correct

Richard Harris: I mean you may do that for a little while until you get an office going

Richard Rome: Correct, correct

Richard Harris: Okay

Richard Rome: In my understanding would be we would have to come back for permits and so forth at that time to build out the offices?

Richard Harris: Building permits yes, if the Board approves you tonight as your application reads which is 1000, 1000 and 5500 but you're not ready to do that right away and you want a c/o you would then come back to just the Building Department part of things as long as it's consistent with this approval if you change it around to half showroom 3750 sq. ft. showroom and you switch it around then you need to come back

Richard Rome: Understood

Richard Harris: So as long as those numbers are accurate

Richard Rome: They are accurate

Richard Harris: Then it would just be Building Permits

Richard Rome: Okay

Rich Berkowitz: Okay my motion still stands

Mike Ziobrowski: Ill second the motion

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

Richard Rome: Okay thank you Sir.

Rome Bath Remodeling Warehouse/Operation. – Change of Use/Tenant

APPROVED. Board approved the request to use an approx. 7,500 SF space for an office, showroom and of storage for material related to their bath remodeling business.

22.006

The Home Depot Seasonal Outside Storage /Display, 4 Halfmoon Crossing -Change of Use/Tenant

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Jason Garner: Jason Garner from the Home Depot, seeking just the approval for our annual storage for outdoors, starting on February 2nd and running through September 30th

Don Roberts: Same area, nothing's changed?

Jason Garner: No changes

Don Roberts: Okay, questions by the Board?

Rich Berkowitz: I make a motion to renew the site plan

Marcel Nadeau: Ill second it.

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

The Home Depot Seasonal Outside Storage/Display– Change of Use/Tenant

APPROVED. Board approved the temporary outdoor storage and display of seasonal items through 9/30/22.

21.227 Neddo/Boulerice Lot Line Adjustment, 1 Allen Dr. & 267 Lower Newtown Rd- Minor Subdivision

Leslie Neddo: Leslie Neddo, 1 Allen Drive. I want to take this section of my property and give it to the next door neighbor, it's of no use to me whatsoever and just maintain 20 ft. at the end of the driveway.

Don Roberts: Questions by the Board?

Rich Berkowitz: I make a motion to have a public hearing on February 28th.

Mike Ziobrowski: Ill second

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

Leslie Neddo: Okay

Neddo – Boulerice Lot Line Adjustment – Minor Subdivision

PUBLIC HEARING SET. Board set a February 28, 2022 Public Hearing for the proposed minor subdivision (Lot-line adjustment).

21.225 Cole-Collision (Renewal), 1624 Rt. 9- Site Plan (Renewal)

John Hitchcock: How you doing , John Hitchcock with ABD Engineers representing Coles Collision on this one , I'm filling in for Dave Kilmer at my office but I'll explain it to you the best I know it was approved I believe back in 2020 , we are just looking for a renewal on the approval , there has been one small change to the site plan they are going to do a wash bay on the east end of the buildings ,so there will be a grease trap and infiltrator on that south east end of the property to handle the water from the wash bay , other than that everything else remains the same, no changes to the plan.

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Don Roberts: Questions from the Board?

Richard Harris: That's all you intend to build and not get rid of parking spaces?

John Hitchcock: Right, correct right

Don Roberts: Okay, any questions by the Board?

Mike Ziobrowski: So it would be internal to the addition correct?

John Hitchcock: The existing building that the additions off of the front

Mike Ziobrowski: Inside the existing building?

John Hitchcock: Right, right

Mike Ziobrowski: Okay

Tom Werner: The Clifton Park Fire Department had some questions regarding accessibility or turning radius at the back of the building back two years ago almost did they ever officially sign off on that?

Richard Harris: No we had not at that time prior to the Board Meeting had forwarded the applicants response which was an analysis done by their office regarding trucks radius and we did not hear back from the fire department as of that June 2020 meeting, at that meeting approval , Town Engineer , Clough Harbor had to his belief , believed that the study presented by the applicant addressed the fire departments concerns but certainly if you have a concern still with that we could have the fire department review it before we issue a building permit.

Don Roberts: So maybe we should make it contingent on that?

John Higgins: I have a question, adding wash bays are you going to have to increase the size of the septic or?

John Hitchcock: It will have its own infiltrator to handle the water from there

John Higgins: Okay where is that going to be located?

John Hitchcock: Right on the south of the east end of the building, you come down south you've got those parking spaces, right off in that green area right there you come down a little bit, no the green area right below it, right in that area but closer to the west, I'd say that's a little bit west and then its directly across from the building in that green area. This might help.

Mike Ziobrowski: It's outside the footprint, the containers for it?

John Higgins: Do we need to have the engineer take a look at that Don?

Don Roberts: Maybe we should, I think we should, Joel?

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John Higgins: We just want to make sure there is enough room to dissipate the amount of water because a car wash uses quite a bit of water.

John Hitchcock: Yea no we have space for these, we certainly can review it's a very small addition

Richard Harris: Yes I think this is so separate from the building I think it will be fine

Don Roberts: Okay.

John Hitchcock: So we can send it over to Joel

Don Roberts: We just did.

John Hitchcock: Okay.

Don Roberts: Okay so we will get back to you on that alright, okay, any other questions by anybody? Okay Joel will review it and we will get back to you.

John Hitchcock: Okay sounds good, thank you.

Richard Harris: Joel is there something else we might

Joel Bianchi: Not knowing the background, but based on what the applicant has represented this could be a conditional approval.

Don Roberts: Okay, if the Board is satisfied with that.

Rich Berkowitz: I make a motion for a conditional approval based on MJ's Engineering, and the fire department.

Marcel Nadeau: Ill second that

Don Roberts: Okay so we've got a motion and a second for a contingent approval on MJ's Engineering review and a sign off by the Fire District, all in favor aye? (All in favor) Opposed? (None were opposed) Motion carried, maybe we won't see you again.

John Hitchcock: Thank you.

Cole-Collision (Renewal) – Site Plan (Renewal)

APPROVED. The Board approved the site plan amendment for an approx. 4,200 SF building addition and additional parking spaces for the existing Cole's Collision Center with conditions related to Fire Department and Engineer sign off.

22.005 Betts Farm Phase 1 Revisions, Betts Lane / Hayner Rd- Final Subdivision (Revised)

Gavin Vuillaume: Good evening everyone, Gavin Vuillaume with Environmental Design. Got some maps here that you guys have that are similar to the one that is on the screen there, with the highlighter on it, okay. So it's a very simple request, Abele Builders here wants to revise the housing units that is currently being constructed in Phase I, Phase I was originally approved for 30 patio homes and, I'm sorry 35 Patio homes and 30 Twin homes, so because of the housing

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market the way it is today he wishes to eliminate the twin homes and just do all patio homes. So the number of units in Phase I will not change they will all be the patio homes and the roads everything is the same, there is like maybe a half a dozen maps that need to be revised and then obviously filed with the County Clerk , those include really just the grading plans , utility plans things of that nature. The lot lines themselves are almost identical to what we had before where we had our party wall with a lot in between it now they will all be individual lots so even the subdivision lines themselves really don't change very much. Again like I said the stormwater management, utilities everything's the same, it's just the unit change

Don Roberts: Okay thank you Gavin, we're going to have MJ and Joel Review this, but any questions by the Board?

Mike Ziobrowski: I would like to make a motion to approve contingent on the Town Engineer review.

Don Roberts: And I don't think we should, we are going to table this

Gavin Vuillaume: We are in no big hurry so if you want to have Clough take a quick look at it again there is only half a dozen sheets that change but you can take a look at that.

Don Roberts: Okay so we will get back to you.

Gavin Vuillaume: Get back to us, great.

Don Roberts: Okay, thank you.

Betts Farm Phase I Revisions – Final Subdivision (Revised)

TABLED. The Board heard a presentation on the proposed changes to the final site plan composition; and referred it to the necessary agencies.

Old Business:

21.181

E. Dalheim Properties Addition, 67 Button Rd. – Site Plan

John Hitchcock: John Hitchcock, ABD Engineers representing Meade Enterprise on this Dalheim project on Button Road, 69 Button Road. We had MJ Engineering review it upon your request and it was approved way back when, I can't remember when, but it expired and I guess this is, we're looking for a re-approval on this one it's the 3,600 sq. ft. building addition off of the south end of the existing main building to be used for storage and maintenance of paving equipment. We did get a comment letter from MJ we addressed a lot of that in the plan you see up there we still have to formally address all of their comments which we will do after tonight's meeting but we added proposed gravel which you see in that dark or shaded area, erosion control measures and lighting on the building just looking for a conditional approval tonight so we can move forward with it.

Mike Ziobrowski: Was this the DelSignore?

John Hitchcock: No, no

Don Roberts: We are not going to do a conditional we are going to have MJ review this just so you know we are not going to do a conditional approval tonight.

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John Hitchcock: They did review it.

Joel Bianchi: No we reviewed the prior application which me and you went back and forth quite a few times, what you presented in the last meeting wasn't quite what you proposed, the parking wasn't articulated there was an error in the EAF, so we asked for additional information, you did provide it to me but the Board hasn't seen it, the application hasn't been presented as you proposed as how you're doing it right now.

John Hitchcock: Okay

Don Roberts: So we are not going to take any action tonight, let MJ review it again and get back to us and we'll get back to you, any other questions by the Board? Okay?

John Hitchcock: Thank you.

Don Roberts: You're welcome

E. Dalheim Properties Addition – Site Plan

TABLED. The Board heard a presentation on the proposed addition to the site plan; and referred it to the necessary agencies.

Don Roberts: The next item has been removed (by the applicant)

21.159/21.160

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

Jamie Fordyce: Good evening, Jamie Fordyce from Eastlite Partners here presenting ELP Halfmoon on Smith Road. Last we were here in December for our public hearing, we heard a number of comments from the neighbors to the project, covered a range of issues I think you know some of them technical, stormwater, noise, fire safety, glare I think that we largely covered with the Board and through MJ's review in advance of the public hearing, but we provided a comment letter that articulates all of our responses to the Board in advance of this meeting. The main outstanding issue really is the question of visual impact and the reasonableness and the sufficiency of the proposed setbacks that we've put before the Board just to review the initial proposal was 50 feet consistent with the Towns ordinance for public utility. Consistent with probably what now would be required of a subdivision or other types of development, we're coming before the Board with , we realize this is a special permit, we heard the comments of the Board and of the neighbors at the public hearing and have additionally connected with a number of the neighbors outside of context of the hearing to discuss the issue of visual impact and we've put for the a revised plan which you know we're working with our engineers to try to determine what's feasible and what would be responsive to the comments , we're able to double the proposed setbacks so what we see here is just an overview of what we would propose to revise our plan set to reflect, which is 100 foot setback from the property line , double the requirement in the zoning ordinance and really would in effect double the vegetative buffer between the prior proposal and current proposal. We've also committed to planting a minimum of 75 evergreen trees, a mix of white spruce and Balsam fir along the northern and eastern property boundaries. We had as part of our prior proposal had evergreen screening as well, but this is a commitment of the number of trees and these are planted at 5 to 6 feet at the start of the project.

Don Roberts: Do you have any simulations showing these changes?

Jamie Fordyce: We don't you know , we'll take feedback from the Board , from our perspective we went through the exercise on the past proposal with 50 feet it was a challenge to show pre and post impacts with 50 feet of mature forest

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and even with leaf off conditions and a row of evergreen screening , so we're happy to try to do it , we might not be able to render an image that shows panels , for that reason I don't think it will be a particularly effective decision making tool but we'll take it back. You know at a certain point you've just got to think practically about can you see a 100 feet into the forest behind an evergreen.

Don Roberts: Well that's your decision I'm just making a recommendation.

Jamie Fordyce: Okay we're here to take recommendations.

Rich Berkowitz: If we are thinking practically most of, I'd say all of those residents did not want that there. If we are thinking practically.

Jamie Fordyce: Understood

Rich Berkowitz: So I would, I think you should take that into consideration, that's all.

Don Roberts: Questions by the Board?

Tom Werner: What are the size of the trees that you are proposing?

Jamie Fordyce: Planted at 5 to 6 ft. initially

Tom Werner: 5 to 6 feet

Jamie Fordyce: Initially, yup, we need to allow for room to grow into a mature healthy tree.

John Higgins: You're showing the trees on the roadside of your fence, but yet you're leaving 50 feet of the existing vegetation so I assume you're going to put the trees in before you put the fence up?

Jamie Fordyce: No the trees will be planted after the area is cleared and the fence is up.

John Higgins: Well how are you going to get in there if you are not going to touch the existing vegetation?

Jamie Fordyce: Well how you going to plant the trees , this is the challenge which I mean we are planting trees , the most effective means of screening visual impact is to leave existing vegetation in place as opposed to clearing it and planting a young tree, and so what we've tried to propose here is the best practice of leaving as much vegetation in place as we can and then beyond that supplementing behind that for an evergreen all season screened, and so do you see the limits of disturbance on the plan set and we will plant after the site is prepared.

John Higgins: Okay maybe I don't understand, you're going to leave the existing vegetation exactly as it is, you're not going to touch the existing vegetation?

Jamie Fordyce: Within from the property line to the edge of clearing of the project, correct.

John Higgins: Your showing it along, for instance along Smith Road, your showing leaving the existing 50 feet of existing vegetation to remain.

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Jamie Fordyce: Correct.

John Higgins: Okay, so my question is if that is going to remain, you're not going to touch it, how are you going to plant all those trees along Smith road?

Jamie Fordyce: They're behind the existing vegetation

John Higgins: Correct that's what I just said, so you are going to put those trees in and then put your fence up, you're going from the inside of the area your clearing or you want to clear.

Jamie Fordyce: Sure the trees will be planted in a clear area right behind the shaded red portion.

John Higgins: Right okay so what happens if the trees die, how are you going to get in there to replant them?

Jamie Fordyce: There will be an area as shown in the drawing behind the bubble and in front of the fence which is clear and prepared for planting so we we'll be able to move within that area call it, I don't know probably 20 feet.

John Higgins: Okay.

Jamie Fordyce: Right, I want to be clear.

John Higgins: Well and how tall are these trees, you said 5 feet?

Jamie Fordyce: They are planted at 5 feet.

John Higgins: Okay so its gonna take at least 10 years before they get high enough to really effectively block the panels

Jamie Fordyce: Yea our view is the existing vegetation is a pretty effective screen and this is just to supplement and to provide year round screen and we can't you know create from day 1 a mature screen across the perimeter of the site , I think that's a standard for other types of development , the screening.

Don Roberts: Okay we are going to submit this to MJ Engineering for review, and we are not taking any action tonight but we will get back to you

Jamie Fordyce: Did you want to speak to any of the other issues?

Don Roberts: Anyone else have any more questions?

Richard Harris: Why don't you give us a summary of the correspondence?

John Fordyce: Sure yea some of the discussion at that last meeting had to do with potential wetlands on the property and that stand of the Army Corps jurisdiction. So subsequent to the public hearing we already submitted to the Army Corps. For review of our delineation that was done by EDP, they reviewed the delineation they agreed with the delineation and they made that determination that no permit is necessary associated with this proposed design. That's with respect to Army Corps, with respect to the DEC we recognize there is a DEC wetland on the west side of the property, we've allowed for the existing 100 foot buffer, regulatory buffer to remain in place, we petitioned the DEC to

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allow for selective clearing of or trimming of trees within 50 to 100 feet of that buffer and they have provided us with a letter which allows that which we submitted to the Board as well, that's a permissible. Other questions?

Mike Ziobrowski: I think that we as a Board take a look at the broad spectrum of the agricultural – residential uses special permit as well in this interim.

John Fordyce: Yea Id point out that there are other projects approved in the Town within the AR district.

Don Roberts: Anyone else? Okay we'll come back to you alright.

John Fordyce: Thank you.

ELP Halfmoon Solar – Site Plan & Special Use Permit

TABLED. *The Board heard a presentation on the proposed addition to the site plan; and referred it to the necessary agencies.*

Don Roberts: Your welcome, okay going back to the first item, under new business, Brow Rx Beauty, 1581 Route 9 fire side plaza sign, are they there?

Richard Harris: Is anyone online ready to present for the Brow Rx Beauty sign application? (No answer)

Don Roberts: That's it.

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

John Higgins: Ill second it.

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