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**MINUTES MEETING
Town of Halfmoon Planning Board
June 14, 2021**

Those present at the June 14, 2021 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-absent

Coordinator- Building, Planning and Development:

Richard Harris

Senior Planner / Stormwater Management Technician:

Paul Marlow

Town Attorney:

Lyn Murphy

Deputy Town Attorney:

Cathy Drobny-absent

Town Board Liaison(s):

John Wasielewski
Eric Catricala

Town Engineer:

Joel Bianchi- absent

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?

Mike Ziobrowski: I make a motion to approve the minutes.

Marcel Nadeau: I'll second it.

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

Rich Berkowitz: I abstain

Don Roberts: Rich Berkowitz recluses himself, thank you Rich.

21.088 **Full Mag Guns, 37C Pointe West Drive – Home Occupation**

Don Roberts: Would anyone like the notice read? (No comments) applicant please come up and explain what you would like to do please.

Kevin Richards: Kevin Richards, 37C Pointe West Drive in Halfmoon. My objective is to start a place to sell hand guns. I have no intention of having any employees other than myself. I have no intention of having any operating hours it's going to be by appointment only, I am fully employed by a company that I'm based out of Canada and Wisconsin. This is going to be really a part time job for me to see if I can facilitate getting involved with distributors. My long term objective is once I retire is to start a retail site, and a full store and an indoor target and shooting range, but that's a long ways to go to two more years before I can retire.

Lyn Murphy: And just for clarification that would not be at your home that would be a separate

Kevin Richards: Absolutely not, and I've already had ATF has already come to my house did a four hour interview with me, they approved the safe that I have in my house. My intention is not to have guns on display , it's going to be if you know who I am and I know you , you'll come to my house to tell me what you're looking for , Ill order it , receive it and then we will do the hand off. So I've already received my federal firearms license from ATF of course I have not been able to conduct any business as of yet because of waiting for approval from the Planning Board.

Don Roberts: That's It.? Thank you Sir .Okay at this time we will open the public hearing, first of all Rich we received some written correspondence from some residence, we would like to enter into the record alright.

Richard Harris: I received 3 emails since Friday from residence of Pointe West Drive. The Board has been provided copies of each of the letters from the residence and they will be part of the record in the file.

Don Roberts: Okay thank you. As I said the public hearing is open so if anyone wishes to speak please come up and say your name and address and any comment you may have, would anyone like to speak? Okay please come up, sorry Sir you will be next.

Rebecca Kimble: My name is Rebecca Kimble and I live at 37A Pointe West Drive and I would like to say first of all that in the letter my address was noted in the body of the letter. I want nothing to do with this I just want to make that very clear.

Don Roberts: We're sorry about that by the way.

Rebecca Kimble: That's okay I know mistakes happen, I just want to make sure everyone is on the same page because I want nothing to do with this. As somebody who is married a couple years and wants to have

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children I want no guns around, gun sales around my house. There are children that I see coming out playing across the street very close to his house , I don't think that it's safe to be selling guns , I believe in the right to bear arms I think that it's everybody's first amendment right , but I don't think that we should be selling guns in a neighborhood, it's going to decrease the property value in our area and I just really think that when people go to sell houses especially being connected to this house that nobody is going to want to buy my property. I know you say that you are going to know the people that are going to be buying these guns but what if somebody walks out loads the gun just to take a look at it and see how it looks and feels and the gun goes off and you know myself, somebody else is injured, I just don't think this is a good idea in a residential area, I think you have a great business plan but I think it should be happening in a commercial area not in a residential area.

Don Roberts: Thank you Ma'am, Sir.

Chris Eckle: My name is Chris Eckle, I live at 28 Pointe West and I brought with me today a copy of the deed restrictions that went along with our properties. I will leave this with whoever on the Board, but it says here on page three , each Town Home unit and all portions of the property shall be used for residential purposes only, no business , professional practice or commercial enterprise may be conducted from any Town Home unit, and this is part of our deed restrictions.

Lyn Murphy: Thank you very much for sharing that with the Board, just so you are aware the Board will obviously take that into account but we cannot enforce that deed restriction, that has to be enforced by the surrounding neighbors or the HOA.

Chris Eckle: Okay

Lyn Murphy: But obviously if you could leave a copy with us

Chris Eckle: Does someone want it?

Don Roberts: Okay thank you, would anyone else like to speak?

Gail Amberman: Hi I'm Gail Amberman and I live at 28 A Pointe West Drive, we've been there for 12 years and I agree with everyone that's been up here that's from Pointe West Drive, that its residential, we have six grandchildren how do we know who he is selling to, is he going to take into account what type of person they are? How do we know? He says he's doing it by appointment only, what are the hours? What time of day do I still have to worry about walking down the street if somebody comes to his house at ten at night to purchase a gun? Does he do a background check is it like Zacks in Round Lake or the one in Bought Corners? How do all of us that's sitting here from Pointe West Drive know any of this? It's very upsetting and again its residential, he has enough money to get a store front, he has quite a few expensive cars, it's like a parking lot over there of used cars, and so I would like to ask him why do you want to do this in your own home instead of getting a store front?

Don Roberts: Sir if you want to answer that, come up and use the microphone so we can get it for the record please.

Kevin Richards: As I stated this is going to be a very part time business, I have a full time job , I travel significantly and for appointments trust me I'm not doing this at ten o'clock at night, and as far as the

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background checks I have to comply with all Federal regulations , I would have to comply with all Federal regulations no different than any other FFL license business so you have to go through full background check before you can sell any gun and even if I feel as one ATF agent told me for whatever reason I don't feel comfortable whether they passed the background check you are not required to sell to them.

Gail Amberman: I have another question for the Board

Don Roberts: Okay thank you Sir

Gail Amberman: So he sells, does he give you record of who he sold it to?

Don Roberts: No

Gail Amberman: So you have no way of knowing the gun that he sold, who it went to or how it's being used so that if let's say somebody bought, a week later, this is all you hear on the news, they go up to Shenendehowa, they go to the Town Park and they just decide to shoot because, they're mad at somebody. How is the Town going to feel about that, that you actually allowed somebody to sell from their own home?

Lyn Murphy: We don't actually have the authority to license somebody to sell from their own home so that's all government by the Federal statutes and the Federal legislation

Gail Amberman: But you have to approve it.

Lyn Murphy: I get your point, I totally get your point we have to approve the in home occupation but all of that tracking that's all Federal, the Federal Government we don't have the authority, and it's like a liquor license.

Gail Amberman: But if you all have to say yes or you all have to say no?

Lyn Murphy: It's a majority.

Gail Amberman: Okay

Lyn Murphy: But they are hearing you , I just want to clarify for the record , you know , who controls what , like if we approved a bar we can't control what kind of alcohol they sell or who they sell it to because that's the liquor authority. So it's just the way that, that works.

Don Roberts: Thank you, anyone else wish to speak in the room?

Larry Prendergast: Yes , my name is Larry Prendergast I am at 26 A Pointe West Drive and all I want to add to it I don't want to be redundant , I think it's been stated strong and clearly that our neighborhood is against this , but I would just like to say is , if you open the door for this any type of retail , any type of business in a residential area , who's to stop somebody else from opening a salon , a nail salon or a hair dressing outfit or whatever and just turning it into a business type setting instead of a residential zone. You give it to one you've got to open the door for everybody and we don't want that, thank you.

Don Roberts: Okay thank you Sir, anyone else?

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Linda Gemando: My name is Linda Gemando I am at 3B Pointe West, and I just would like clarification as to how if I have a signed contract with the Tanksi Builders when I bought the property, that says that this is a residential only neighborhood and that there is an exclusion just as Chris brought up how is it legal to change that? This is a signed contract that was

Lyn Murphy: Between you and the builder and your neighbors

Linda Gemando: And it was recorded in Saratoga County so it's like something on the books.

Lyn Murphy: All I'm saying is I wanted to make everybody clear the Town does not have the authority to enforce that agreement, all of the parties to that agreement have the authority to enforce it.

Linda Gemando: So what does that mean?

Lyn Murphy: That means it's a deed restriction so if there is an HOA or if

Linda Gemando: We don't have an HOA

Lyn Murphy: Or if anyone of you individuals decided to file suite you could prevent it because you have that deed restriction, all I'm saying is we don't have what's called standing to file a lawsuit to stop it, that is not to say that this Board isn't hearing each and every one of you loud and clear as to your concerns and what you want.

Linda Gemando: I mean this is what we bought in this neighborhood for because its

Lyn Murphy: I believe the Board is completely hearing you I just try to keep the record clean in case we end up with a lawsuit in the future.

Linda Gemando: So in other words what we need to do if this goes forward is to ban together and file a law suit,

Lyn Murphy: I can't give you legal advice but that would be one of your options.

Linda Gemando: But that would be the process that would be necessary, thank you.

Don Roberts: And just so you know the gentleman he has a right to file an application for this, I mean we cannot, we have to hear it, we cannot just say you can't come before us, we have to hear the application just so you know.

Linda Gemando: Completely understood but I thought that perhaps you also had the authority to deny it because it's a legal impediment.

Don Roberts: That's what we are here for, as Lyn said your voices are being heard, okay,

Linda Gemando: Thank you.

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Don Roberts: Thank you, if you want to speak you have to come up to the microphone, you already went Ma'am you already spoke, let's have someone else first you can come afterwards again.

Diane Brown: Sorry I'm short, my name is Diane Brown and I live at 13C Pointe West. First of all anybody can bear arms I have no problem with that, what bothers me is I can probably vouch for all of the people that are here, we consider this a very safe community, we have single women, we have single women with children, we have my generation, we have families this is an invitation to people to come into our neighborhood and know that there are guns there, even if the gentleman is not selling to them but word gets out. Look at all of the problems that are in Albany, so what they will migrate up to us? They don't care if he is home or not, they might knock on A's door and then what happens if they break into A and they break into C our kids can't walk around the neighborhood, I'm very concerned about the safety, I'm concerned about the home values decreasing, I know you have to consider this I don't know the legal aspects of it. but I just want you to know that as a community, we feel safe where we are, we don't need an influx of traffic and also too I'm concerned about the time frame that he will have appointments there is nobody governing him, nobody looking out after us I think this leads to leave us wide open for other things. Thank you.

Don Roberts: Thank you, anyone else?

Joe Lindsay: My name is Joe Lindsay, I live at 23 A Pointe West Drive, and just a thing in the future I found out about this at 5:30 this afternoon, we need to do something when something like this happens that we need to get the word out a little bit better okay. I live all of the way down at the other end of the loop but it still affects my neighborhood. I'm not his next door neighbor but it still affects me, I'm interested at least, okay so just a suggestion in the future try to, I don't know what needs to be done but not like this last time.

Don Roberts: Well thank you, we went above and beyond in this issue we expanded the notice, I'm sorry if we missed you but we expanded the area of notice thinking we would encompass everybody, but I'm sorry we missed you.

Joe Lindsay: I'm sorry I didn't mean to start a ruckus.

Don Roberts: That's alright we are used to it.

Lyn Murphy: Again I'm just here just advising everyone, the Town is required to notice for a public hearing adjoining land owners because of the concerns we knew would be raised with this issue but we have to hear the application we expanded the notice, that doesn't mean we told the entire Town that just means we did more than we were legally required to, and I'm glad that you heard about it and we're here to have your voice heard.

Joe Lindsay: Okay thank you, so having not any prior knowledge of this I'm glad that the gentleman is here, he gave a lot of information I was, my initial concerns was how much inventory was he going to have onsite, how many guns, how much ammo, I understand there is going to be zero, it's by appointment only and it's like a mail order okay, I understand it's going to be temporary, he will eventually his goal is to have an off-site permanent place, that he could also conduct his business, personal opinion the appointment should be made at the potential buyers house or place of living that would take it out of our neighborhood, and it wouldn't really bother us then, there is no traffic and then all of the concerns would go away, I'm not suggestion how you run your business but it's a temporary part time business, I should say it's a temporary set up, part time business appointments should be elsewhere. Thank you.

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Don Roberts: Thank you Sir.

Karen Nicola: Good evening my name is Karen Nicola, I live at 26 B, I'm new to Point West Drive I've been here a year and a half, and from up until this point I have to admit I've never felt more loved and more welcomed and more safe. I'm 69 years old, I live alone, I have a lot of health issues, I have grandchildren that visit me all of the time, I baby sit them all of the time and up until this point like I said, I was going to spend the rest of my life here I fell in love with Halfmoon, I fell in love with the Farmers Markets and the things that you, and the events that you have here for the kids and I was like wow I can die here in peace, and now because of this I have to worry about do I let my kids visit and I know it's in his house but you got to remember all these houses look alike I can't tell you in a year and a half how many people have come to my house but it was the wrong address, so this is a big concern to me he is kiddie corner across the street, so what if somebody is coming to pick up the gun and he is not home, so he is going to come to the next neighbor. This woman who wants to have children someday or you know come across the street where there are children or the word gets out and people are like there are guns in Point West lets go rob them, someone else said so I'm not talking as a legislator or I'm not, laws and regulations I just try to live a good life and take care of the people around me and don't let me be wrong about Halfmoon is what I'm saying, you know please think about this, think hard you know you can't turn on a television today without seeing another mass shooting or somebody getting killed and their our children they are our babies, aren't we up against enough today please, please don't do it please don't let me regret living here, because I really love these people and we're a great neighborhood, and we're there for, I've never felt so welcomed in my entire life, and let it continue. Thank you.

Don Roberts: Thank you Ma'am, anyone else? Anyone else?

Deb Eckle: Hi my name is Deb Eckle I live at 28 Pointe West Drive. Just one more thing, talking about the safety of our children, his unit is at the end of the street right next to the bus stop, which means multiple times a day a significant amount of our children in the neighborhood are standing at that bus stop or getting off the bus walking past his house. Since we don't know what time his buyers are coming leaving his house with those guns we don't know if those buyers are passing our children. Just something to think about. Our children don't need to be by those guns, they don't need to think are there more guns because they are thinking about active shooter drills in school enough.

Don Roberts: Thank you, anyone else? Anyone online wish to speak on this matter? Once again anyone online wish to speak on this public hearing? Okay seeing no one wishes to speak online, no one wants to speak in person anymore Ill close the public hearing and of the Board members I can only speak for myself I have to say that if I lived in this neighborhood I would have the same concerns as the people that spoke tonight that's all I can say, I don't know what you guys think but go ahead.

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

Tom Werner: Ill second that.

Don Roberts: Okay we have a motion and a second to deny the application, everyone that is voting Aye, is voting no on this application, all in favor aye? (All in favor) Opposed? (None were opposed) Motion carried the application is defeated. Thank you all for coming.

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Full Mag Guns – Home Occupation

DENIED. The Board held a Public Hearing and denied the proposed In-Home Occupation at 37C Pointe West Drive seeking to allow gun sales by appointment.

21.082 Lot 2 Subdivision, Shops of Halfmoon, 1707 Route 9 – Minor Subdivision

Don Roberts: Now Duane before you start refresh everyone’s memory here, this public hearing was left open after the last meeting so would anyone in the room wish to speak? Would anyone online wish to speak, I have to do that too before I close it? (No comments) Seeing no one wants to speak we’ll close the public hearing, Walt from MJ Engineering can you give some details please?

Walt: At the last meeting we were asked to talk with DOT regarding the approach at Old Route 146 we have Brian Cooper online remotely he is from our transportation department. Brian would you like to give a summary of your conversation with Guy from DOT?

Brian Cooper: Sure, we had a conversation with DOT region 1 engineer regarding the Old Route 146 approach to the intersection and the following is a summary of our conversation. The DOT was not against any modifications to the approach to that road, they did state the funding for this work would need to come from a source outside the DOT. The DOT does not believe that the cost of the roadway modification or improvements are related to the proposed development as the situation exists today and if the roadway project moves forward the DOT is willing to meet about the project , discuss that project in detail before the highway work permit is processed to start.

Don Roberts: Okay thank you guys.

Duane Rabideau: Yea basically it’s a continuation of the proposed two lot subdivision and really the only outstanding issue was the Boards concern about the traffic at the intersection , so basically it’s up to you guys what you think of what MJ was saying and your personal preferences.

Mike Ziobrowski: I think we’ve kind of mixed in the traffic issue with the minor subdivision approval so I think at this point in time we can approve the minor subdivision while we reflect on the issues of the traffic at a later date.

Tom Koval: When you say reflect on it how are we going to move forward with that?

Mike Ziobrowski: The minor subdivision itself

Tom Koval: You’re going to approve the minor subdivision and not do anything about the road?

Mike Ziobrowski: No, at this time it needs to be reviewed and approved by the DOT, where the DOT does not weigh in on the subdivision.

Tom Koval: So how do we continue the discussion about the road , because once again I sat there the other day through three traffic signals looking at what the issue clearly was and it’s that the two lanes do not have enough stacking behind , if you have one or two vehicles or a tractor trailer which is on that road stacked there parked there waiting to turn left or go straight or whatever the other cars that want to go straight can’t get past them to go so it backs up Old 146 almost to Cemetery road so simply by extending those two lanes

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onto area that's already beat down to mud from everybody going around it , it would make it a much more useful intersection so part of the traffic here is directly related to what we have already approved and I think now is the time to address this.

Don Roberts: In my opinion we have brought , it's come to our attention now , it's good that we brought it up , the Towns aware of it and so I'm sure they can't do this immediately it's got to be put on a schedule it's got to be budgeted for , they've got to talk to DOT about it and .

Tom Koval: I understand but what's the urgency of this subdivision? Because there is nothing already approved for this right?

Don Roberts: It's a lot line adjustment actually.

Marcel Nadeau: Mr. Chairman I believe we had the applicant state that he would do this so can we get a letter?

Tom Koval: He said that he would look at it>

Richard Harris: Mr. Tanski is here, he and I had a conversation about potentially providing easement or land to allow this to move forward at some point in the future.

Bruce Tanski: Correct and you can put that in writing I'll sign it. , if the Town needs a piece of land for that I will definitely acquiesce to that.

Don Roberts: Thank you Bruce I appreciate that, but my point is in the meantime I don't see why we should deny this

Tom Koval: I'm not looking to hold him up

Don Roberts: That's the whole point

Tom Koval: Obviously that doesn't benefit us or him

Don Roberts: That's right

Tom Koval: But I want something concrete to say this is going to happen

Don Roberts: Now you've got it.

Tom Koval: We have a real bad situation there

Don Roberts: Now you've got it.

Richard Harris: I don't think he means construction

Don Roberts: No he means the land, provide the land.

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Richard Harris: Yea like we've done the Town has done with applicants at Guideboard and 236 where we reserved 10 foot strips , 15 foot strips if we were to need it in the future for whatever might come to either of those intersections so I think that there might need to be a surveyor or engineer to take a look at, at least conceptually what might need to be reserved as part of this filing for a 2 lot subdivision that the Town might want to secure the rights to whether it's a 10 foot strip

Don Roberts: And this will all take time, that's the thing it will all take time to do.

Tom Koval: It will take time to do or the surveying shouldn't take a tremendous amount of time.

Don Roberts: The funding, they've got to get the funding, the engineering.

Tom Koval: I'm not asking for anything for funding, I'm not asking for anything for construction, I'm simply saying that if we could get a defined measurement for the extension of those lanes and simply have that put into an easement as part of the approval of this that could be done in a matter of weeks, that's not, I'm not asking to hold him up a month, I'm asking for a matter of weeks.

Bruce Tanski: If the Town attorney wants to draw it up I will be more than happy to sign it.

Tom Koval: And I appreciate that , but the measurements are where we are going to , we have to have somebody look at it to say we need 15 feet onto what's pretty much what's all mud up there already, going back 120 feet.

Tom Werner: You almost have to do a preliminary design so that you could nail down the easement this required.

Richard Harris: I just want to point out if everyone could look at the overhead right here while this is simply tax parcel overlaid to an image so it might be off by a couple of feet , there is quite a bit of land that is not owned by the applicant in the Town right of way and or DOT right of way , I'm not sure where the DOT right of way ends and the Town right of way but so this all here is either Town or State right of way , right here in this corner here.

Tom Koval: Alright so we are not even

Richard Harris: But just to support what you're saying there may be some additional land for a stacking lane that's needed along these two properties.

Tom Koval: What I visualized when I drove there was just to carry this lane back into here which obviously isn't on Bruce's property,

Richard Harris: It might be 2 or 3 feet off just so you know.

Tom Koval: So we have 30, 40 feet there so it's a moot point I guess.

Don Roberts: But what I'm saying is we can approve this contingent tonight because Mr. Tanski is agreeing to do this, so there is no need to hold this thing up any longer, that's my point.

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Bruce Tanski: Mr. Chairman this is part of my financing difficulty this is one reason why I need it so that I can carry on with the financing.

Don Roberts: And I understand that, that's why I don't think we should hold this up anymore personally.

Rich Berkowitz: I make a negative declaration on SEQR

Marcel Nadeau: Ill second

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

Rich Berkowitz: I'll vote to approve the minor subdivision, contingent on the turning lane easements.

Marcel Nadeau: Ill second it.

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

Lot 2 Subdivision, Shops of Halfmoon – Minor Subdivision

APPROVED. The Board held a Public Hearing and approved the proposed two-lot subdivision with the condition that the necessary easements be filed with the Town for land needed for potential road improvements.

New Business:

21.108 Arise Fitness, 1707, Suite 200, Rt. 9 – Sign

Richard Harris: Mr. Tanski do you want to, this is your Plaza up here, the tenant didn't show for Arise Fitness, it's a sign panel for the building signage

Bruce Tanski: I don't know why he didn't show but the signs are existing on the buildings all we are doing is putting like a plaquered which was there before.

Lyn Murphy: Switching it out?

Bruce Tanski: We are replacing one that was already there.

Rich Berkowitz: I'll make a motion to approve the sign application

Tom Koval: Ill second it.

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

Arise Fitness (Shops of Halfmoon) – Sign

APPROVED. Board approved the proposed wall-mounted signage related to Arise Fitness.

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21.099 **JB Exceleration, LLC 9 Morris Lane – Change of Use/ Tenant**

Greg Blass: Greg from Maybe's this is a new tenant in an existing warehouse.

Don Roberts: And what are they going to be doing there?

Greg Blass: Electrical contracting, they are just storing electrical supplies.

Tom Koval: Are they a contractor or a wholesaler, are they selling anything retail?

Greg Blass: No, nothing retail they are getting deliveries and bringing them to job sites

Rich Berkowitz: Is there any outside storage?

Greg Blass: No, no

Rich Berkowitz: There will not be any outside storage?

Greg Blass: Nope just storage in 2000 sq. ft. of the building.

Don Roberts: If they want a sign they will have to come back.

Greg Blass: No sign

John Higgins: Are they already in?

Greg Blass: Yes they are already in.

John Higgins: This is not the first time Maybe's has come before this Board with tenants that have already moved in and that you haven't followed the appropriate approvals. Are we going to see this every time in the coming years?

Greg Blass: No, we don't have, we have always had long term tenants so we rented out the spaces to ourselves.

John Higgins: Well I know this is at least the second time

Greg Blass: This is the second yes we had the office out front last year that we rented out.

John Higgins: Okay so you are aware of regulations in the Town?

Greg Blass: Yup

John Higgins: Thank you.

Rich Berkowitz: Are there employee's onsite or are they somewhere else?

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Greg Blass: There's no employees onsite. When they get a delivery someone comes there

Rich Berkowitz: Okay

Greg Blass: There is no office in there it's just storage.

Mike Ziobrowski: I would like to make a motion to approve the change of use/tenant application.

Tom Werner: Ill second it

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

JB Exceleration, LLC – Change of Use/Tenant

APPROVED. Board approved a Change of Use/Tenant application to use 3,000 SF of warehouse space at Mabey's Self-Storage to store supplies and materials for their wholesale electrical supply company.

21.100 Window Genie, 9 Morris Lane – Change of Use/Tenant

Don Roberts: Now they are not there are they?

Greg Blass: They are there, all three of them are there yes, very sorry.

Lyn Murphy: You've got to state your name again.

Greg Blass: Greg Blass with Maybe Self Storage.

Don Roberts: Go ahead but you know John has a very valid point here okay we can't have this keep on happening, okay thank you.

Greg Blass: So it's a window cleaning company, they store there, they have three cars, the vehicles that they store in the building, disperse from there to clean residential windows and commercial windows.

Don Roberts: Questions by the Board?

John Higgins: They are stored in the building, nothing is stored outside?

Greg Blass: All stored in the building yes.

John Higgins: Okay thank you.

Mike Ziobrowski: I would like to make a motion to approve the change of use/tenant application.

Rich Berkowitz: Ill second.

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

Greg Blass: Thank you

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Don Roberts: Now you're up again.

Window Genie – Change of Use/Tenant

APPROVED. Board approved a Change of Use/Tenant application to use 2,000 SF of warehouse space at Mabey's Self-Storage to store supplies and materials for their window cleaning business.

21.101 Smart Car Motors, Inc., 9 Morris Lane – Change of Use/Tenant

George Kazerski: George Kazerski, I'm using the warehouse space to store classic cars and I have a dealer license and I need somewhere to store my cars they are all inside.

Rich Berkowitz: Do you do any work on the cars there, oil change, body work, anything?

George Kazerski: No

Tom Koval: George do you still have anything to do with the shop in Cohoes?

George Kazerski: No I sold it, that's why I'm in this position I needed a warehouse to put my stuff because I sold my warehouse, my shop was 10,000 sq. ft. this one is 4,000 so it basically has enough room for my cars and as far as sales go traditionally we only sold , our business was mostly collision business and we've only sold like you know between 10 and 20 cars a year and I'm retired so it's just something I still want to stay active and do the Saratoga Museum , we're thinking about Mecum Auctions and Bear Jackson Auctions and we are going to do , I'm going to do , Bring a Trailer, is a site that is online and we're going to post a couple of cars there but it's not going to be anything big it's just , and in the Winter time I go to Florida for 6 months so it will be completely closed.

Tom Koval: George as you heard earlier there was concerns about parking anything along the building

George Kazerski: I understand that

Tom Koval: As part of our approval if the rest of the Board agrees

George Kazerski: There is nothing along the building right now

Tom Koval: Nothing along the building, if you have anything else it's got to go towards the back of the yard

George Kazerski: We have four spots that Maybe's gave to us in the back with all the rest of the people that store outside, so we have 4 spots there that I rent from them if that occurs and again there is nothing out alongside the building , there was a couple cars I went to Florida for the Winter and I didn't get a chance to organize the inside of the warehouse so , and there , one of them is mine and it was insured and licensed and that's one of the things that Maybe's are concerned about anything that is outside needs to be insured and licensed.

Tom Koval: And in back lot

George Kazerski: Yes

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Mike Ziobrowski: I would like to make a motion to approve the change of use /tenant

Tom Koval: With the condition of no parking along the building.

Mike Ziobrowski: With the condition of no parking along the building, everything in the back.

Tom Koval: I second

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

George Kazerski: Thank you.

Don Roberts: You're welcome.

Smart Car Motors, Inc. – Change of Use/Tenant

APPROVED. Board approved a Change of Use/Tenant application to use 4,000 SF of warehouse space at Mabey's Self-Storage vehicles related to the automotive sales business with the condition that no cars shall be parked against the building.

21.104 Empire Building Products of NY, 40 Farm to Market Road. - Change of Use/Tenant

Bruce Tanski: Hi I'm Bruce Tanski, Empire Building Products of NY they wish to utilize one storage unit totaling 1500 sq. ft. on 40 Farm to Market Road for storage of equipment and supplies related to the custom windows and door business. This space will be strictly used for storage there will be no outside storage and no disposal of waste on the property.

Don Roberts: Questions by the Board?

Mike Ziobrowski: I make a motion to approve the change of use/tenant.

Tom Werner: I second

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

Empire Building Products of NY – Change of Use/Tenant

APPROVED. Board approved a Change of Use/Tenant application to use 1,500 SF of warehouse space in Building #5 to store supplies and materials for their window and door business.

21.105 Saratoga Roofing Contractors, 40 Farm to Market Road – Change of Use/Tenant

Bruce Tanski: Same thing they would like to utilize 1500 sq. ft. of supplies related to the roofing business, this space will be used strictly for storage, no outside storage and no disposal of waste on the property, there is not even a dumpster on the property.

Marcel Nadeau: I'll make a motion to approve the change of use/tenant.

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Mike Ziobrowski: Ill second

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

Saratoga Roofing Contractors – Change of Use/Tenant

APPROVED. Board approved a Change of Use/Tenant application to use 1,500 SF of warehouse space in Building #5 to store supplies and materials for their roofing business.

21.106 Advanced Controls, 40 Farm to Market Road (Bldg. 5) – Change of Use/Tenant

Bruce Tanski: Same thing 40 Farm to Market Road, it's an automation assemblies business, they strictly for storage again no outside storage, no disposal.

John Higgins: Bruce one quick question, for the other buildings they also have the no overnight parking or no outside parking of vehicles is that going to be the same with these?

Bruce Tanski: The same thing, there is one guy who, one gentleman who has a trailer there and we kind of try to hide it between the buildings but he takes it every day with him.

John Higgins: Okay, but

Bruce Tanski: We're trying to run a pretty tight ship

John Higgins: No, in fact we were discussing that earlier, it appears to be a very well operated space.

Bruce Tanski: We're trying

John Higgins: Yup, thank you.

Rich Berkowitz: I make a motion to approve

Tom Koval: Ill second.

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

Advanced Controls – Change of Use/Tenant

APPROVED. Board approved a Change of Use/Tenant application to use 1,500 SF of warehouse space in Building #5 to store supplies and materials for their automated assemblies business.

21.107 DN Hardscaping, 40 Farm to Market Rd. (Bldg. 5) – Change of Use/Tenant

Bruce Tanski: They want to use it for storage for equipment and supplies related to masonry business. It will be strictly for storage, they do have a skid steer I told them they had to keep it inside at night they couldn't leave it outside, they agreed to that.

Tom Koval: We are not going to be getting anymore trailers from people using them every day are ya?

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Bruce Tanski: I'm trying not to

Tom Koval: Because then it will start looking

Bruce Tanski: Trust me I've already has some problems with some people and we're not going to let that happen.

Don Roberts: Bruce you had 4 items here I think you found your niche, you're doing good here you know.

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

Tom Koval: Ill second

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

DN Hardscaping – Change of Use/Tenant

APPROVED. Board approved a Change of Use/Tenant application to use 1,500 SF of warehouse space in Building #5 to store supplies and materials for their masonry business.

21.092 Twin Bridges Parking Expansion, 1626 Rt. 9 & 4 Oakhill Blvd. – Site Plan

Jason Dell: Good evening my name is Jason Dell an engineer with Lansing Engineering here on behalf of the applicant for the Twin Bridges parking expansion. The project site is located at 1626 Route 9 and 1638 route 9 or 4 Oakhill. The parcels total add up to about 4.71 acres and they are all zoned as part of the C-1 district. 1626 route 9 is currently occupied by Twin Bridges and as mentioned on pre-meet 1638 route 9 was previously occupied by Joes Used Cars. For the project the applicant is in need of additional parking for Twin Bridges employees, currently due to the rapid expansion of the business, truck drivers are regularly required to park personal vehicles in truck spots while they are out on their routes, so the proposed parking area will provide additional parking spaces for employees. For the project in order for the project to move forward they will both be consolidated to form the one overall lot being the 4.71 acres? So for the proposed parking expansion the applicant is looking to construct about 92 parking stalls, those parking stalls right now are intended to be covered parking areas and you can see that as outlined in kind of the dash lines around the parking stalls. Access to the new parking area will be through the current Twin Bridges parking lot. There is no access proposed off of Oakhill except for an emergency access. That emergency access will be a stone or a crusher run access that will have a gate across it that would allow for only emergency vehicles if need be or emergency access. Also proposed on this site plan and you can see along Oak hill drive that we are proposing a very large vegetated berm, now if you recall the last time we were before the Board with this property there was a large building proposed in that area, now the building has been removed and a large berm is going to be put over in that area between Oakhill and the proposed parking lot to shield the residents from the parking area. So we are here this evening to answer any questions that you folks may have in hopes of moving the project forward.

Don Roberts: Thank you Jason, first of all we are going to refer this to our Town engineer MJ Engineering as well as County Planning commission for their review. Questions by the Board?

Tom Koval: These canopies are they going to be solar panels?

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Scott Earl: CEO of Twin Bridges, canopies they are covered canopies with cars underneath all of the lighting will be as required down focused lighting, lighting the car on the surface around it, not lighting the general area. The existing berm now is a natural buffer of 50 to 60 ft. trees approximately 5 months of the year they are bare you can see right into the land the addition of this very high berm, I'm known for building big berms and then trees on top gives us a 12 month of the year natural berm so that there is never access form Oakhill, Oakhill was just reconstructed and resurfaced by the Town, beautiful road. We don't need any access there we are not looking for any access so everything stays status quo on Oakhill and the improvements are the berm and limited access in, the cars arrive between 5 and 8:30 am and they are all gone by 4 :30 pm.

Tom Koval: Once again are these, do you intend to make these solar paneled, just so we don't have to listen to the repercussions.

Scott Earl: Absolutely not I despise solar panels. I left my home on Ray road because I was overtaken by solar panels. The Town of Clifton Park has 5 solar panel projects.

Tom Koval: That's where I was going with this.

Rich Berkowitz: Scott can the neighbor from the west see it?

Scott Earl: No, the neighbors on the west side would be Twin Lakes Apartments

Rich Berkowitz: No there is a residence there on Oakhill.

Scott Earl: On Oakhill, no they are far enough they actually look in to the storage where all the trailers are, the old GE storage our property ends long before that house.

Rich Berkowitz: Okay.

John Higgins: So these new spots are going to be strictly for cars, you're not going to be parking any trucks there?

Scott Earl: John these will be constructed at a height level of approximately 9 ft., the trucks are 12.6, they would park there once.

John Higgins: They've modified that's for sure, all of these new spots are strictly cars?

Scott Earl: Strictly for the cars and now as Jason stated we have a 55,000 lb. truck which we replaced with a 4,000 lb. car and then when various times when trucks come back your beautiful car, somebody's parking a 55,000 lb. truck next to someone, we have had three instances and we are trying to stop that.

John Higgins: I just want to clarify that we are looking strictly at car parking
Scott Earl: Cars, pickup trucks.

John Higgins: Cars, pickup trucks, thank you.

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Scott Earl: Not even plows, we don't let them bring plows on the property.

Mike Ziobrowski: Scott you have adequate room on the sidewalk for pedestrians to pass each other?

Scott Earl: Absolutely

Don Roberts: Any other questions?

Richard Harris: Jason did you want to mention how this storage area is designed to help problems that that were brought up on other projects in that area.

Jason Dell: This is not going to add anything to that, we are proposing a large infiltration area right here that's going to take all of this area that previously drained straight to the stream and will now go through an infiltration basin so yes, it will reduce the direct drainage area to the stream which will ultimately then goes behind Grecian Garden and down the road which I know was a concern on another project so.

Richard Harris: Both the Town Board and Planning Board brought up a concern about a summit and the drainage back behind Grecian , I know you indicated there is other projects they are looking at I think this was it.

Scott Earl: And Mr. Earl shares that because right now when it rains it pours, I mean it, the water from Twin Lakes comes through there this slows everything down.

Richard Harris: I think Home Depot also right?

Scott Earl: Home Depot, everything. It comes right down Oakhill road lane and dumps right into the property so now we've got it correctly built, qualified storm drainage basin.

Don Roberts: Okay so as I said we will refer this to our Town engineer, and Saratoga County and we will be getting back to you.

Jason Dell: Thank you.

Twin Bridges Parking Expansion. – Site Plan

TABLED. The Board heard a presentation for the proposed parking lot expansion at Twin Bridges and referred it to the necessary agencies for review.

21.102 Earl –NPPM Glass Processing Concrete Pad, 1867 Route 9 – Site Plan

Jason Dell: Jason Dell engineer with Lansing Engineering here on behalf of the applicant for the NPPM Glass Processing Concrete Pad. So this site is located at 1867 route 9 its about 1250 ft. south of the intersection of route 9 and Liebich ln. The property in total encompasses about 71.8 acres and is owned as part of the LIC zone and the current property is currently vacant and comprised of the majority of it is wooded. So for the first phase of this project which as was discussed briefly in the pre-meet this is phase 1 of what's going to be coming down the pipe as a much larger project, however right now the most immediate need is for this concrete pad for glass processing so the applicant is proposing a 120 ft. x 60 ft. concrete pad, access to that pad would be via an existing access road that comes off of route 9 up through and will service

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where the concrete pad is. So glass is separated currently at the recycling facility, that's over on 146 and that glass will not be transported over to this pad where it will be stockpiled and then a glass pulverizing machine will be installed on that pad and its anticipated that there will be one load of glass delivered to the site about every two or three days and then the pulverizes itself is anticipated to be used two or three times a month for about 6 to 8 hours at a time. The glass will be pulverized down to about the size of sand it will be stock piled and then it will be transported off site to be used as an aggregate in materials such as asphalt. There are no services needed at this time there is no water or sanitary services proposed at this time. As they are not needed nor is a detailed storm water management plan as the quantity of disturbance will be substantially less than an acre right now because it will just be the construction of the pad and a short little access into the pad, So we are here this evening to introduce this to you folks and answer any questions you may have in advance of however the Board sees fit.

Don Roberts: Once again this will be referred to MJ our Town engineer and Saratoga County Planning Board. You may or may not know the answer to this question just my own personal, how far off route 9 is this going to be?

Jason Dell: Its about 750 to 800 ft. off of route 9, its quite a ways back you won't see it from route 9 and on the back side the topo doesn't show up too well on this end but there's quite a steep embankment of previously excavated material that's there so that's going to be tucked right in with about a 20 foot high wall with material behind it, that kind of makes a half circle around it so it's going to be nestled right inside that hillside. So you shouldn't see it from route 9 or anywhere else.

Don Roberts: Thank you, questions.

Rich Berkowitz: Can you hear it is there a lot of noise involved with this?

Scott Earl: The current level of noise is as proposed for the equipment in the spec is less than 80 decibels.

Rich Berkowitz: Which is a lawnmower?

Scott Earl: Same as the , we can go down to a hair dryer 700 feet away , we went through this on 146 identical , identical noise , my engineers both came in a natural earth berm, it's basically it's been there 180 years its what's left of the old mine , that back wall.

Tom Werner: How big of a piece of equipment do you have any rendering or?

Scott Earl: 29 feet high, we do have renderings we would be happy to supply

Tom Werner: Pictures

Scott Earl: Yup pictures are worth a thousand words. We also provided last week we did a balloon test, 29 foot we went 35 ft. and we took pictures from route 9 the other side of Stewarts, north, south and now one visible site of our pretty pink balloon until we got back on the site and took a picture of it in the air.

John Higgins: This site was previously been used like by landscapers were using it and I think you were storing some of your dumpsters there at one time.

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Scott Earl: As directed by the Town we removed our dumpsters on route 9 and the sandwich shop and that's where we placed them.

John Higgins: Well the piles of material are they going to be subject to dust blowing them around, I'm not sure how fine the material is.?

Scott Earl: There is a proper health term for this dust, basically the pulverizing machine takes , glass your old wine bottles and liquor bottle , puts it through there is no paper or anything that's added , its pure whole glass only unadulterated glass the glass is then placed in the pulverized slow speed, presses it down , it takes it to a silica a fine sand for 4 days it lays there on the pad , the naturally occurring bacteria eat itself, if you didn't wash the soda bottle or the liquor bottle , the vodka , the sugars that are contained eat each other , any labels that might have been on the outside of the bottle are consumed by that process within 4 days the materials prepared . NYS DOT is updating their concrete spec there is a proposal before them to allow this to be added into cement, so it would be part of NY concrete spec is the only spec. if you are going to build a building , everyone refers to it as , NYS Spec for concrete, this will now be allowed in warehousing any footings , all types of materials so in essence we found a use for glass that up to this point people believe has been recycled but for 27 years its gone to the landfill , finally the glass becomes something.

Marcel Nadeau: How much are the containers cleaned?

Scott Earl: They are as clean as you put them in your recycle container, I can't attest to every single thing of vodka or

Marcel Nadeau: So some may not be clean?

Scott Earl: Right and that's what creates that naturally occurring bacteria that eats itself, it cleans the material because the one thing is that cement won't cure with sugar in it , if you add sugar to cement it will never harden.

Tom Werner: What type of truck traffic coming in and also going out?

Scott Earl: Roll off truck standard it's about the size of a dump truck every 2 to 3 days , we have 20 cubic yard containers currently in the recycle plant , there are 2- yard self-dumping hoppers , take it out with the fork lift , it dumps into the roll off container , it's about 6 tons of material a day. So over the week 30 tons almost 2 containers worth. The machine would be in as purchased sometime between now and September, operations probably in October. Again twice a week four hours of pulverizing make the material turn it every day for 4 days basically a little small roll of sand , the proper term my assistant has Amorphous silica is the dust that it creates.

Rich Berkowitz: How much does a truck load produce?

Scott Earl: 20 cubic yard, or 20 ton basically it's about a 1,000 lbs. per cubic yard it reduces it to basically sand.

Rich Berkowitz: Then you just load it into a truck and ship it out?

Scott Earl: Take it to Troy Sand and Gravel that's who's got the contract both here and in Binghamton area.

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Tom Werner: Is there any particles or dust that might be released into the air.

Scott Earl: Amorphous silica with a misting system over the top, amorphous silica you could stand there and breathe it all day long not a problem.

John Higgins: So this is the entire glass inventory of your facility?

Scott Earl: Entire other than Saratoga County

Tom Koval: You are going to be accepting Saratoga County waste?

Scott Earl: We are accepting Saratoga County now in the recycling plant, yes the entire drop station.

Tom Koval: No one else is going to be trucking into this facility?

Scott Earl: No the facility is full, we are at capacity at the recycling plant, running a nice clean operation at capacity.

John Higgins: That's my question, so what the glass that's at the recycling facility that's not brought here, you just landfilling that?

Scott Earl: Landfill, any glass that's broken shredded and destroyed combined with minor bottle caps, shredded paper, you know how you want your documents secure and you shred everything, you put it in the recycle can it goes to the landfill, I can't stand there and pull shreds out of mixed recycling.

John Higgins: I understand that

Scott Earl: So that just goes with the broken glass in the dump

John Higgins: I can't comprehend

Scott Earl: Stop by

John Higgins: No not that, building this plant for 1 or 2 truckloads a week

Scott Earl: This total plant is the cost of about 429,000 dollars without that we cannot meet the state spec for recycling properly and it hasn't been that for over 25 years it needs to be met. All the rules and regulations are changing and bpa for 2030 everything has to change, I've got to meet the spec, we have to recycle glass finally they found a use for it. This allows us to meet those specs, otherwise all the glass has got to go to the landfill.

John Higgins: Well I get it, my question Scott is originally the garbage facility on Tabor road was supposed to have 40 trucks a day maximum

Scott Earl: Correct

John Higgins: What are you up to now a day there?

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Scott Earl: Tell me, I don't know? I can pull the records.

John Higgins: I'd say 150 to 200

Scott Earl: No way, no way

John Higgins: I went by there and there were trucks backed up because the railroad is now changed their regulations and they can run longer trains, they were backed up from the railroad all the way out to route 9.

Scott Earl: There are periods during the day where we interact with the railroad and we weren't prepared for that. The railroad is putting 120 car trains through there.

John Higgins: Correct they doubled the number of the cars

Scott Earl: Once that Mechanicville yard opened it's been un-believable the doubling of the cars, but it violates that entire area, you've got another project up after this adding to that. This, we patiently wait we go across the tracks, that facility is only permitted for 100 tons if you had 150 trucks a day that would be 4 tons a truck and those trucks are carrying 15, 16 ton, the exiting trucks are 32 tons so your numbers are off I don't have the exact numbers I did not come prepared to talk about Tabor road but I will get you that information in writing.

John Higgins: I just don't want to see the same situation with this plant where we have huge piles of material and the wind blows it and affects all the neighbors around there number 1 and number 2 as far as truck traffic in and out, that's a limited access out onto route 9 there so you know obviously trucks pulling in and out of there you have to be very careful.

Scott Earl: That's correct , today it's a limited access in that area , there is a project coming before you very soon , I'm sure you'll deal with that when it comes, today it's a limited access, this is a necessity for the recycling, believe in this , we have to handle but we don't want to handle glass, I don't want to spend a half a million dollars on a pad , 429,000 to grind up some wine bottles , I don't want to do it , I have to do it, I don't want to . I would rather process it all in that building, it's not possible.

John Higgins: Thank you.

Scott Earl: So we are not taking any extra, I can guarantee you that.

John Higgins: It just didn't seem like it made sense to spend that kind of money just to process a couple truck loads a week.

Scott Earl: But it does if you are not going to meet the State spec in the future, you're going to get shut down.

John Higgins: You've explained that now I understand why there is a necessity for this, thank you.

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Mike Ziobrowski: Scott if you could just provide us with the product data and the specifications for the equipment that you are going to provide then I think that we will be a little bit more educated as to what the means are.

Scott Earl: Absolutely

Mike Ziobrowski: Okay thank you.

Don Roberts: Anybody else? Okay thank you for the presentation, we will refer it and we will get back to you.

Scott Earl: Thank you.

Don Roberts: Thank you.

Earl – NPPM Glass Processing Concrete Pad – Site Plan

TABLED. *The Board heard a presentation for the proposed concrete pad and glass processing site and referred it to the necessary agencies for review.*

21.109 **DelSignore Blacktop Paving, 47Clamsteam Rd – Site Plan**

Don Roberts: Rich, Gavin before you go, Rich can you explain how we got a complaint on this?

Richard Harris: Okay in April we did receive a complaint was filed regarding a number of activities and observances by a neighbor a resident of the area, we the Code Enforcement office along with Planning staff, Paul and myself we analyzed the historical information that we had regarding the Boards approval back in 2012 which was the last approval of the Town which set some limits and some restrictions on this pre-existing non-conforming use. The area is zoned residential , the Board in 2012 made several approvals per reviews before that for Callahan, had analyzed what were the limits of prior use of the site and in 2012 up on the screen right now and in your packets is the approved site plan that represents what the conclusion of this Board was and allowances that this Board granted for the change of use at the DelSignore site and the Board had asked for a site plan showing that change of tenant so with this in hand and the approvals from 2012 we had a site visit from the applicant whose engineer is here tonight , staff from Code Enforcement where we reviewed the last site plan and made some certain observances on site regarding the conditions of the 2012 approval. We also received some additional email correspondence from neighbors expressing concerns about existing and what some people believed approvals, new approvals that may have been granted since 2012 or reviewed by the Town. To that end we met on site one of the options we typically consider is we request the applicant to provide documentation of what's going on, on the site, through a licensed professional whether its engineer, surveyor or architect in this case we did receive a site plan that's before you and is the current pending application for site plan approval. Again back in 2012 it was considered a change of use/tenant but the Board kind of wanted to get parameters and limits on paper from at that time ABD engineers and that was the other plan I just had up there. This time EDP is involved and Gavin Vuillaume engineer with EDP was at the site visit and drafted a proposed site plan that shows some items the existing activities that we observed onsite, submitted the site plan application. The applicant I know has made an attempt to correct some of the items in the complaint most notably lighting that was spilling onto neighboring areas , I would like to get an update from Gavin on how that stands, last I was informed there may have been a couple of fixtures that still need to be adjusted. And so the applicant is here tonight with a site plan application readily

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acknowledging in their application that it's an expansion of pre-existing non-conforming use which pursuant to the Town Code is a jurisdiction of the Zoning Board of Appeals but typically the Zoning Board of Appeals wants to hear input and comments from this Board and this Board weighed in very heavily back in 2012 , I think I had attached the minutes last week , Friday to your packet from the 2012 decisions so that it would be beneficial for tonight , in my opinion that the Board provide feedback to the applicant into the minutes for the public that's here and for the ZBA to consider moving forward, that's about it.

Don Roberts: Okay thank you Rich, go ahead.

Gavin Vuillaume: Gavin Vuillaume with Environmental Design Partnership and thanks Rich for outlining the procedures it's a little complicated the project obviously has quite a lot of history over time and again Mr. DeSignor's goal here is to get this site plan back into what he can live with as far as construction company again its really just that we are not processing asphalt or anything like that its really just a construction yard that has storage of equipment and vehicles, and its important obviously that type of business to be able to actively get in and out of the property and park the cars where they need to be parked and the vehicles , things like that. So really the changes to the site are very minimal I think like Rich had said that we looked at some lighting and the neighbors were complaining about , there were 3 pole lights I can quickly show you where those are there's 2 here and there's another one here. This was a new light pole that he had put in the other 2 were existing, they were very high to begin with I think they're probably 30 foot poles and he has adjusted the lighting , I think it's okay I didn't personally go out and inspect it, you know at the night time but he has I think been able to satisfy some of the neighbors that were complaining about the lights again because we're on top o f a hill here obviously and so , but he needs security onsite.

Richard Harris: Gavin I do want to add though we did observe stockpiling of materials when we were out there most notably salt, in a salt shed.

Gavin Vuillaume: I was going to get to that too.

Richard Harris: And there was fill brought in okay.

Gavin Vuillaume: I was just going to get to all of that, again like I said there is very minimal changes to the site that he has made but again me

John Higgins: I disagree, when Dewey came here in 12 this was just supposed to be a supplemental yard that he was going to use to store equipment that he didn't have to bring back to his main yard every night. Now this obviously is going to be a lot more than that.

Gavin Vuillaume: The number of vehicles on the property will be more but the changes to the actual physical nature of the site are very minimal.

John Higgins: But you are also as Rich said you're looking at doing some major storage of clean fill and soils, asphalt and

Gavin Vuillaume: I was going to get to all of that.

John Higgins: Okay but it's not you keep saying its minimal changes to what was approved, and I personally disagree because there are a lot more than minimal changes.

Gavin Vuillaume: Well let me kind of describe all of the changes and we can decide if they are minimal or a lot. So again I talk about the lighting, he made a small modification to one of the existing buildings currently there are 3 buildings on the property this one here is the main one where his office is and then he's got 2 smaller buildings in the rear, so he put an overhead on the back of one of those buildings again to help with the storage of the equipment, so that was a change that had recently been made. He also installed a salt garage which is over in the very rear portion of the site, again this is a very large parcel, 65 acres the area that's highlighted here in these dashes was the original area that John's talking about when it was first originally approved and what Rich had mentioned. The areas that we are looking to expand are just a little bit in the back here so he can use it for equipment storage and there was also originally a road that always went back in through here that they used to go back to get top soil so, he would like to continue to drive in the back there to gain access to top soil. Then probably the most significant change to the site is the grading that has occurred in the south side where the buildings are, he's got an area about this large here that he's been actively filling with construction clean construction debris and would like to continue to do that again to expand the actual parking surfaces that he would need to not only the equipment but also the employees vehicles. I think originally he was approved for what was it forty I think it was.

Richard Harris: Yes it says some spots it says 40 pieces of equipment and then it says 40 vehicles, were you at the pre-meeting?

Gavin Vuillaume: Yea

Richard Harris: Where since this time the Board has kind of moved away into more units versus so we don't get into all that

Gavin Vuillaume: Yes I would rather, if we could just strike out all of that and it's up to you guys again he's not going to be bringing in you know triple the amount of vehicles but he does want to expand his business as it grows. He's going to have more employees, he is looking for an area to put more parking for the employees that are working at the facilities and he also wants to be able to get larger equipment in there. So but again we're trying to stay within that small little footprint that was always allowed to be that was grandfathered in and we're trying not to expand much beyond what was originally approved physically, again the number of vehicles would change and things like that but we are trying to stay within the original footprint and original intent of the site plan. So we talked about the lighting he's got some above ground storage tanks that we have labeled here as far as the details of that I don't have all of the numbers, but those were installed since 2012 they all meet DEC regulations and the normal business hours have always been from 6 am to 6pm Monday through Saturday.

Mike Ziobrowski: You've got five times the allowed fuel on site.

Gavin Vuillaume: Yes I don't know exactly what was approved but yea but from what I understand it was only 2000 right, yea so he's got quite a bit more fuel yes.

John Higgins: You mentioned about topsoil so is there a mine off of the site?

Gavin Vuillaume: It's not really a mine but yea there's an area back in here where you go to the back where he gets top soil from, for his projects.

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John Higgins: And so that is a licensed mine?

Gavin Vuillaume: No

John Higgins: So he is limited on how much he can take out each year then?

Gavin Vuillaume: Yes I would assume so.

John Higgins: But there's all kinds of restrictions there's all kinds of regulations as far as if its considered a mine he has to meet certain regulations so is it a mine or is it just an area

Gavin Vuillaume: I don't think it's considered a mine but again I don't have the details as far as how much material he takes in and out of there every year but I can find out.

John Higgins: And I think we need to know the exact size of that.

Gavin Vuillaume: Okay.

Don Roberts: And also whatever renovations he's makes here I certainly hope he keeps in mind the concerns of the surrounding residents who complained about him in the first place, because we don't want to keep getting complaints about him.

Gavin Vuillaume: Yup, I understand the only other little item that we did hopefully future, he would like to do another building in the back, again staying within that footprint.

John Higgins: This property was for sale for years after Callahan moved out because of the restrictions to the site and as I said when he came in before this Board he assured this Board that he was going to stay within the restricted area and follow the regulations that were imposed to him at that time. In my estimation he wants to double the size of the area that he is going to be using approximately.

Gavin Vuillaume: I did a quick calculation, right now he is using 7 ½ acres and he wants to use 10 ½ acres. Those are the lines that I have on the map currently so we are increasing it, I don't know what percentage that is.

John Higgins: Well now you're talking about the top soil mine

Gavin Vuillaume: I added all that in, if I add all that in it's an extra 3 acres of land he would like to use.

Marcel Nadeau: Gavin what is the total acreage again?

Gavin Vuillaume: 65 acres

John Higgins: Where's the rest of the land because it's obviously

Gavin Vuillaume: It's all to the east

Marcel Nadeau: Rich did you get any feedback on the lighting from the residents since they corrected it. ?

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Richard Harris: I believe there was still a fixture or two.

Paul Dubec: I didn't quite hear what you said, there are still multiple lighting fixtures there that haven't been filtered, some of them aren't on but when they turn them on they're shining right into my daughter's room.

Lyn Murphy: So you need to fix them.

Gavin Vuillaume: Oh yea I will make sure that they are fixed.

Lyn Murphy: And just so the public is aware of the process, this Board doesn't have the authority to grant an approval of what is being proposed, so this is going to be denied if they listen to legal, and they have the opportunity to go to the ZBA where there will be a public hearing where people will be allowed to speak and comment as it relates to the application and then if and only if they grant a variance then it comes before this Board again and this Board gets to weigh in on the site plan.

Rich Berkowitz: When do they get to speak at the ZBA?

Lyn Murphy: They do, the first meeting they will schedule a public hearing and then the second meeting there is an actual public hearing.

Rich Berkowitz: so they will be able to voice their concerns

Lyn Murphy: Absolutely.

Rich Berkowitz: Okay good.

Marcel Nadeau: I'll make a motion to deny the application

Don Roberts: Because it's an expansion of a pre-existing non-conforming use. Can I have a second?

Mike Ziobrowski: Second

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

Gavin Vuillaume: Thank you.

DelSignore Blacktop Paving – Site Plan

DENIED. The Board heard and denied a Site Plan application to expand the area and uses of the pre-existing/non-conforming use at 47 Clamsteam Road.

Old Business:

21.067 & 21.064

Oakhill Drive Lot Line Adjustment, 14 & 16 Oakhill Dr. – Minor Subdivision & Special Use Permit.

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Duane Rabideau: Duane Rabideau from Van Guilders Associates here representing Carol Schnitzer before the Board for a proposed lot line adjustment and Special Use permit. We were here a couple months ago for the parcel we were trying to get the lot line adjustment with was not zoning compliant, went to the ZBA got two area variances so now both lots are compliant. Basically what they want to do is, this is 14 Oakhill dr. here, and 16 Oakhill dr. is here what they want to do is take this portion of 14 and add it to 16. Basically there would be a transfer of approximately one acre, one will get one acre smaller one will get one acre larger. We are also requesting to be granted a special use permit to allow pre-existing residential use in a non-residential zone, that zone is a C-1 zone and basically that is our request before the Board.

Don Roberts: Thank you Duane I've got to back up I didn't even announce this one. It's the Oakhill Drive Lot Line Adjustment, 14 & 16 Oakhill Drive Minor Subdivision & Special Use Permit, but thank you, comments by the Board?

Rich Berkowitz: I make a motion to set a public hearing on June 28th.

Tom Werner: I second that

Don Roberts: All in favor aye? (All in favor) Opposed? (None were opposed) Motion carried, thank you we will see you then.

Oakhill Drive Lot Line Adjustment. – Minor Subdivision & Special Use Permit

APPROVED. The Board set a Public Hearing date for June 28, 2021 for a proposed lot line adjustment to convey approx. 0.98 ac. from 14 Oakhill Drive to 16 Oakhill Drive.

20.121 Tabor Road Warehouse/Office Building, 113 Tabor Rd- Site Plan

Ben Botello: Hi, my name is Ben Botello I'm an attorney with the Murray Law Firm we represent this applicant with regards to its application for site plan review for a warehouse in the Towns Light Industrial Commercial Zoning District or the LIC district. Jason Dell of Lansing Engineering is here and Alanna Moran of VHB to discuss the most recent site plan revisions. Before I turn it over to them I just wanted to give a brief explanation of the legal status of this property and the project. As you all know a warehouses and office space like this are permitted uses in the LIC district, by including warehouses and office space as permitted use in this district the Town Board has already made a legislative finding that these uses are consistent with the Towns goals for the district and the character of the neighborhood. I understand that the Board has received some comments from the public regarding noise and traffic which are characteristics inherent to warehouses in general because this is a permitted use in the zoning district general speculative comments like these relating to the use of self should not be considered by the Board as part of its decision with that said I'll turn it over to Jason and Alanna to discuss the details. If anyone has any questions on that feel free to ask.

Don Roberts: You did a very good job thank you. Before we start Jason I just want to say, Rich in the last few weeks we received some more written correspondence from residents.

Richard Harris: That is correct, we received a video and a letter from a resident on Northern Sites Drive which has been forwarded to Board members last week for their consideration, the resident asked specifically

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that is be shared with the Board, Shared with Mr. Bell for a response, his response. The letter is in your packet the resident imbedded comments that can only be read electronically online which I sent to you on Friday so you could view that.

Don Roberts: Thank you, that's part of the record, and also Walt would you like to weigh in on this before we turn it over to Jason.

Walt: At the last meeting there was just a concern with tractor trailer movements along Tabor road and the applicant had their traffic consultant take a look at that regarding WB-67 which is a 53 foot trailers to make sure the movements along Tabor road did not interfere with oncoming traffic with crossing center lines or anything like that. Just the quick summery I'm sure they will get to it, basically the WB-67 did impede oncoming traffic but the WB-40 trucks did not. so I believe the applicant was proposing to limit the size of the vehicle to just a WB-40 at this time and has been talking with the Town Highway Department on future considerations on widening shoulders to accommodate the larger vehicles at a later date.

Don Roberts: Thank you Walt, go ahead Jason.

Jason Dell: Jason Dell, engineer with Lansing Engineering, you folks are all familiar with the project so I will just get right to what we had revised from the last time we were before the Board. So the first thing you will notice on the site plan is we had large parking areas in the front of the building as well as a large parking area in the rear of the building , both of those parking areas have been removed from the site plan . I know that there was a concern from the residents that with their being so much parking allotted for that the potential use could be more intensive than for the proposed warehouse office space that we currently have proposed for the project , so with the reduction and removal of those parking areas obviously the overall amount of parking proposed has been substantially reduced so the amount of parking that we were proposing at the time as well as banking at the time in the last generation was 101 stalls, and now with the revised site plan and the elimination of those large parking areas we reduced that down to 70 stalls so of those 70 stalls 56 stalls would be constructed at this time with an additional 14 stalls being banked on either corner of the parking lot that could be constructed in the future if they're ever needed. There was a question about movements into and out of the facility and how they would accommodate trucks and if it was indeed wide enough so we did take another look at that and the question was brought up I believe by Mr. Berkowitz last time around about how wide the entrance was previously it was at 28 feet, currently we have bumped that out to 32 feet wide to better accommodate potential future trucks moving into and out of the facility. The building has also been shifted approximately 20 feet towards the west and we did that in order to accommodate a landscape berm in the rear of the building and the property line, so the berm will start out on this side and extend to the north so in this area with the way the existing grades work out this will be about a 4 to6 foot high berm in this area , will then get higher as you go across the property because the existing slope will be falling off so by the time you get to this end of the property this berm will look like it's about 14 feet high with trees on top of it so it will provide a vegetative buffer between the building and the adjacent property to the east, so we heard the concern of both buffer as well as for potential noise abatement applying a buffer , placing all of the parking to the rear of the building away from the residents , getting it away from the north and the south. We made every attempt possible to the site plan to accommodate the concerns of the residents as well as the concerns of this Board. Mr. Higgins you had asked me to discuss with the applicant limiting truck traffic turning out of the facility, we will be putting signage in the revised plans, excuse me the plans coming back to the Town doing just that. We will limit trucks turning to the left out of this facility. As eluded to before by Walt we were asked to take a look and do a truck analysis of Tabor road using the WB-67 and the largest truck that may or may not use this facility and as Walt mentioned and what we found out

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through the analysis what is the largest WB-67's do tend to off track on the turn and further down on the west of the site as you get closer to the transfer station , the bad turn that goes over the creek so you can see that in this image right here. This image is a WB-40 which is the smaller trailer the WB-40 works fine but the WB-67 does off track and it will even cross the center line to keep the trailer on the road or it will drag the trailer across the shoulder if it stays within the lane so the WB-67 analysis did show that so with that in mind I met with Bill Bryans the Highway Superintendent out there at this turn to see if there is anything that could be done in the future to rectify the problem because it currently is a problem , Bill had mentioned and we saw there they have put some highway road markers out there because currently there are some trucks that do just that and kick gravel and dirt over onto the travel lanes so they put these markers up to stop that . So the applicant has agreed to work with the Town to come up with a mitigation measure and until such time as the mitigation would be put in place he has agreed to limit the truck traffic within the facility to no larger than a WB-40 truck, WB- trailer I believe is 40 feet long?

Alanna Moran: I don't know exactly, but a WB-67 is a 53' trailer, I believe the WB-40 is around 40' but I could find that out.

Tom Koval: Is there any way we can post this road for sizes of trailers?

Marcel Nadeau: Yea how do we police that how do you control it?

Lyn Murphy: Well it will be policed by complaints and our people going out and writing tickets if people are doing what they are not supposed to do. To post a road is actually very convoluted because they view it as an interference with inner and intra state travel, so unless there is something specific on the road itself that would cause danger you can't post it and it may be that the Highway Superintendent says there is that you can only have this much weight or this much length, so is there an ability, yes, it's much more difficult than us saying post the road, it doesn't

Tom Koval: Too long of a trailer creates a dangerous situation

Lyn Murphy: Then he could post that.

Tom Koval: I'm also uncomfortable with the Town having to bear any expense to make this road wider for somebody else down the road, why should I as a resident pay to make that road wider so you

Lyn Murphy: The applicant is going to mitigate that cost, they are just going to do it with the consent of the Highway Superintendent.

Jason Dell: Yes let me

Rich Berkowitz: I just have one more question about when they did the study on the turning radius did they consider tractor trailers on both sides coming head to head?

Alanna Moran: Yes , Alanna Moran with VHB and we did look at both directions so if you can see the figure behind you the image on top this is the curve to the west of the site and then on the bottom is the curve to the east of the site so you can see that the WB-40 that's the image that's up right now works both east and west and it was a similar situation for the WB-67 it just didn't work east and west which is why we recommend the limitations.

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Rich Berkowitz: But if they're coming head on simultaneously making that corner can they do that?

Alanna Moran: It can, and in fact that's shown by kind of the black lines on the lanes

Rich Berkowitz: What's the maximum speed that they can make that turn?

Alanna Moran: I mean they have to slow down to stay within so I'm

Rich Berkowitz: I know they are supposed to but

Alanna Moran: I can't affect

Rich Berkowitz: I know you can't but is there a study that you've done that shows the maximum speed that they can go simultaneously on that curve without getting in an accident?

Alanna Moran: I can check on the max speed needed for that is involved with making that turn, so that's a number I should be able to get you, and then like I said I can't enforce it, for the WB-40 yes

Rich Berkowitz: For the WB-40

Alanna Moran: So we will get the dimensions and the speed of that movement.

Rich Berkowitz: Okay

Jason Dell: Tom to address your question before when I met with Bill I know the resident indicated that this was an ongoing problem that has been going on for years out there and they've had many instances where they've been run off the road however Mr. Bryans indicated that they've got one complaint that they have had for that road that they've got one complaint that they've had for that road that dated all of the way back to 2003 so you know whereas there is an issue with some dirt being pulled out onto the road , he is only aware of one incident back in 2003 where there was ever any kind of a reported incident out there , as far as the fix goes , the fix seems to be relatively simple there's plenty , well I shouldn't say plenty there's 4 or 5 possibly 6 feet of area between the edge of the asphalt and gravel what we talked about doing and he is agreeable to was just boxing that gravel area out and paving it and what's also needed in that area is an existing guiderail is in severe disrepair right there so this would all be worked into a potential plan in the future that could be done and that plan would need to be done before Mark , the applicant would be able to accept trucks larger than the WB-40.

Don Roberts: Anyone else?

Tom Werner: What about the shoulders?

Jason Dell: That's what I just said the shoulder would have to be approved.

Tom Koval: No, they are planning on paving the shoulders a couple feet back on each side and doing some guiderail work.

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Tom Werner: Oh okay I'm sorry.

Tom Koval: My biggest concern is and I know I heard you I'm policing this, what's going to stop a trucking company because there is no coordination between the trucking company and whoever's in there as a business I have deliveries come in, they don't call me and ask me what size truck I can bring, they say we are bringing a delivery of whatever they are bringing and it could be a straight truck it could be a 53 footer. So short of posting that road due to a safety issue which it's a clear and present danger for a truck bigger than a WB-40 which a 53 footer, a WB-67 is a 53 footer than I've got to imagine that a WB-40 is probably a 40 footer I'm guessing I don't know the terms either.

Alanna Moran: The trailer is not as long as the size as the size the number.

Tom Koval: No I understand that yea if we could get a breakdown on that maybe it would clarify things for me we really need to get with Highway on this and be proactive because I don't think there is any other way we can control it.

Don Roberts: You know you hear the concerns here and if and I agree if we could, if this does get approved if either Miss Murray, the applicants attorney and you Sir or Jason please make the applicant very aware of the concerns of not only the residents but this Board and if possible try and get the right fit for tenants in here you know maybe a little work we won't have this size truck maybe, I'm not saying its gonna happen but at least some effort should be made to minimize it.

Tom Koval: I'm a small, small operation I get one truck every three months and I get 53 footers.

Don Roberts: Do you really? I mean but at least, at least

Tom Koval: And they are bringing two or three generators the rest of the truck is going somewhere else they don't

Don Roberts: But at least make them aware of all the concerns here because there are a lot of concerns.

Jason Dell: Each tenant will have to come before this Board

Don Roberts: Oh each tenant has to come before the Board yes and once again if we do approve this the information that Mr. Berkowitz and Mr. Koval requested we are going to need that information before any tenants are approved, okay just so you know that.

Rich Berkowitz: We can get that information upon approval of future tenants

Tom Koval: Prior to approval

Don Roberts: Before anyone gets approved.

John Higgins: How do you plan on maintaining the trees on top of the berm on the back of the building, the other picture showed there's virtually no access back there?

Jason Dell: How do we maintain them?

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John Higgins: Yup, replace trees I mean you're not going to, a couple of guys aren't going to carry an 8 ft. evergreen all the way to the middle to replace a tree that dies.

Jason Dell: Understood, I mean that will have to be logistics that they work out as part of a typical site maintenance but there is plenty of room to run a skid steer around the side there if need be if they've got to bring in a new tree, they've got to bring in a new tree, the berm and the tree line would be constructed prior to the building going up

John Higgins: Exactly and after the building is up you have a couple trees die in the middle , a skid steer cannot operate on a hill side like this so I'm asking how do you plan on maintaining those trees once they die?

Jason Dell: Well we hope they don't die but if they die they have to wheel barrel in another tree, the contractor would have to bring in a tree.

Richard Harris: Jason what's the slope here, what's that to the property line, 10, 20 feet?

Jason Dell: About 10 feet.

John Higgins: And how tall is the berm, you said 14 feet?

Jason Dell: Well it pro-grades because the existing grade falls away and the berm stays level so as you go away but by the time you get to this side over here from this side looking up to the berm will be about 14 feet coming down the other side you're going to be about 6 to 8 feet .

John Higgins: Still , see even 6 to 8 feet is too steep for a skid steer to navigate and people change out trees all of the time on berms I don't think that , that's going to be a significant issue

John Higgins: No but normally their accessible and you can get in there all I'm saying is as tight as you have it designed there I don't see how they're going to do any maintenance.

Jason Dell: Between the building and the toe of the slope there these little blocks, those are concrete landings on the outside for egress from the building each one of those is 5x5 so you see you've got a 10 foot strip around the back side of that building as well as between the property line in the beginning of the berm so we are not right up against the building with the berm there's room to maneuver.

John Higgins: But in that 10 feet you also will have air conditioning units, no, okay they are not back there anymore?

Jason Dell: I asked the applicant , the applicant does not intend to put any air conditioning , 99 percent of his buildings that are just like this in the area , have no air conditioning.

Tom Werner: Jason has it been reviewed by the fire department as far as

Jason Dell: Yes

Tom Werner: And they don't need access to the back of the building for trucks or anything?

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Jason Dell: No, I believe Rich will verify that, that was also

Don Roberts: Fire department is all set on this?

Richard Harris: Yes we had a couple months ago received a confirmation email they found sprinkler and they had question about the turning radius entering the driveway and having been explained the Chief was satisfied but then you still need to amend it a little bit

Jason Dell: We still need to make it wider yes

Richard Harris: Initially I think we talked about 60 foot or something, like the transfer station

Jason Dell: That was a different.

Richard Harris: He was satisfied with your response but then you widened it a little bit also.

Marcel Nadeau: So the backside of that between the berm and the building is that a paved area or just landscaping?

Jason Dell: That's landscaping

Marcel Nadeau: Landscaping between the building and the berm?

Jason Dell: That's correct, except for those concrete pad areas that we need for egress.

Rich Berkowitz: You said there is a 10 foot walkway surrounding the back of the building?

Jason Dell: No I said there is a 10 foot area between the back of the building and the toe of slope.

Rich Berkowitz: So you're able to walk through that?

Jason Dell: That will be grassed.

Rich Berkowitz: Oh that will be grass, okay.

Tom Werner: What's the dimensions of the building Jason. ?

Jason Dell: I don't recall off the top of my head the length and the width , the height in the front of the building is about 30 feet in the rear of the building its about 24 feet so it does slope down.

Tom Werner: That's the height, you don't know the depth of it do you. ?

Jason Dell: I don't recall off the top of my head no

Marcel Nadeau: And what is the height of the berm?

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Jason Dell: I'm sorry

Marcel Nadeau: The height of the berm?

Jason Dell: The height of the berm in the beginning of it on this side will appear to be about 6 to 8 feet high and as you move across the berm if you were looking from here towards the berm, that berm is going to look like it's about 14 feet high

Marcel Nadeau: So that doesn't cover the building?

Jason Dell: The proposed trees are 6 to 8 feet.

Rich Berkowitz: How close together are they?

Jason Dell: Right now I believe they are 15 feet apart.

Richard Harris: Jason can you speak to the point of 40 foot height, there was some discussion last meeting between Mr. Berkowitz and yourself regarding the berm height and trees, how high would trees have to be to block the whole building, there was discussion of 30 feet, I just want to clarify what you may have meant, one resident was asking about that.

Jason Dell: I believe you made the comment that are you going to plant 30 foot high trees.

Rich Berkowitz: I knew you weren't going to do that but at that point there wasn't a berm back there either so if you add the berm and you add trees you're at right now 23 , 24 feet ?

Jason Dell: On the back side you're up there yes

Rich Berkowitz: And in a few years you're up to 30 feet

Jason Dell: They grow about a foot a year

Rich Berkowitz: Yea, my concern was the HVAC unit that's also making some noise and that should block some of that noise.

Jason Dell: Yes and the applicant did indicate that the majority of his buildings do not have AC units at all,

Rich Berkowitz: Oh they don't

Jason Dell: No, it's uncontrolled, not uncontrolled but no air conditioning as part of the warehouse base

Rich Berkowitz: Really, how about heat.

Tom Koval: There are no real offices in these things, their like the ones over at exit 10 they don't have much of any heating system in them. Sometimes they will hang a little split on the front of the office, they have a little 10 x 10 office the rest is storage. They have one of those hanging modem heaters, or forced gas heaters just to temper the warehouse in the winter.

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Rich Berkowitz: What about in the summer when its 90 degrees?

Tom Koval: Your SOL, that's warehouse life

Rich Berkowitz: Okay,

Don Roberts: Anyone else?

Rich Berkowitz: Seeing that this is an industrial zone it's zoned properly and we will be getting information based on what we've asked for tonight I'll make a negative declaration for SEQR.

Tom Koval: Ill second

Don Roberts: All in favor aye? (Majority were in favor) Opposed? (John Higgins -opposed) Motion carried.

Rich Berkowitz: Also based on my previous comments about commercial industrial zone, I'll make a motion to approve the site plan contingent on getting us the correct information on traffic and trucks that we have requested.

Tom Werner: Can we put a limit on trucks until such time, needed highway improvements there?

Tom Koval: I think that is limited by tenant approvals.

Jason Dell: We had stated that in our letter as well.

Tom Werner: Yes

Richard Harris: The applicant agreed to WB-40 until the time of improvements

Don Roberts: We can make it a part of this and make sure of it

Rich Berkowitz: No trucks greater than the WB-40

Tom Werner: Let them know before they apply that the condition.

Richard Berkowitz: And we also will be controlling this through tenant applications

Tom Koval: Ill second

Don Roberts: All in favor aye? (Majority were in favor) Opposed? (John Higgins opposed) Motion carried, thank you very much good luck.

Jason Dell; Thank you.

113 Tabor Road Warehouse/Office Building-- Site Plan

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APPROVED. The Board approved the proposal for a 43,250 SF building at 113 Tabor Road with conditions related to limiting the type of vehicles until road improvements on Tabor Road have been completed.

Mike Ziobrowski: I would 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.