

5/22/23

**Town of Halfmoon Planning Board  
May 22, 2023**

**Those present at the May 22, 2023, Planning Board meeting were:**

**Planning Board Members:**

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

**Planning Board Alternates:**

Alison Pingelski-absent  
Laurie Barton-absent

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

Richard Harris-absent

**Senior Planner / Stormwater Management Technician:**

Paul Marlow

**Town Attorney:**

Lyn Murphy

**Deputy Town Attorney:**

Cathy Drobny

**Town Board Liaison(s):**

John Wasielewski  
Eric Catricala

**Town Engineers:**

Joel Bianchi

---

*The Chairman opened The Planning Board Meeting at 7:00 pm*

**Don Roberts:** Good evening, good evening, I would like to call the Planning Board meeting to order please. We have three public hearings tonight, first one.

**Public Hearing:**

**Mars Subdivision, 14 Cary Rd – Minor Subdivision (23.083)**

**Jason Dell:** Good evening, my name is Jason Dell an engineer with Lansing Engineering, here on behalf of the applicant for the Mars residential subdivision. This project is located at 14 Cary Road it's along the north side of the road. The existing property encompasses a little over six acres and is zoned as part of the

5/22/23

AR zoning district. For the project the applicant is proposing a three-lot subdivision of the overall parcel. The proposed lot sizes are about 35,718 square feet, 4.82 acres, 78,408 square feet, or 1.8 acres and 148,539 square feet, or 3.41 acres. The two new proposed lots there will be a shared driveway that comes off of Cary Road and extends back to the two new lots. The existing lot and existing home out front will continue to utilize the existing driveway that's out there. Water service will be provided to the new lots by a connection to the Town of Halfmoon municipal water system and sanitary sewer service will be provided by individual septic systems. So, we are here this evening for the public hearing, answer any questions the Board may have and if possible, request an approval for the subdivision.

**Don Roberts:** Okay thank you Jason, okay at this time we will open the public hearing, I would like to mention that we received some written correspondence, Rich will add that to the record.

**Richard Harris:** All Board members got a copy of the email I received over the weekend, and we'll make it part of the record.

**Don Roberts:** Okay the public hearing is open, would anyone in the room wish to speak?

**John Higgins:** Good evening, John Higgins, 31 Cary Road a neighbor across the street, I don't have a problem with the three lot subdivision, the only concern I have is the run off from, because the water from the applicants pond flows under Cary Road and into my pond and during the construction that he just did recently I was getting a lot of dirty water in my pond, and when the Town years ago we had problems with Cary Road flooding and the Town put a 3 foot culvert under Cary Road, and the new development that's being built goes under, the drainage goes under Angle Lane through a 2-foot culvert, goes through Mr. Corp's property and then Mr. Mars's property and then over onto my property. Now the new culvert that being put in what size is that going to be?

**Jason Dell:** There is an existing culvert that is there that will be on *\*\*\*this portion of table is inaudible\*\*\**

**John Higgins:** No, there's not an existing culvert that was just put in over the last six months I'm talking about, that's not an existing culvert that was just put in.

**Jason Dell:** There was an existing culvert there that was maintained. The existing culvert that's out there right now a 24-inch culvert.

**John Higgins:** Okay and that's going to be sufficient because what happens with when there is a lot of run off or Springtime when we have the snow melts it backs up on the north side of that culvert and overflows around it and that's what happened this year and that's why the ponds got all dirty. Is there going to be some way we're going to prevent that from happening in the future, because you're going to have more runoff with the 2 houses back there.

**Jason Dell:** I do know that the existing culvert was recently maintained, and I believe that's what you are referring to. The applicant did indicate that he had removed a significant amount of sediment that had accumulated in the pipe so that had been done as part of the project plan set, I don't know Rich if you have the whole plan set. We have provided an erosion and sediment control plan that should eliminate any sediment latent water from getting into the pond as part of the construction of the 2 homes.

**John Higgins:** Okay, and second question, how close is the new driveway going to be to the existing pond?

**Jason Dell:** About 10 feet.

5/22/23

**John Higgins:** And that Army Corps, and DEC is acceptable with that?

**Jason Dell:** Yes

**John Higgins:** Okay, and what kind of an elevation is it going to be above the pond so if the pond overflows are they going to be restricted from getting back there?

**Jason Dell:** It's going to be very close to existing grade it will be elevated a little bit, as you can see there is a culvert for the section of the driveway there, but we have provided a grading plan which depicts those grades in and about the driveway.

**John Higgins:** And does the driveway have to meet fire department standards?

**Richard Harris:** Yes

**John Higgins:** So, it has to handle an 80,000lb fire truck?

**Richard Harris:** It has to meet the fire code

**John Higgins:** Which is an 80,000lb fire truck

**Richard Harris:** In addition to other equipment, yes

**John Higgins:** And will the drawings, their plans will show that?

**Jason Dell:** Yes, and the plans have already been submitted to the fire chief and we've had discussions with the fire chief on the plans and we're still working through a couple of technical comments that he had.

**John Higgins:** Okay, as I said I'm not opposed to the subdivision I just want to make sure that the drainage isn't going to cause a problem down the road, thank you.

**Don Roberts:** Okay, thank you, would anyone else wish to speak? Yes sir.

**Don Fletcher:** Don Fletcher, 44 Ridgewood Drive. I'm northwest of the proposed project and I just have a couple of comments. I have wetland behind my house that drains through these properties and down to the pond so I just want to make sure the drainage is taken care of and we don't have any back up or any problem there, and I would not mind or I would like consideration, I see the septic is right against the property line, you know if consideration could be made to take down as least amount of trees on that northwest side as we could just to maintain buffer between my property, my neighbors property and the large lot on the back side.

**Jason Dell:** Yes, you can see from the grading plan in which I know your familiar with, we're providing swales in and about the lot that will convey drainage to the wetlands and if we can shift that septic over a little bit to maintain a little bit more trees we certainly will.

**Don Roberts:** Would anyone else wish to speak? (No comments) Jason you received written correspondence that we, can you address that please?

5/22/23

**Jason Dell:** Sure, the written correspondence, Rich correct me if I'm wrong but it pertained to the driveway location?

**Richard Harris:** Correct.

**Jason Dell:** The existing driveway is right here for the existing house that will continue to be utilized by the existing residence we will have a new driveway that we will be constructing that will service the two rear lots, so the 10 foot separation that was eluded to in the correspondence is a bit of a mute point there since that is an existing driveway that will continue to be used by the existing house and the new houses will not use that driveway.

**Charlie Lucia:** Jason how wide is the driveway going to be?

**Jason Dell:** The driveway is going to be about 12 feet wide, except where we are going to have a pull off for emergency services.

**Charlie Lucia:** Sure, alright

**Don Roberts:** So, there should be no issue with that then?

**Jason Dell:** That's correct.

**Rich Berkowitz:** There's a turnaround up at the firehouse.

**Jason Dell:** Yup you can see that right there, there's a small round about there.

**Rich Berkowitz:** And a fire truck can get around.

**Jason Dell:** That's correct

**Don Roberts:** Okay would anyone else wish to speak?

**Richard Harris:** There was someone that raised their hand online

**Don Roberts:** Okay, is there anyone online that wishes to speak? (No comments) Once again, anyone online wish to speak? (No comments)

**Richard Harris:** If anyone online would like to speak, you can speak now, if not we do ask that you mute your microphone at home.

**Don Roberts:** Okay, thanks, since no one else wishes to speak we will close the public hearing, comments by the Board.

**Marcel Nadeau:** Joel you've looked at this?

**Joel Bianchi:** We were not requested to review this application.

**Don Roberts:** Comments?

5/22/23

**Rich Berkowitz:** I make a motion to approve the minor subdivision with neg dec. for SEQR

**Marcel Nadeau:** Ill second it.

**Don Roberts:** Motion and a second, all in favor Aye? (All were in favor) Opposed? (None were opposed) Motion carried.

**Rich Berkowitz:** Ill make a motion to approve the minor subdivision

**Tom Werner:** Ill second it.

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

**Jason Dell:** Thank you.

**Don Roberts:** You're welcome.

***Mars Subdivision– Minor Subdivision***

***APPROVED. A Public Hearing was held and the Board approved a Minor Subdivision request to subdivide the existing parcel at 14 Cary Road into three lots.***

**Moore's Tree Service, 1000 Hudson River Rd – Change of Use/Tenant & Special Use Permit (23.074 & 23.075)**

**Keith Moore:** Yes hi, Keith Moore, managing partner for Moore's Tree Service, I hope you're all not here asking questions tonight, they didn't prepare me for this. Our initial, after we took over Marcel's shop which has nothing to do with him here, we did not put in for a use for running a part time sawmill. I have a saw mill and restoring logs. That was not in our initial description, did we go overboard? Yes, we did, I will be the first one to admit it. So we put into operate the saw mill part time, it's a mill I've had for a long time. Our long-term goal is to expand, we have too many vehicles and the garage is not big enough to support what we need, so we put in the appropriation and special use and the change for operating this sawmill and right now the plan is the building is there. You can see where the X marks are, that is pretty much at the buffer of our property with Linda Daley. This mill is not very long, 16 feet long it's portable, I can take it wherever I want. We're gonna try to work with the Town now to potentially put up a fence, we don't want this to be obtrusive we're trying to keep this property as nice as we possibly can, that was our long term goal, so you know with their help guidance we will probably put up a nice privacy fence, but not obtrusive to the public or my building or the people that work for me or with me.

**Don Roberts:** Okay, very good, at this time we will open the public hearing, would anyone from the public wish to speak? (No comments)Once again, anyone from the public wish to speak? (No comments)Anyone online wish to speak? No, Paul, no? (No comments) We will try it once again, anyone online wish to speak? (No comments) okay we'll close the public hearing, comments by the Board?

**Tom Werner:** Is your sawing operation going to be enclosed? Did I understand?

**Keith Moore:** I can enclose it, ultimately building a nice building over it so I can do this in the rain and snow would be the ultimate but I would have to get a permit so normally I just cover it but like I said we want to keep this non intrusive, based upon the number of vehicles we want to put it in the back in that X'd off area but right now there is no cover for it or no garage, no type of shed.

5/22/23

**Tom Werner:** I was going to ask what type of noise level was generated from this operation, there are some residences down the road.

**Keith Moore:** It's a 16 horse V-twin, the noise level I can't comment on that, it's got 2 mufflers its like running.

**Tom Werner:** I know you're heavily treed around there

**Keith Moore:** It's like running a lawn mower basically but it's not, it's probably about the same or less than actually running a high rpm chain saw.

**Tom Werner:** Yea, but its part time?

**Keith Moore:** Yes, part time yes.

**Charlie Lucia:** If it's a portable mill back there just children or somebody was in, or curious or went back there is their protection from starting it or even?

**Keith Moore:** Oh yea, yea I pull the key, the blades, the blades they will rust they're steel, I pull them off every time so I mean its just, and there are locking mechanisms on it so that the turntable cannot be moved forward and reverse. So, I do that just out of pure for myself too and my grandkids are running around all of the time, so they like all the equipment and everything.

**Charlie Lucia:** Curiosity my dad had a construction company if you see something

**Keith Moore:** Oh, I understand

**Rich Berkowitz:** If need be, you'll put up a fence?

**Keith Moore:** Yup, yup we'll go through and I'll talk to Rich and Paul and the guys and see, but you know I'm not going to put up a 20 foot fence, but just something and I don't want to go the whole length of the property we just want to put something so that the logs are behind the fence so that people cant see them and make it look nice.

**Rich Berkowitz:** Or steal them.

**Keith Moore:** Well, no I don't think, if you need it that bad come and get it.

**Don Roberts:** Anyone else?

**Rich Berkowitz:** I'll make motion to approve the change of use/tenant and special use permit

**Tom Werner:** Ill second it.

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

**Keith Moore:** Thank you.

***Moore's Tree Service – Change of Use/Tenant & Special Use Permit***

***APPROVED. A Public Hearing was held and the Board approved the application to run a portable outdoor saw mill at 1000 Hudson River Road.***

**Tribley Residential PDD, 315 Farm to Market Rd – Major Subdivision (22.157)**

**Jason Dell:** Hello again, Jason Dell engineer with Lansing Engineering here on behalf of the applicant for the Tribley Residential PDD. The Board has seen this project on multiple occasions and back in October of 2022 the Town Board did approve the PDD legislation for this project and subsequently the last time we were before this Board to schedule this public hearing was back on April 10<sup>th</sup> so this is a brief recap of the project. The project is located at 315 Farm to Market Road and the parcel encompasses 22.08 acres and the site is located immediately west of the intersection of Moreland drive and Farm to Market Road. For our project the applicant is proposing a 38-lot subdivision with the minimum lot size of 10,000 square feet, as this Board had recommended back to the Town Board and so the applicant did increase the lot sizes to have a minimum of 10,000 square feet. Just to go over that the actual minimum lot size proposed is 10,478 square feet, the maximum lot size out there is 28,111 square feet and then the average lot size for the project is about 15,475 square feet, and all of the proposed setbacks for these houses are consistent with the neighboring project. So, we've got a front yard setback of 35 feet and a side yard setback of 10 feet with a rear yard setback of 25 feet. We are proposing a 30 foot no cut buffer along the southwest portion of the property as well as along this area of the project as well. Water and sewer service will be provided by a connection to the Town of Halfmoon municipal system as well as a connection to the Saratoga County Sewer District system, and storm water will be managed onsite in accordance with all State and local requirements. At this point we have gone through multiple technical reviews with MJ, we have addressed all of their comments to date. We did just respond back to some additional comments they had last week and if we get additional comments from MJ, we will certainly work through them, the remaining technical cleanup items there. So, we are here this evening for the public hearing and to ask this Board if they'd consider a preliminary approval for the project as we still need to go through the Department of Health and DEC for the project so we would be able to take care of any remaining technical comments with MJ as we await the regulatory review.

**Don Roberts:** Thank you, I forgot to mention Tom Werner reclused himself on this application so, okay I'd like to open the public hearing and first of all we received some written correspondence from the neighbors in Arlington Heights, I'd like to add that to the record, would you like to address that now please?

**Jason Dell:** That correspondence the neighbors were looking for some landscaping along the connection street to Saville Row. In talking with Rich and looking at the area the right of way that was left as part of that project was only about 44 feet wide and we have a water, we're proposing a road down the middle of it, we've got a water line on the western side of that road. So the applicant is willing to work with the neighbors on either side of the right of way through there to put some screening trees along there however, those trees may or may not need to be on private property, I have not had a chance to speak with the Highway Superintendent yet as he's on vacation to see if he would be willing to allow those trees in the right of way, but the applicant did indicate that we'd work with those neighbors if they were willing to put those trees on their property to provide some trees along that area.

**Don Robert:** We also receive written correspondence from Mike Stiles, did you get that one?

**Jason Dell:** That was about a buffer?

**Don Roberts:** Right

5/22/23

**Jason Dell:** Yea we are already providing a 30-foot buffer along here, and over to here. This is all Army Corps. wetland in this area and in the back here these are all new lots that are backing up to new proposed lots for this PDD up there so we haven't proposed a buffer to here so if the Board wishes us to provide a 10-foot buffer there we could but its already a 25-foot setback there so there's nothing really that's going to get built along there.

**Don Roberts:** I just said, these correspondences are added to the record so would anyone from the public wish to speak? Please come up.

**Pat Donovan:** My name is Pat Donovan 9 Saville Row. The first couple of questions are actually questions that is a neighbor that couldn't come asked me to ask you is there any stormwater run off from Tribley that will be discharged into the Arlington Heights system along Saville Row, and if so will Tribley participate in the maintenance of the retention ponds?

**Lyn Murphy:** It's easier probably because she's going to have a list of questions to answer them as we go

**Don Roberts:** Why don't you ask all of your questions; do you have many questions?

**Pat Donovan:** No, no that was the most complicated one.

**Don Roberts:** Okay

**Jason Dell:** Our drainage will be directed to the stormwater area in the lower, upper corner that will then discharge into the wetland system that heads off to the north. There's the short section of road in here that will drain into the catch basin that's right here and that was proposed I would imagine as part of your subdivision when it was designed to accommodate that short section of road.

**Pat Donovan:** There is a catch basin there now?

**Jason Dell:** That's correct

**Pat Donovan:** Second question was are there any regulations on hours of construction regarding noise?

**Richard Harris:** Not unless this Board puts them on. We don't have a Town wide noise ordinance on construction so unless this Board determines that its generally not part of an approval, sunup, sundown is what we deal with when construction starts, its our general guidance as staff, but this Board it would be up to them whether they put restrictions on it.

**Pat Donovan:** Is there any plans for that?

**Don Roberts:** I, we don't usually do that it's usually up to the developer. I mean sunup to sundown is pretty reasonable, I believe but.

**Pat Donovan:** That's 6 o'clock in the morning, it's not, and then my question, just verifying Saville Row is not going to be used for construction vehicles until this thing is done, is that correct?

**Richard Harris:** This Board can put that restriction on Jason you might want to answer that.

**Don Roberts:** I think that was mentioned before, go ahead Jason

5/22/23

**Jason Dell:** We will need to use Saville Row when we do this construction down here obviously when we cut in and make those connections, however there really wouldn't be a lot of need to bring equipment through Arlington Heights to come back up into here, we would access off of Farm to Market Road but we can certainly put that on the plans as a note that all construction equipment is to come from Farm to Market Road as it only makes sense. There are notes on the plans, we already did that.

**Don Roberts:** You're ahead of the game.

**Ed Dewhurst:** Ed Dewhurst 17 Gladstone Circle, Halfmoon NY. With regards to the stormwater run off I think the plans that I've seen I don't know if there is any later, I don't know if you've updated plans yet per the Towns engineers comments but I think you only have 2 catch basins on each side of the road to catch run off coming down from Tribley towards Saville Row, which means the center of the road there will still be run off from Tribley running down into Saville, so it would seem like you would, I know you have a road crown, but we have some heavy downpours. Right now, there's two catch basins one on each side of the road connecting road from Tribley into Saville Row, and I realize the road is crowned but its still a pretty good slope so there still will be some run off from that road down into the Saville stormwater system. I think you could solve that with a drain that crosses the entire road and ports to both catch basins, they make them you can have that if the local Town Code allows it. Anyway, that's one thing you need to consider because during construction everybody does their best job to control debris run off and silt run off but some of these down pours we have overcomes those things so we can expect to have that kind of deluge in the summer that will bring the debris down into Saville, so unless you have that drain go across the road. You said that the adjacent, you said that the Towns engineers' comments have all been addressed, have the plans been updated yet?

**Jason Dell:** We submitted revised plans last week.

**Ed Dewhurst:** Okay so the date on those because I would like to request them.

**Jason Dell:** I don't recall what day last week, but they are there.

**Ed Dewhurst:** I can request the latest copy and get that?

**Richard Harris:** Yup, sure

**Ed Dewhurst:** Alright, good, the connecting road will have stop signs at each end?

**Jason Dell:** Yes

**Ed Dewhurst:** How about speed bumps or speed humps at each end?

**Richard Harris:** Generally, the Town Highway Superintendent is not in favor of those.

**Ed Dewhurst:** But you wouldn't consider it here? Okay, because I was just up on Cary Road coming up to a stop sign this morning the guy came barreling down Tabor Road, he had to be doing 50 miles an hour right through the stop signs and its common around here for that to happen, people running red lights, and everything else. The more safety features you can put into the connecting road or any road in Halfmoon the better and if they have to take a jolt with a speed bump, I think that might resolve some people's speeding and thoughts that stop signs are optional. Okay that's all I got, thanks.

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

5/22/23

**Sharon Lavitis:** Hi I'm Sharon Lavitis 37 Saville Row, and we live right next to the paper street, and I wrote the message asking about the buffer with the trees, mostly for my neighbors because we just put in a whole bunch of trees and we have wetlands behind us but the question was about putting trees around where we have houses not just next to the paper street, so I'm a little confused.

**Richard Harris:** Are you talking right back here behind the proposed houses?

**Sharon Lavitis:** Yea, but that's what people were concerned about because there is going to be a lot of construction, we have elderly people, we have some people that are handicapped, I mean its great to say you're going to do stuff from you know dawn to dusk but we have some older people who that's really going to disturb. As far as putting trees by the paper street we own a bunch of the wetlands that's behind us, I mean your going to put trees there we don't care nobody goes in there any way, but we were more concerned about a line where those other houses are like the ones next to us and up the hill and the ones on the other side, the downside.

**Richard Harris:** I'm sorry you mean along here and here?

**Sharon Lavitis:** I don't know what along here means.

**Richard Harris:** Yea this is all a no cut buffer

**Sharon Lavitis:** Yea

**Richard Harris:** Because of wetlands, you can't really plant there.

**Sharon Lavitis:** Right, so going around where we have houses, so here where the houses are behind, yea I can't tell this is the paper street here, okay so our house is here?

**Richard Harris:** Your houses are up over here

**Sharon Lavitis:** Okay so what we're talking about is there are houses here and in this area, here and those houses there and this house here and here, so that's where they were talking about putting trees in as a buffer. I don't know the

**Don Roberts:** In addition to the no cut area?

**Sharon Lavitis:** The no cut area is the wetlands right, no?

**Jason Dell:** Along this area here and down through here we've got a 30 foot no cut buffer already so the existing trees will remain.

**Sharon Lavitis:** Well, those trees are like scrub trees, you know they're vines, they're garbage they're dead, we just took out a bunch of them.

**Jason Dell:** We are proposing a no cut buffer for that reason, for the trees that are there.

**Sharon Lavitis:** Okay, so that's what you're talking about a no cut, now you're talking about putting trees on the side of the road though?

5/22/23

**Richard Harris:** Yea it indicated in the letter, trees along the access road, into Saville.

**Sharon Lavitis:** Well, that was somebody else's idea but that wasn't the main point of the letter, the main point of the letter was to plant trees around the other perimeter. Just something that we are asking you to consider. Yea, that's all, okay thank you.

**Don Roberts:** Thank you, would anyone else wish to speak?

**John Higgins:** John Higgins, 31 Cary Road. Could you show me where the 20 % quality green space is, oh okay and is there going to be a homeowner's association that is going to own that property?

**Jason Dell:** No, the applicant intends to retain that area

**John Higgins:** Okay so the applicant will be responsible for that property?

**Jason Dell:** Its all deed restricted.

**John Higgins:** Okay thank you.

**Phil Wolfe:** My name is Phil Wolfe, I live at 19 Saville, Mechanicville, Arlington Heights. I would like to talk a little bit about the letter that MJ Engineering wrote on January 31<sup>st</sup> to Chairman Roberts and the Planning Board members, it was a 7-page letter, and they had an update, clarifications and so forth that they were planning on doing. I heard that there was new plan and I'm just wondering if all the items in the letter if anyone knows had been taken care of.

**Don Robert:** Joel?

**Joel Bianchi:** There has been a subsequent review in early March, March 27<sup>th</sup>, they, Lansing has replied to last Thursday May 19<sup>th</sup>, we have gone through their recent submission and they have substantially addressed our comments, so the letter that you referenced was two letters ago, there was a new one, they've addressed most of those comments and we should be finished with our review in the next month, so far it appears they have addressed all of our comments.

**Phil Wolfe:** Okay, one of the items involves one of the residents next to the connecting road, going from Tribley to Saville and the comment was the proposed grading along the northern right of way where the project connects to Saville Row appears to show grading extending onto 33 Savile Row. Considering the extent of grading proposed the applicant shall provide Town documentation that they have permissions to perform this work on private property. I guess my first question is are they going that way, did they get permission? And then it said alternatively the grading may be modified to avoid a need for such permission. So, did they get permission or are they going the alternative?

**Jason Dell:** We did modify the grading such that there's no need for the grading easement or to get permission from 33.

**Phil Wolfe:** I won't go through them all I just have a few here that. On page 4, which you don't have the letter to refer to but, there were comments about referring to road A and road C and if you read through it, it appears that they have them confused because at one point they talk about road A and road C being the inner connecting road between Saville and Tribley, at other points they talk about it being the road going out to Farm to Market. One of the concerns was, well they say road C shows the retaining wall so I guess it depends on which road they're

5/22/23

talking about and what the retaining wall is going to be because there might be some aesthetic concerns for that and also some possible concerns for graffiti if there is a retaining wall anywhere near by. So, I guess I would make a reference to that particular letter to items 28 through 32 and that was one of the questions in that, is would they provide, or would they provide some clarification between which road is A and which road is C so that its clear what they're talking about what they're going to do. Which you probably can't answer at the time.

**Jason Dell:** Those comments have been addressed and we have since developed road names, got the road names approved. Those are on the revised plans as well as subdivision plants, so those areas have been, or items of concern or confusion have been clarified so moving forward there will no longer be that confusion.

**Phil Wolfe:** I guess my last comment would involve the connecting road whether its road A or road C. It says here the manner of how road A connects to Saville Road need to be confirmed as there is a paved gutter that conveys run off, depending on road C intersects existing crown of Saville Row, they switched from road A to road C, may necessitate new drawings for structure at the south corner of the intersection the two roads. There is also a comment here about the along road C and they had given a reference, the cross-section transitions from a crown to a cross slope, this will result in run off passing over the lane of travel during Winter weather this may lead to icing conditions, this design needs to be altered to avoid the noted travel conditions. Our concern is if and I think it was brought up before is the drainage coming into Arlington is gonna affect our drain system should there be some kind of set up or we could a maintenance fee for the additional maintenance it's going to cause our detention basins?

**Jason Dell:** Per Joels comment, we did change the grading we were doing on the road there, we did have a super elevation on the road for that last section, we have since changed that to the Town standard crown cross section and I believe that Joel can confirm that it is per the Town standard now.

**Don Robert:** Is that right Joel?

**Joel Bianchi:** Yes

**Phil Wolfe:** Okay, I guess those were my concerns, we obtained this through a FOIL so I guess we'll be able to obtain the new plans and maybe the new letters so we can see if all of these concerns in here were taken care of, thank you.

**Don Roberts:** Your welcome, anyone else wish to speak?

**Ryan Greenberg:** I don't have a long list of things either.

**Don Roberts:** Your name please?

**Ryan Greenberg:** Ryan Greenberg, 8 Northern Sites. Just trying to understand something, what time do you think the average person wakes up?

**Lyn Murphy:** We're not going to, there's so many variables in that question.

**Ryan Greenberg:** Okay, do we think most wake up after 5:30 in the morning?

**Lyn Murphy:** That's the same road.

5/22/23

**Ryan Greenberg:** Okay, I'm just trying to understand a little bit, as the Town grows and there is more construction and the Board says they have understandings of things, you say it's pretty reasonable to say sunup to sundown in the middle of Winter I'd probably say you're probably right. Right now, today sunup was 5:25, sundown is 8:15 at night, and would that be reasonable for construction with homes around and families and things like that? Or I guess the question would be what's the consideration that's put into times of constructions and things.

**Lyn Murphy:** Construction regulations haven't changed since your home was built as far as the timing when it can start and when it can stop. The Town Planning Board, like was said could put in some parameters if they felt it was necessary but there are no official times

**Ryan Greenberg:** Set things, no completely understandable

**Lyn Murphy:** Correct and part of that has to do with what you're saying, we say you can build at 6 in the winter they are not building at 6 because it's dark, and you know it varies.

**Ryan Greenberg:** I guess the question would be what makes a Town determine when is an appropriate time to start having a new

**Lyn Murphy:** We don't determine that, we don't have set regulations when it comes to construction, time starting and ending.

**Ryan Greenberg:** Okay and who would consider that then? Who would be, if we thought it was citizens being here and trying to understand and have a guideline who would that proposal be made to?

**Lyn Murphy:** Town Board

**Ryan Greenberg:** So, Town Board, not Town Planning Board would handle that? And they would consider hearing something, and proposals?

**Lyn Murphy:** I'm sure if you were to, they are very, very responsive, if you address them, and they would in fact look at that and take it into consideration.

**Ryan Greenberg:** Okay, and that's something that this group would consider as well if they felt there was something that it needed to be?

**Lyn Murphy:** That's correct.

**Ryan Greenberg:** Okay, thanks so much.

**Don Roberts:** Anyone else wish to speak? Come on up please.

**Moe Lynch:** Thank you, good evening my name is Lynch, Maurice Lynch, they call me Moe, we're all friends here, I think. I had a lot to say, and I didn't need to do it anymore. I live on Saville, we've discussed flooding in my lots across the street to Patty Donovan's who spoke earlier and neighbors on both sides. I fortunately don't have a finished basement, neighbors on both sides finished basements. I don't know how Belmonte and the Board ever put this development together with no drainage, it drains through my yard and my neighbor's yard. I get to see it, and the last time we had something major it was 4 or 5 years ago were they wet months no they 4 nd 6-inch months, June, and July. The water ran down the hill took a whole lot of my yard and shot it down to

5/22/23

Mechanicville, Mechanicville didn't need it. I want it back, but I can't get it. Now ideally all lots would be nice if they are flat, all land would be nice if it was flat, it doesn't work here, we've got hills. I was under an understanding at one time or another that all lots, ideally, would be level with burms and handle the runoff for each particular property. Now I'm assuming this gentleman here has been through the back yards and its one straight slope from the very top right through the sides where my house is. What your proposing is going to increase the amount of water when you start cutting trees or even cutting grass, it all helps with preventative run off and we're gonna be creating run off, I see in the original permit that they are allowing for run off, now that run off goes to my yard, I don't need your water. Prior to coming here, to Arlington I lived in Prospect on Summerfield, you're all familiar with that. I lived in the back section, there is a pond on top of the hill and the houses circle that pond, the pond overflows, it filled up one neighbor's pool. Flooded 2, 3 cellars, they're now on the flood plane listings, two of the houses. I was fortunate my house didn't make it, that notation. That makes it a little hard to get a notation, makes it a little hard to get a mortgage when you get that notation on there. I'm from Schenectady originally and half of Schenectady is on that flood plane. We got the same situation here, the water comes off the upper portion of Arlington goes under the road, they had to put a bridge in and then they just let the water run into the wood lot. Now Tribley, my problem is I don't want my house on that flood plane list or the rest of the houses on my end of the neighborhood which is at the very lowest end. I don't know if my neighbors are aware that once they go on a flood plane its dams hard to get a mortgage. Mind you this is the dinner hour and the cocktail hour, I'm done.

**Don Roberts:** Thank you Moe, Jason you anticipate any problems with this?

**Jason Dell:** No, and MJ has reviewed our storm water pollution prevention plan which includes all of the drainage plans, as well as our layout and grading plan which you've seen before there. I don't believe it will exacerbate any flooding conditions as his property I believe is over further on the other side of Saville Row, so the answer is no I don't believe so.

**Don Robert:** Joel, what do you think?

**Joel Bianchi:** I would agree with Jason they are modeling shows a decreased run off, they are not directing any runoff to any of the homes in the development *\*\*\*this portion of table is inaudible\*\*\**

**Don Roberts:** Okay thank you.

**Joel Bianchi:** Only a short connection of the Town road, but nothing else, nothing from the development itself.

**Don Roberts:** Okay thank you. Would anyone else wish to speak? (No comment) Would anyone online wish to speak? (No comment) okay once again, anyone online wish to speak? Just to cover ourselves here. (No comment) Okay since no one wishes to speak we will close the public hearing and again this is a preliminary approval, application. Comments by the Board?

**Rich Berkowitz:** Jason, how long is that road?

**Jason Dell:** Which one?

**Rich Berkowitz:** The paper road connecting the two developments.

**Jason Dell:** This is approximately, yea I think it was about 60 feet from end to end.

**Rich Berkowitz:** So you would have to have pretty powerful car to get up to speed? It would be tough to get up to

5/22/23

**Jason Dell:** Yes, I mean the speed limit sign in there would be 30 miles an hour

**Rich Berkowitz:** Okay

**Charlie Lucia:** How about the access road Jason, just from the property line to the sub hill?

**Jason Dell:** Probably about, I think its 250 or 300 feet, ill have the exact number the next time we're back.

**Charlie Lucia:** And there is, I probably missed it, but it sounded like there is 2 catch basins on the end of that road.

**Jason Dell:** There are 2 catch basins right along the property line right here and right here that direct all storm water from this road back up into this storm water basin its this short section as part of the original Arlington Heights that would come down and tie into the existing catch basins that would have been included in the drainage for that project.

**Rich Berkowitz:** Your catch basins connect Arlington Heights?

**Jason Dell:** No, our catch basins pull back up and into here.

**Richard Harris:** So just to restate that the only drainage going towards Arlington Heights existing system is the stub road off of Saville that was part of the original Arlington Heights, everything else is directed other directions.

**Jason Dell:** Yes, yup the rear where these lots drain into the wetlands and continues down as it does now. There's this wetland channel that comes down will cross under here and will go, goes out but the storm water drainage form the houses the road will all go into the pond out an outlet structure back into that wetland.

**Charlie Lucia:** The Tribley Development that goes toward Saville is that drainage stay basically would it run back into Tribley or is it?

**Jason Dell:** Correct, that goes into the Tribley system there are catch basins here that would collect that short section of road.

**Charlie Lucia:** Okay, alright, but the development itself is going to be contained for lack of a better term.

**Jason Dell:** Correct

**Marcel Nadeau:** Jason explain that buffering again that the residents were concerned with putting more buffering in?

**Jason Dell:** We've got a 30-foot buffer that comes along here and along this southwestern property line, so there is a 30 foot no cut buffer there now, or we're proposing a 30 foot no cut buffer.

**Marcel Nadeau:** That's a pretty solid buffer at this point or what?

**Jason Dell:** It's a tree line yes, it's the wetlands as well as along here, it's the existing tree line, we're preserving that to the extent that's possible.

5/22/23

**Marcel Nadeau:** And up in that corner, the abandoned home, that's not part of this, is that correct? Yea right there.

**Jason Dell:** No, no.

**Marcel Nadeau:** So, Joel, so basically most of your concerns have been addressed?

**Joel Bianchi:** That is correct

**Marcel Nadeau:** Okay

**Rich Berkowitz:** The anticipated traffic flow would be mainly Arlington Heights, using that development to get out to Farm to Market Road, except for emergency vehicles?

**Jason Dell:** That is correct

**Don Roberts:** Anyone else?

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

**Lyn Murphy:** Conditioned on Saville Row not being used as a construction through site.

**Rich Berkowitz:** Conditioned on Saville Row not being used as a construction through site.

**Marcel Nadeau:** I second that.

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

**Jason Dell:** Thank you.

***Tribley Residential PDD – Major Subdivision***

***APPROVED. A Public Hearing was held and the Board granted preliminary approval for the proposed 38-lot Major Subdivision at 315 Farm to Market Road with conditions limiting the use of Saville Road for construction vehicles.***

**Five Star Motor Car, 1516 Route 9 – Change of Use/Tenant & Sign (23.089 & 23.090)**

**Don Roberts:** Your name please.

**Ted Troia:** Ted Troia

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

**Ted Troia:** Alright. Well, basically the property that we're looking at, 1516 Route 9, Suite 2. That small building right there

**Don Roberts:** The little one, yeah.

5/22/23

**Ted Troia:** It's 210 sq. ft. or whatever. We've cleaned it out and we're going to beautify the outside. It was an auto center before, auto dealer called Condor and after that it was shared with a company called Lewis Henry, which was a pre-owned cars and then it was GT Toyz. They took that basic whole lot. This lot's been split, and Garden Gate Florist is on the, that side and that little building still remains which we will go on to use on our office and just the parking spaces that are there. It's a pretty big parking lot to park roughly, maximum of 20 cars at any given time. Just a change of tenancy.

**Don Roberts:** Now, 20 cars, is that 20 cars, is that. That's what I'm trying to, yeah, I'm not sure that we have. Yeah, I'm trying to think, yeah. Ok, so no more than 20 cars, including

**Ted Troia:** 20 max

**Don Roberts:** 20 max, 20 max, Ok.

**Rich Berkowitz:** Is the parking lot striped?

**Ted Troia:** It has no stripes. No, no. Where the car dealer's not gonna be stripes, we can put stripes in for customer parking

**Rich Berkowitz:** Customer and you also need handicap parking.

**Ted Troia:** Yeah. We will definitely do that.

**Rich Harris:** We'll need a designated area.

**Ted Troia:** Yeah, Rich and I spoke about that, yup.

**Don Roberts:** Now, do you do any work on the cars on site?

**Ted Troia:** No. Everything is gonna be off-site. This is strictly a display area and a place to meet a client for a meeting or whatever, to look at a car. Our cars are going to be serviced at Warren Tire, down the street for inspections and mechanical work and we'll be subletting the cleaning of the cars as well. Just strictly a place to put cars that are ready to be

**Rich Berkowitz:** How are the cars delivered?

**Ted Troia:** Pardon.

**Rich Berkowitz:** How are the cars delivered?

**Ted Troia:** Delivered to us?

**Rich Berkowitz:** Yes.

**Ted Troia:** There's an area in the back. So, we have two different things. If we have a car carrier come in, they can just pull straight in go right in back of the building which Rich has drawn out there, if we do have a car carrier. Other than that, if we buy cars local like at Manheim Auto Auction, we have runners to bring cars to and from.

**Don Roberts:** It appears you have room, but we definitely do not want any car carriers stopping on Route 9.

5/22/23

**Ted Troia:** No, no, definitely no. They have room to pull in and, yeah, and behind both of those buildings is a huge other lot that Mr. Dorazio owns, who owns that.

**Rich Harris:** Yeah, I've got an aerial up here and it may help a little bit so you can see just what I just copied what he did. Just with the arrow image, helps some.

**Don Roberts:** And your hours of operation are going to be?

**Ted Troia:** 10:00-5:00, Monday through Saturday. Maybe 10:00-6:00. No Sundays, and again, just a display area with that office is 210 sq. ft., and both of us are going to be in there. So, we're going to be there as little as possible.

**Don Roberts:** You better get along, yeah.

**Marcel Nadeau:** We previously approved the kettle corn, I think it was, have you made provisions with them as to where, where it's going to be?

**Ted Troia:** That was discussed with the landlord.

**Marcel Nadeau:** Where are they gonna be?

**Ted Troia:** Well, they are going to be closer to the road up on Route 9, I know Rich had, Rich had a

**Rich Berkowitz:** They're already there.

**Ted Troia:** Where they are.

**Don Roberts:** I've been there a few times already.

**Ted Troia:** We've been there a couple of times. They're seasonal and who knows how long they're gonna be there. We signed a lease for 12 months, minimum. They definitely, I'm sure that kettle corn business isn't gonna be there enough when winter months, I wouldn't imagine, but it's a trailer basically and it's, that's moveable, we're moveable so we would definitely make space for them.

**Don Roberts:** As long as you get along, that's good.

**Ted Troia:** I'm not a big kettle corn fan.

**Rich Harris:** I wasn't sure if you knew that when I sent the email.

**Ted Troia:** I did, and it was something that the landlord brought up to us, you know kind of after the fact, but we, we're ok with it.

**Lyn Murphy:** It's not just kettle corn.

**Ted Troia:** Oh, what is it?

**Lyn Murphy:** They call it kettle corn, but it's not sweet, there's all different flavors. They're here at our farmer's market every Wednesday if anybody wants to stop in.

5/22/23

**Don Roberts:** You'll probably grow to like it eventually.

**Ted Troia:** Well actually, when they go there, we weren't opposed to that because if it does bring people in and we have cars there for sale, it would be a little visual.

**Rich Berkowitz:** Can you give out free kettle corn with a car?

**Ted Troia:** Kettle corn and flowers because the florist is right there.

**Marcel Nadeau:** Is that gonna make you guy a car Rich?

**Rich Berkowitz:** No.

**Marcel Nadeau:** So basically, your lot is a display lot is what it is.

**Ted Troia:** Yes.

**Rich Harris:** There is a sign also and I forgot to put it up on the aerial, I did give them copies

**Ted Troia:** There's a monument post right there we're looking for approvals for a sign underneath Garden Gate which at one time GT Toyz and Garden Gate did have two enormous signs. We're looking for just a smaller sign on the monument, and then a sign on that building because that building kind of looks like a storage shed. But we did the whole inside over, we're going to paint it brighter colors that'll look nice, nicer than it does now.

**Don Roberts:** And the sign meets the code so we're ok.

**Rich Harris:** Yeah, it does, yup. They're well within the

**Ted Troia:** What is the maximum size that we could go on the monument?

**Rich Harris:** So, no single sign can be larger than 200 sq. ft. and then there's 225 sq. ft total plus you get allocation based on the size of the building. I can get you the exact numbers. You're within it with the Garden Gate sign.

**Ted Troia:** Ok.

**Rich Harris:** We count building signage separate from the sign on the road, so you get like double those numbers.

**Ted Troia:** Oh, ok. So, we're good then.

**Rich Harris:** Yeah, yeah, you're fine.

**Ted Troia:** Okay.

**Marcel Nadeau:** I'll make a motion for the Change of Use and Tenant.

**Charlie Lucia:** I'll second it.

**Don Roberts:** All in favor aye? (All were in favor) opposed? (None were opposed) motion carried. Good luck.

5/22/23

**Ted Troia:** Thank you.

**Richard Harris:** Oh, about the sign.

**Marcel Nadeau:** I'll make a motion to approve the sign.

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

**Don Roberts:** All in favor aye? (All were in favor) opposed? (None were opposed) motion carried. Good luck.

***Five Star Motor Car – Change of Use/Tenant & Sign***

***APPROVED. Board approved the use of vacant space at 1516 Route 9 for a retail car sales office, with associated signage.***

**MJ Properties Lot Line Adjustment, 113 Tabor Rd – Minor Subdivision (23.088)**

**John Lampert:** Good evening, everyone. For the record I'm attorney Jon Lapper with the Bartlett, Pontiff, Stewart & Rhodes, P.C. in Glens Falls. We were here 2 months ago to talk about the subdivision on the adjacent property and since that time, MJ has a contract to sell the building that's under construction on this lot, on 113. So, it didn't make sense to convey anymore property that was necessary for 113. So, this is a lot line adjustment request for .285 of an acre to go to the property next door rather than to go with the sale of 113. Nothing else is changing.

**Don Roberts:** Ok. Thank you, Jon, questions by the Board?

**Rich Berkowitz:** I make a motion to have a Public Hearing on June 12<sup>th</sup>.

**Charlie Lucia:** I'll second.

**Don Roberts:** We got a motion to second. All in favor aye? (All were in favor) opposed? (None were opposed) motion carried. See you June 12th.

**Jon Lapper:** Thanks very much everybody.

**Don Roberts:** You're welcome. You had a long wait just for that.

**John Lapper** It's all worth it,

***MJ Properties Lot Line Adjustment– Minor Subdivision***

***PUBLIC HEARING SET. Board set a Public Hearing for June 12, 2023 for a Minor Subdivision (lot line adjustment) between 113 Tabor Road and the adjacent parcel to the west.***

**Park Place on the Peninsula, 2 Towpath Rd/Beach Rd – Minor Subdivision (23.094)**

**Ryan Trunko:** Good evening, Ryan Trunko with GPI on behalf of the applicant. This is Park Place on the Peninsula, previously approved by the Town, we've had a lot of offsite sewers completed. We were working on the pump station but right now we're in front asking for a minor subdivision purely for financial purposes so we can get going and start getting buildings, ya know, going on the first two phases.

5/22/23

**Don Roberts:** Questions by the Board?

**Rich Berkowitz:** I make a motion to have a Public Hearing on June 12<sup>th</sup>, 26<sup>th</sup>, I'm sorry.

Richard Harris: We need to get County reviews

**Don Roberts:** They're gonna take a while, they're gonna take a while.

**Richard Harris:** We need to explain this to John, that's why we need to get you on tonight.

**Ryan Trunko:** Ok.

**Richard Harris:** So, then we could get it to the County for their June meeting, just the way it falls. We waited, we got a meeting after the June 26<sup>th</sup> or the end of July.

**Ryan Trunko:** So, June 26 you said?

**Richard Harris:** Yes.

**Ryan Trunko:** Alright.

**Don Roberts:** That work? Ok.

**Charlie Lucia:** I'll second.

**Don Roberts:** We got a motion to, Charlie second, all in favor aye? (All were in favor) opposed? (None were opposed) motion carried. See you then.

**Ryan Trunko:** Thank you very much.

**Don Roberts:** You're welcome, take care.

***Park Place on the Peninsula – Minor Subdivision***

***PUBLIC HEARING SET. Board set a Public Hearing for June 26, 2023 for a two lot Minor Subdivision at 2 Towpath/Beach Road.***

**Marcel Nadeau:** I make a motion to adjourn.

**Rich Berkowitz:** I'll second.

**Don Roberts:** All in favor aye? (All were in favor) opposed? (None were opposed) motion carried. Thank you. Goodnight.