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**MINUTES MEETING
Town of Halfmoon Planning Board, 2018
November 26, 2018**

Those present at the November 13, 2018 Planning Board meeting were:

Planning Board Members:

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

Planning Board Alternates:

Coordinator Building, Planning and Development:

Richard Harris

Planner:

Paul Marlow

Town Attorney:

Lyn Murphy

Deputy Town Attorney:

Cathy Drobny

Town Board Liaison:

John Wasielewski
Jeremy Connors- absent

Town Engineer / CHA:

Joe Romano- absent

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

Rich Berkowitz made a motion to Approve the November 13, 2018 Planning Board Minutes Tom Koval seconded Minutes Approved.

Public Hearing(s):

18.178 Lightning in the Woods, 41 Outlook Dr. South – In Home Occupation

Mike Ziobrowski recused himself.

Don Roberts: Would anyone like the notice read? Would you please come up and state what you want to do? It's your public hearing

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Barb Moore: Yea but I was here the last time.

Richard Harris: Would you like the notice read?

Don Roberts: Would you like the notice read, we have to ask is anyone would like the notice to be read ok then do you have anyone here to speak for you or are you going to speak for yourself

Barb Moore: I can speak for myself

Don Roberts: Ok, just say your name and address and what you propose to do

Barb Moore: Hi, Im Barb Moore, this is my son Patrick Moore and my husband Brian. We have an at home business Lighting in the Woods, basically what we do is we make crafts, we sell them at a venue that we rent out space off of exit 8, we also do it out of a different craft events that we sign up for. We do have a vendor's license; we're here because there was a complaint from the neighbor that we were making too much noise with the power equipment that we were using, the saws and the compressor that was going and what not. When they complained we did put our garage down if we were using it we were not aware of the disturbance that they were having until they called that time since then we really haven't we were bulking up inventory then, we haven't done a lot what we have done now, we've done with the garage closed, we haven't really made much noise since then, there were complaints about, there is pictures up here, our basketball hoop being broken, um that our driveway was a mess we use recycled wood so we were planing the wood so there was wood that was in the driveway that we were taking the nails out of and there we were drying stuff that we stained, those are metal cans that we were sanding off to clean them down, so basically that's the fencing and in front of the fencing there is a door that I purchased that has to be put on the front of the house, in the cardboard there. So basically we don't really have any customers that come to the house, we don't have any employees that come to the house, we don't have any shipments that come to the house everything is very low key , those pictures there were actually taken before they had complained about the noise to us, and since then we haven't had anything that's been outside or anything like that since then. The third one was just he had stained the wood the one down in the left corner there my young kids were playing ball that's why the balls were out there it was after we went inside they just didn't put the balls away but he was staining the wood so he had propped it up with a pallet that is there just to dry the wood overnight because you have to dry it overnight, and then it was done and taken down the next day

Don Roberts: Ok, that it?

Barb Moore: Yup, pretty much sums it up.

Don Roberts: Would anyone from the public like to speak? Please come up and say your name and address and say your concern, because this is all recorded you have to use the microphone so just say your name and address and what your concern might be.

Alexa Schmidt: My name is Alexa Schmidt I am the next door neighbor to barb.

Don Roberts: Can you speak into the mic

Alexa Schmidt: Sorry, Alexa Schmidt I am their neighbor I'm the one that have complained about this business, we are at 39 Outlook Drive South. Over the summer it was an ongoing all day affair from about 1:00 o'clock all the way until 10 o'clock at night, consistent drilling, hammering, sawing etc. We thought it was an extensive in home repair and we found out that it was a legitimate business we confronted our neighbors and wanted to talk to them because

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for two solid months it did nothing but cause my kids a lot of stress a lot of anxiety I have three year old twins and they've got a younger brother that is 2 years old so every time they heard the drills the sawing the hammering my kids couldn't nap they couldn't sleep, were consistently afraid, we are I would have to say our houses probably about maybe 15 feet away, their driveway borders up to our property line so if it doesn't stay in their driveway its now on our property. The pictures that you see with the cans that they were, the fencing and all of that stuff, what is behind there is mulch, mulch that has been sitting there for 2 years, our only fear with this being an in home business in their garage is that there is just going to be stuff all over the driveway, a consistent mess, I'm worried about my kids wandering over there and getting hurt aside from the noise and consistently having to look at stuff, we purchased our neighborhood thinking that because it is a very nice quiet closed in neighborhood that we wouldn't have a business that would be so loud so our concerns are just more for you know the future and our kids, the safety of our kids our peace of mind and in the summertime obviously the days are longer there's nicer weather so they will probably be outside doing, making all of this noise to the point where my husband and I and our children can't enjoy being outside, that and because the houses are technically kind of close to one another it literally sounds like their working in our house and this is an on ongoing thing, yes recently it has been quite quiet but once it gets up and going again that's where I feel like we will have another problem with our kids being scared and Im worried about what's going to be left out and what my husband and I are going to have to look at never mind my kids when they go out to play what might float over into our yard. So that's it we're just not happy about it being I guess right outside our window, thank you.

Don Roberts: Ok, thank you, go ahead, thank you mam you can sit down if you want,

Barb Moore: The mulch has been there , Lowe's had a sale, I bought a lot of mulch and I overbought much and I can't return it it was , they wouldn't come and pick it up and take it back because it was on pallets so I couldn't return it so it was there , since they complained the mulch is gone there is maybe like a little bit cause I overstuffed everything , all of this stuff they're taking here was before the complaint before they ever said that it was loud that it was disturbing them we had no idea I have kids all over my house playing and what not there is I mean I never had an issue with stuff with kids injured or anything I actually baby sit kids after school the noise all of that has stopped since they complained and we did have another rush of stuff we had all of our Christmas inventory that we made and we had out put out in the store and everything and they didn't hear any of that because we kept the garage closed just as before so they're really, since we were made aware of everything we have complied with everything I feel we've kept the noise down we've kept everything that when we're sanding or what not and stuff the only thing that it was just, the complaint came in the summer and we weren't aware of it so had they come over and said something to us previous to the complaint this probably wouldn't have happened. Kids being stressed out from noise I have four kids and I babysit kids its kids you can't help what they are afraid of or what not it just was us doing stuff and at the time we were actually repairing our house at the same time, we had a flood we had siding , not siding moldings that we were putting up and ceilings that we had put in and stuff from that so it was actually a combination of both things too , which that is over with also so it's pretty much where it all came from.

Don Roberts: Ok thank you, would anyone else like to speak? Ok, not to make this a boxing match but go ahead yea.

Alexa Schmidt: When we found out in September , oh my name again Im sorry, Alexa Schmidt, we found out in September that they were running a business when they put up their website, Facebook what not we did call, we did try to talk to Barb and Brian and it was after we did our homework and we found out they did not have a license to do a business in their house, they have a DBA yes so they could do it , they could sell at craft fairs but they did not have the proper paperwork to be doing a business in their house so at that point we figured their neighbors, we're neighbors let's try to work things out Barb did not want to work anything out with us and hence why we are here, that is before we complained, we tried to work out with our neighbors.

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Lyn Murphy: From a legal standpoint and a Board standpoint personalities are the who said what when is not relevant but the photographs obviously your concerns obviously are.

Don Roberts; And we don't want to go back and forth here all night here either so

Alexa Schmidt: ok then that's just it it's just , it's a half million dollar neighborhood it's a nice quiet neighborhood and I just don't think a business like this would work well in our neighborhood period, that's all. Thank you,

Don Roberts: Ok thank you again, would anyone else like to speak? Ok Rich we have Mr. Schmidt's email we will make that part of the record right?

Richard Harris: Yes we have the Schmidt's email with the photos you each got a copy before the meeting

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From: mark schmidt <schmittym7@hotmail.com>
To: "rharris@townofhalfmoon-ny.gov" <rharris@townofhalfmoon-ny.gov>
CC: "alexistardiff@gmail.com" <alexistardiff@gmail.com>, mark schmidt <schmi...>
Date: 11/25/2018 10:48 PM
Subject: 39 Outlook Dr. S. List of Complaints - Notice of Public Hearing - Lightning in the Woods, 41 Outlook Dr. S., - Home Occupation
Attachments: Noticeof public hearing41 outlookdrlightninginthe woods.docx; Summer Woodworking Debris Lightning in the Woods, 41 Outlook Dr. S., - Home Occupation.jpeg; Summer outside work table Lightning in the Woods, 41 Outlook Dr. S., - Home Occupation.jpeg; Yard Properly vicinity - Lightning in the Woods, 41 Outlook Dr. S., - Home Occupation.jpeg; Current outside woodworking material and debris Lightning in the Woods, 41 Outlook Dr. S., - Home Occupation.jpeg; Current outside woodworking material Lightning in the Woods, 41 Outlook Dr. S., - Home Occupation.jpeg; Vicinity of drivewaygarage Lightning in the Woods, 41 Outlook Dr. S., - Home Occupation.jpeg; Close proximity to outside and inside living space Lightning in the Woods, 41 Outlook Dr. S., - Home Occupation.jpeg; View and proximity to childrens outdoor playset Lightning in the Woods, 41 Outlook Dr. S., - Home Occupation.jpeg; View of proximity to my living room, bathroom, front room, second floor childrens bedrooms and master bedroom, basement play area.jpeg; View of proximity to front porch area and front lawn.jpeg; View from basement window and childrens play area.jpeg; View from bathroom window.jpeg; Summer outside woodworking and metal working debris.jpeg; Modified copy of Current outside woodworking material and debris Lightning in the Woods, 41 Outlook Dr. S., - Home Occupation.jpeg

Mark & Alexis Schmidt

39 Outlook Drive South

Halfmoon, NY 12118

To: Town of Halfmoon Planning Board

Attn: Richard Harris, rharris@townofhalfmoon-ny.gov

RE: Notice of Public Hearing - Lightning in the Woods, 41 Outlook Dr. S., - Home Occupation

To Whom it May Concern,

Please be advised this letter is in response to the business application at the stated residential residence noted above in the Summit Hills neighborhood of Halfmoon, NY. It is of great concern this business is not to be granted permission to occur at said residence for the following bulleted point reasons as stated below by residents of 39 Outlook Dr. S. of Halfmoon, NY. The proposed business is in very close living proximity.

Please also be advised the above applicant was conducting this business prior to our formal complaint during the summer months. We at first thought a home project was being performed and questioned the longevity of 2 months. It was not until we saw posts of a home business being conducted at said residence on Facebook, Pinterest and a business website. We did try to resolve the matter but not able to agree, formal complaint was filed by residents of 39 Outlook Dr. S.

- * Current residence of 39 Outlook Dr. S. consist of 5 residents, 2 adults, 3 children of ages 3(twins) and a 2 year old.
- * Home was purchased in Summit Hills neighborhood as neighborhood was quiet, safe, no through traffic as one way in, one way out, high resale value and a very safe place to raise a family.
- * After viewing many homes in Clifton Park and Halfmoon during our home purchase process, we decided to pay a premium in housing cost to live in the Summit Hills neighborhood. We did not want to raise little children next to a home business with messy debris and noisy surroundings. Home prices in Summit Hills are above average when compared to other areas, and again we paid a higher price to avoid living next to the use of sanders, drills, saws and an air compressor - a woodworking home business.
- * Real Estate resale home prices in Summit Hills average above \$450,000 to close or over 1 million dollars. We have issue of the resale value of our home residence and very high concern of not being able to sell our home in the future with a noisy/messy home business within very close living proximity. See photos attached.
- * This home business is within close living proximity and will drop the value and resale value of our home.
- * Our two 3 yr old twins and 2 yr old child are afraid of the noises created from the non stop sound of the use of sanders, drills, saws and an air compressor. They awake in fright and literally shake, run and cry out for their mommy and caddy in absolute fear. They are unable to take their afternoon naps while this occurs and have since developed high fear

and anxiety over any loud noises, especially the ones mentioned above. Prior to complaint, this work was also being done 7 days a week, all hours of day and at times into the evening hours of 10-11pm. All of our sleep was affected by this along with quality of life.

- * Our 3 yr old son and 2 yr old son have hearing problems and are undergoing treatment. Their quality of life has been greatly affected and we fear how the sounds of sanders, drills, saws and an air compressor was affecting and will affect them in the future.

- * All of our living spaces, front steps/porch, front yard, master bedroom, all children's bedrooms, living room, front room, kitchen, bathroom, children basement play area, backyard, children's backyard playset all border the proposed garage business and within very close viewing/sound distance. The sound with windows closed is unbearable. The views of a woodworking business is also a mess when looking out our windows.

- * During the summer months prior to complaint, we could not open our windows and enjoy the sounds of nature or the fresh warm summer air due to the noise. Even with windows closed, due to proximity, the hammering, sawing, drilling literally sounded as if was being done inside our own home. Our family quality of life is being affected as you cannot watch tv or have a conversation. Trying to teach our children their abc's, 123's turns into a challenge.

- * We were not able and will not be able to sit outside in lawn chairs, enjoy a meal outside, have family and company over for a BBQ due to the proximity as the sound and sight is unbearable. Our children are not able to play outside, hear the sound of the birds or enjoy the outdoors due to the noise created from this woodworking business. Playing on their playset is also a no go as they are frightened and scared. This is even with their garage door closed.

- * We are worried about any possible through traffic being created. We have not witnessed any during the few months of summer operation, but due to close proximity of our children playing in the front and backyard, this is a very high concern. Again, we purchased in the Summit Hills Neighborhood as one of this neighborhoods selling points was no through traffic, mainly residents, family of residents and friends. Safety and the well-being of our children is of concern. Especially due to the proximity. Fear and worry of children being hit by a car, child kidnapping/trafficking of unknown persons is very worrisome and also on the rise.

- * Woodworking material and debris outside is an eyesore. Many of our windows facing that side are in direct view. This is a residential neighborhood, not commercial.

- * Woodworking material and debris are a safety concern as sharp wood pieces, splinters, shards, nails, saw dust, metal clippings can jettison off onto my property posing a health and safety risk.

- * Woodworking material and the debris area is a safety concern as sharp wood pieces, splinters, shards, nails, saw dust, metal clippings are out in the open. Children can easily and readily wander or run off onto unfenced/unsecured business property area of driveway and garage and get severely injured.

- * Woodworking garage itself is a health & safety concern as mentioned above, unsecured and open with zero safety security measures in place – meaning a fence to keep others out. Children can readily and easily walk or run across a short distance of lawn and into the garage when left attended or unattended. They have direct access to woodworking equipment of sanders, drills, saws and an air compressor which could result in severe injury, loss of limb and/or loss of life. Garage door seems to be consistently left open all hours of day/night. Garage door appears to be manually operated lifted up and down. Not sure if locks even work or any type of safety security measures are in place.

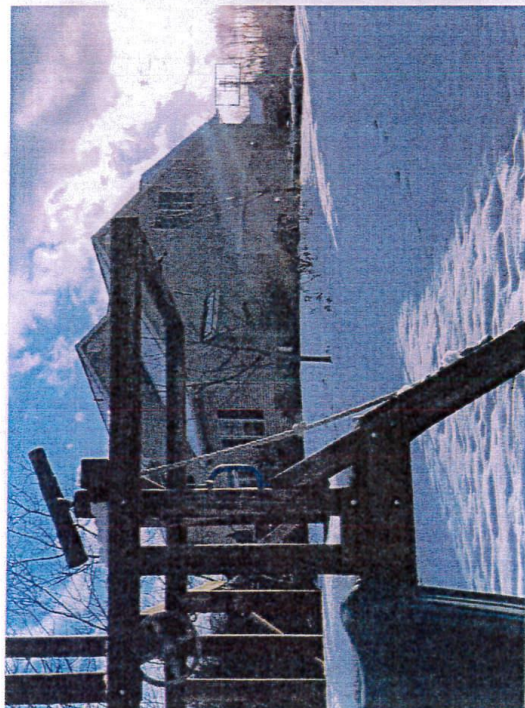
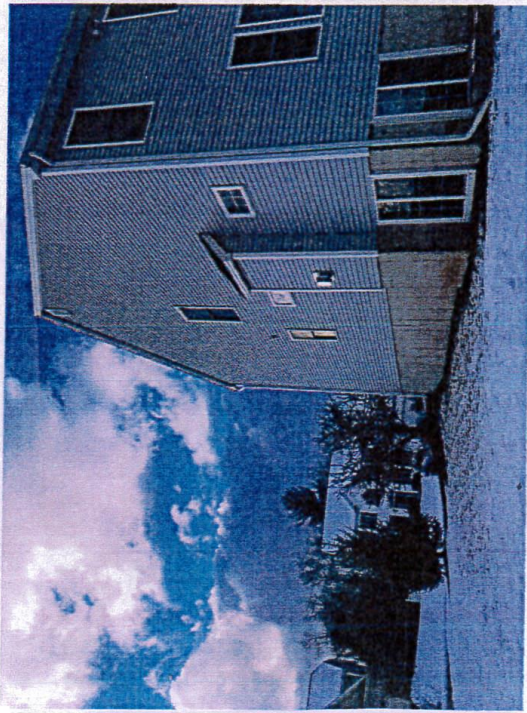
- * Fire Safety – this is a woodworking business with a high potential for fire risk. If a fire breaks out, my home will also catch fire and/or suffer severe damage due to very close proximity. This is a very high concern of ours as their residential property may go months before being maintained. If the property area is not maintained, a cause for concern is the inside garage is the same and an enormous fire risk. Over the summer, the outside garage area at one point was very messy with all types of debris prompting a complaint.

- * Is the business disclosed on their homeowners insurance and do they have coverage for other dwellings meaning neighbors' homes within vicinity due to fire and damage?

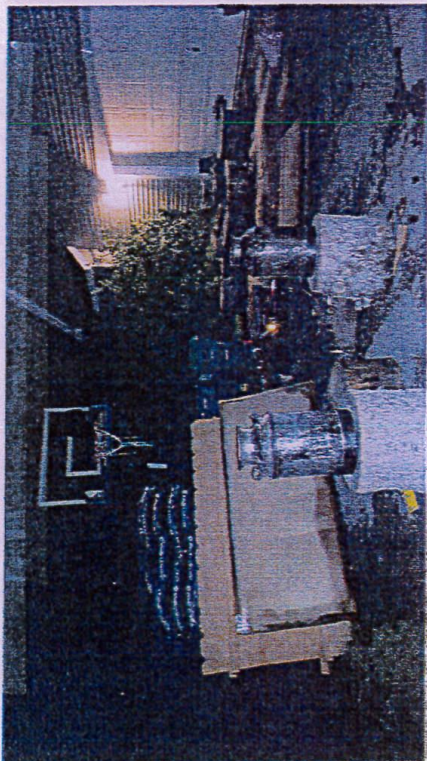
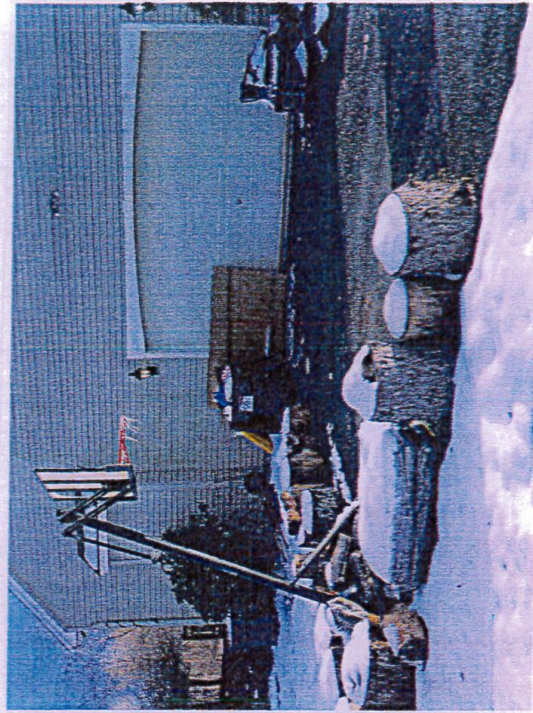
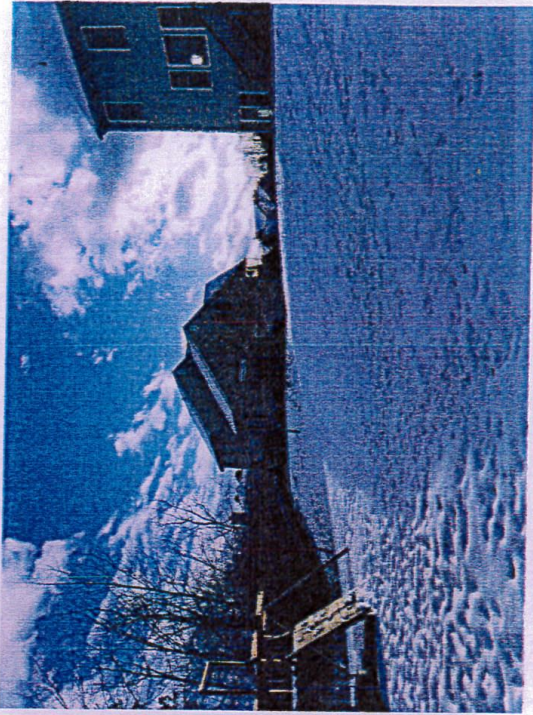
- * Do they have business liability insurance?

- * This is a loud, noisy, dangerous, messy woodworking home business, it should not be operated in a residential area within such a vicinity to my home or others for that matter. It should be operated in a garage or other building within a zoned commercial area.

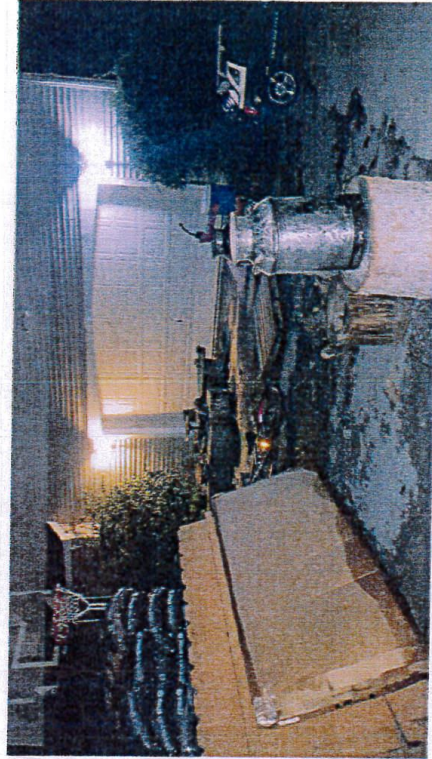
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Don Roberts: That's part of the record

Richard Harris: Yes correct.

Don Roberts: Ok we will close the public hearing, comments by the Board members?

Tom Koval: I have some questions for the applicant, can you go to the podium just to we can record your answers, the pictures that we are looking at the trees the logs the stumps whatever for lack of a better term are they , were they part of your business, are you cutting them for ?

Debra Moore: We just started collecting them because my son wanted to try to make fun stuff with them different things we haven't made anything with them

Tom Koval: So they are not part of your business?

Debra Moore: No

Tom Koval: So really what you have outside is the fencing, is the osb leaning up against the house something that's, we have ordinances in the Town for home occupations for anything that is related to the business being outside of the structure any noises that's all prohibited it kind of seems like your carrying on a little bit of manufacturing business that's flowing out of the confines of your home is

Debra Moore: When we first applied as a business I came to the Town and they said we didn't have to do anything that there was nothing that I came here and someone at the Clerk's office said I had to go to Saratoga or to Ballston Spa so I went up there and they told me all we have to do is go to the State office, so I went up to Saratoga and did that and then they said that we just have to call and get out tax ID number

Tom Koval: That's filing your business paperwork and I have a business myself so I understand

Debra Moore: So I wasn't aware that anything that a permit had to be done or anything like that until they had called and I had looked into it which is when I called and applied for the thing but the fencing that is there is the stuff that I just had to hammer the nails out of the door is my door for my it's a storm door, the mulch I over bought and the tin things we were just sanding them so we did it out there

Tom Koval: What Im getting at is anything that is as per our code anything that is outside of inside your garage door is considered overflow from your business which we have a code against as well as the noise, and I don't care if it's a thirty thousand dollar neighborhood or a tow million dollar neighborhood I am not going to, money doesn't buy you the right to

Debra Moore: But once we were aware of that stuff that's all cleaned up, we weren't aware of all of that beforehand but once it was it was all

Tom Koval: How are you going to, I do woodwork, how are you going to stop the noise when you are running your sanders your drills, your saws your planers

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Debra Moore: We just close the garage door.

Tom Koval: Do you have any kind of dust collection system

Debra Moore: We just have a like a vacuum thing hooked up to it

Tom Koval: Yep shop vac

Debra Moore: Yea

Tom Werner: So all the power equipment is now run with the garage door closed is that correct?

Debra Moore: Yes

Tom Werner: Even in the summer time?

Debra Moore: We haven't had a well it was at the end of August when we, because we just started the business so it was at the end of August and ever since then it's been closed

Tom Werner: And have you received any further complaints regarding noise since you?

Debra Moore: We haven't talked to them at all since then and no one else ever complained no

Tom Koval: The one issue I have and Im not against any type of business, arts and crafts anything I mean I've done it all myself, if we give you an approval on this then it's very hard for us to go back afterwards when we do get complaints to say you have to stop, once you've got approvals, it is a residential neighborhood, but this type of in home occupation is not running an office out of your house it's a much more intrusive type of an occupation and regardless of the value of the neighborhood it's not, when you're in close proximity to other houses like this it is , it affects the quality of life of your neighbors. You may like it, you may not have an issue with it but your other neighbors do, I personally don't have an issue with it because I like doing that type of stuff but I have to think about your other neighbors.

Debra Moore: Once they complained we did start doing it where it wasn't outside, the cans that we had was just a one-time thing that we decided to try, I mean

Tom Koval: Sure when it is 90 degrees are you really going to want to be inside your two car garage with no ac

Debra Moore: Well we got a heater and we are going to get a ac for it too , we got a heater for the Winter for it a garage heater made specifically for a garage.

Marcel Nadeau: Mr. Chairman I feel the same way that Tom does it's a residential area , it sounds more of a retail business and to my feelings it doesn't belong in this area. This is a nice development and I wouldn't want it next to my house

Don Roberts: Ok, thank you Marcel, anyone else

Rich Berkowitz: Yea I tend to agree, and when you said your son, and I commend your son for starting a business it's a great thing, but you said when he is fooling around with the stumps making something fun, they could also be

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experimenting on what kind of product you are going to be making so where does it stop from being fun to being part of the business?

Debra Moore: Well if we are not using chain saws in front

Rich Berkowitz: I didn't say you were using chainsaws, I didn't say chainsaws, any type of saw, and any type of business being performed outside the house

Debra Moore: Well that's all inside the house now , I mean it was never outside of the house the only thing we did was sand the , nothing was ever done in the driveway except the cans because they were letting off

Rich Berkowitz: You're still storing things. We don't allow some businesses to have any outside storage besides much less someone having a residential business, and the residential business and the residential businesses we have approved are insurance agents, accountants something that is inside the home with no noise minimal people coming into the driveways, or visiting the home and I know no one's visiting your home or buying anything but it's a little bit too intense for any type of residential

Debra Moore: Once we became aware of what the ordinance was and everything because before that we did not know about it so

Rich Berkowitz: I know but the ordinance doesn't, to me the ordinance doesn't make a difference it's still a high intensity in house occupation, especially for being in a garage and a garage can insulate noise but it's not going to insulate noise as much as you think.

John Higgins: Rich isn't part of the hallmark requirement for home occupation no inventory storage?

Richard Harris: I gave Lynn my section.

Lynn Murphy: Pursuant to section 165-39 which regulates home occupations the home occupation shall be carried on wholly within the principal structure or accessory structure and it shall not create objectionable circumstances including visual together with dust, electrical disturbance, odors, noise, heat or glare they should not be produced as part of the home occupation. It's not allowed in your code.

Don Roberts: Thank you Lynn.

Rich Berkowitz: Would this be allowed in a storage unit type of facility?

Lynn Murphy: Yes there are plenty of facilities in town where they would allow flex storage where you could do something along these lines.

Rich Berkowitz: Ok , so that is a different alternative, I know there are a lot of storage units being built in the town there is a lot of storage units in the town where it is easily accessible at all hours of the day and noise would not be a problem.

Tom Koval: As much as I hate to dissuade or to put a squash on your business I have to in good conscience to your neighbors make a motion to disapprove this home occupation.

Marcel Nadeau: Ill second that

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Don Roberts: All in favor of disapproving this application? (all were in favor)

Tom Koval: I am sorry

Don Roberts: Opposed(none were opposed) Motion Carried application denied.

Lightning in the Woods, PUBLIC HEARING HELD/DENIED. Board held a Public Hearing and subsequently denied a home-based woodworking business.

18.093 Klapija Duplex, 281 Grooms Road – Special Use Permit

Don Roberts: Would anyone like the notice read? (no comments)

Jason Dell: Good evening I am Jason Dell, I am an engineer with Lansing Engineering here on behalf of the applicant for the 281 Grooms road duplex project, the project site is located at 281 Grooms road , the parcel encompasses about .47 acres and is zoned as professional office residential. The applicant would like to raise the existing single family house out there to construct a duplex on the property and we are before the board this evening as a duplex will require a special use permit to move forward the access into the duplex will be from one curb cut on grooms road where it will branch out into access for either side , water and sewer will be provided to the duplex by a municipal and County connections and it is our opinion that a proposed duplex in this location is fitting, as it is surrounded pretty much by 2 family residential structures or duplexes as well as businesses on the other side of the street and the American Legion so we are here tonight for the public hearing for the special use permit in the hopes that the Board will approve the permit.

Don Roberts: Thank you Jason, at this time we will open the public hearing would anyone from the public wish to speak? (no comments) Seeing no one wishes to speak we will close the public hearing, comments by the Board members?

Rich Berkowitz: Don I think we are familiar with this application I would make a motion to approve the application.

Tom Werner: I'll second it.

Don Roberts: All in favor? (all were in favor) Opposed? (none were opposed) Motion Carried.

Rich Berkowitz: Wait we need SEQR.

Don Roberts: We need SEQR? Ok thank you, you are all set.

Jason Dell: Thank you.

Klapija Duplex, PUBLIC HEARING HELD/APPROVED. Board held a Public Hearing and approved a duplex (two-family) home.

New Business:

18.186 Maple Leaf Childcare Center, 41Werner Road – Sign

Tom Wheeler: Im Tom Wheeler with A.J. Sign Company, basically what we are proposing is sign for the new Maple Leaf Childcare Center that is being built. The way the sign is built a cultured stone columns and

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on the sign face itself is aluminum, the letters cut into the face and backed in acrylic and internally illuminated so at night just the letters will light up so it is not a light box its very soft , it doesn't cast much light, we went with a size that is readable, it makes it so people can find the location, I tried to fit the design in with the area. This is very similar to the sign they have up at their Malta location.

Don Roberts: How high is the sign?

Tom Wheeler: Just over 7 feet tall

Don Roberts: thank you, Board members?

Rich Berkowitz: This is in a residential subdivision versus a business district and it exceeds the requirements of a residential area, are your clients willing to shrink the size down to meet those requirements?

Rich Berkowitz: This is in a residential area where the sign is going to be and it's a little bit too large for our residential requirements, is your client willing to shrink the sign down?

Don Roberts: To 6 feet?

Tom Wheeler: to lower it to 6 feet?

Rich Berkowitz: And the sign to be smaller also

Tom Koval: A little bit down and a little bit in

Rich Berkowitz: Its more of a destination versus advertising, people are going to know where this is.

Tom Wheeler: Yea ok , we could come down to 6 feet from grade at the top of the sign, eliminate some clearance right now we are at 25 square feet, what were you guys thinking? Ten?

Don Roberts: Go ahead Rich

Richard Harris: What I think, I don't know if it was you or someone from your company, our ordinance doesn't specifically address square footage limitations or height limitations for a child care center in a residential zone so what I advise based on this Boards past history with things like churches that don't have a specific sign height or square footage I suggested I don't recall who from your company that they adhere to the residential subdivision signs that this Board has used that as a guide in the past which is 6 foot high and 10 foot per side, 10 sq. ft. sorry and excuse my cold 10 sq. ft. per side. The Board has flexibility to either require that, approve what you have or somewhere in between because there is no specific Town code on this type of use, so churches usually stuck to pretty close to that, you're a little high and your more than double the square footage, so I think the Board is trying to look for some compromise.

Tom Koval: I think that 15 Square feet is a little more applicable than 6 foot high I mean it is hard to crop signs but you can gain some square footage there, I think 3 x 5 panel with 6 foot long maximum height would still get your message out, I mean we are talking small shrinkage but you'll draw a picture I think it will look a little better, the prints a little more in line with what we are shooting for Town wide.

Tom Wheeler: My concern is readability you know when they have the Halloween parade and all of the parents and grandparents and aunts and uncles go they do need to be able to find the place

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Tom Koval: I think you could lose some verbiage and make your letters bigger and delete the website, do you think the grandparents are looking for the website

Tom Wheeler: You never know

Tom Koval: You know we are trying to give you a little lee way

Tom Wheeler: I appreciate that

Don Roberts: I guess we'll make it easy this is not fly just so you know

Tom Koval: If you want to call your clients and see if they want to come in line with our thinking and if not

Tom Wheeler: I mean if I did a 3 x 5 it would be at 15 sq. ft. and bring it down is that more in line with your thinking

Tom Koval: It is a happy medium for both of us

Tom Wheeler: Ok, I agree

Don Roberts: So are you authorized to say you'll make it 6 feet in height and 3 x 5?

Tom Wheeler: Should I come back in two weeks and talk to my client and see if they are ok with that?

Don Roberts: Certainly, yes, yes very good

Richard Harris: They're here do you want to table it are you guys authorized to speak on this? Then do you just want to table it

Don Roberts: Go ahead go and talk about it and we will put you back on after if you want.

Ron Obius: Ron Obius Maple Leaf Childcare Center, yea we are more than willing to meet you guys in the middle if you are saying this is more of a commercial sign then we want to do the right thing as well so

Don Roberts: Thank you, so it will be 6 feet in height and 3 x 5

Rich Berkowitz: Do we need to know whether the phone number or the website is going to be on it or can we approve it that way? Ok

Richard Harris: Can I make a suggestion, and you may not need this but if you say 15 sq. ft. it gives them some flexibility to maybe do some stuff vs just 3 x 5

Don Roberts: Yes 6 feet in height and 15 sq. ft.

Ron Obius: What was the comment on the phone number?

Richard Berkowitz: Oh no you can do whatever you want

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Ron Obius: Im sorry I thought you said we couldn't put the phone number on there

Tom Koval: You can put anything you want on it within reason

Ron Obius: Ok

Rich Berkowitz: will this still be a backlit sign or will it be a flood lit sign?

Tom Wheeler: This is internally illuminated; it tends to be softer and gives off less light

Rich Berkowitz: That's fine just so we know if the size of the sign changes is the method of lighting going to change

Don Roberts: You want to make sure it is readable too so watch whatever you put on there for 15 sq. ft.

Ron Obius: Working those parameters and make it work

Don Roberts: Yea, alright

Rich Berkowitz: I make a motion to approve a 6 foot high sign that is 15 square feet per side.

Tom Koval: I second.

Don Roberts: I have a motion and a second all in favor (all were in favor) Opposed (none were opposed) Motion carried. Thank you.

Tom Wheeler: Thank you.

Maple Leaf Childcare Center, APPROVED. Board approved a new free standing monument sign, with a condition that it shall be no higher than 6 ft. and no greater than 15 SF/side.

18.189 P & M Construction, 1004 Hudson river Road – Sign

Dave Gorsky: Dave Gorsky for P & M Construction. We have a proposal for a new sign to be built on an existing structure of a sign in front of our business, so basically we are looking to reuse the structure of the existing sign that's there which is approximately 12 foot across now, modify the existing structure lower it down, build stone columns and have a 4 x 8 sign panel in the center, it's non illuminated.

Tom Koval: So you are actually shrinking the size is that right

Dave Gorsky: Yep

Tom Koval: Oh that's right it's got that big

Dave Gorsky: It used to say everybody likes Jack Byrne on it, yep, so yea we are basically just going to use the foundation to that sign that's there and build off of that.

Tom Koval: It fits all of our needs I make a motion to approve

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Marcel Nadeau: I'll second it.

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

Dave Gorsky: Thank you.

Don Roberts: You're welcome.

P & M Construction, APPROVED. Board approved a 32 SF/side free standing monument sign to replace the existing sign.

18.185 Beauty Lounge, 175 Route 236- Change of Use/Tenant

Jeff Williams: Good evening, Jeff Williams Bruce Tanski Construction Im also here with Mrs. Maggie Selig she is the owner of the business and with Mr. Bruce Tanski who owns the building. The Beauty Lounge wishes to utilize 522 sq. ft. of an existing 3000 sq. ft. commercial office building at 175 routes 236, that is the building that is closest to the Falcon Trace Drive at the route 236 intersection. The applicant wishes to provide 2 hair styling chairs and an esthetics room , there is a total of 5 employees with 3 employees being there at maximum shift , the hours of operation are 9 am to 7 pm Monday through Saturday and there is intermittent use of Sundays by appointment only. Walk ins are welcome but the majority of clients will be visiting by appointment. Currently there are 2- 3000 sq. ft. office buildings at Falcon Trace lot 4 , the first company is at 177 route 236 which is the adjacent building has VA Mortgages they have reduced their employees down to 7 and then in the 175 route 236 Battaglia & Associates CPA's are in there, they are going to share the space with the proposed salon. Current demand for parking is about 20 parking spaces there is 37 spaces all together so I think this allows additional , there is 17 spaces being underutilized at this time, that's it thanks

Don Roberts: Are you going to come back for a sign?

Jeff Williams: We will be.

Don Roberts: Ok, comments by the Board?

Tom Koval: Now there looks like there is plenty of parking, you're saying the VA is cut back in staff; I have no issue with this I make a motion to

John Higgins: Wait a minute hold on, Bruce the problems we had there previously was during tax season,

Bruce Tanski: Sorry I can't hear you.

John Higgins: Previously we had problems there it was during tax season when your accountant hired on a bunch of people to do taxes is he going to continue to do that?

Bruce Tanski: I wasn't aware of that John.

John Higgins: Oh ok because that's what my impression was that they hired on a bunch of temporary people or was that previous tenant?

Bruce Tanski: John, Joe Battaglia has been my accountant for almost 30 years now and to my knowledge he has never done that.

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John Higgins: Ok, so the problem we had before was strictly with

Bruce Tanski: That was with the VA mortgage.

Don Roberts: Ok, Rich can help us out here.

Richard Harris: I was just going to say that it was with the VA Mortgage got more employees than I think than your originally thought and that's what led you to get the site plan ammended, to add parking

Bruce Tanski: Right that's why we added the extra parking lot now I have all this extra parking and no cars

John Higgins: Ok well I know we did have a seasonal problem and I wasn't sure whether it was the accountant or the VA Mortgage

Bruce Tanski: No it was the VA and I think they are all done now.

John Higgins: Ok

Rich Berkowitz: I'll second the motion

Don Roberts: Ok we have a motion

Tom Koval: I made a motion

Don Roberts: A motion by Tom Koval a second by Rich Berkowitz, all in favor?(all were in favor) Opposed? (none were opposed) Motion carried, thank you.

Jeff Williams: Thank you.

Beauty Lounge, Change of Use/Tenant APPROVED. Board approved the use of approx. 522 SF of the existing 3,000 SF building for a hair salon.

Old Business:

18.169 Tabor Road LLC. 4-Lot Subdivision – Minor Subdivision

Bill Lucarelli: Thank you, my name is Bill Lucarelli, also here is John Sobiech we are sole owners of Tabor Road LLC. And sole owners of this property. We were before this Board at the last meeting for the public hearing, there was concern brought up by the Picketts, our neighbors to the southeast, lower right portion of this map adjacent to Lot 4 and there was a concern about some drainage issues. Since last week we met onsite with representatives of the Board in the Planning Department walked the property and I believe it was agreed that since we are proposing no drainage changes, no significant grading , no changes to the flow of any of the drainage that it would not be an issue.

Don Roberts: Yes we had Tom Koval and Marcel Nadeau go out with you, guys give a report please.

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Marcel Nadeau: Yea Tom and I went out to look at it and it appears that the front area they will not be changing anything in that front area which is lower than the adjacent property, so we felt that there would be no issues in that area.

Don Roberts: So our main concern is that you're not going to make the Pickett property any worse.

Bill Lucarelli: Yes we understood the situation.

Marcel Nadeau: There needs to be a note added to the plan pertaining to that

Don Roberts: You will add a note to the plan.

Bill Lucarelli: I will add a not to the plans if that is required yes.

Tom Koval: From what we observed there is a natural almost burn already existing in that front corner it almost separates the properties, the low spot on the subdivided piece of property is in the front right hand corner when you are facing the property it's the rear left hand corner that seems to be lower end of the house, it's quite a bit above so it would take a lot of water as long as you're not diverting any more water onto that property which you said you wont

Bill Lucarelli: We are not.

Tom Koval: I think do not disturb that buffer, leave the buffer that's in there, I don't have an issue with it.

Don Roberts: Marcel you agree?

Marcel Nadeau: Yea I agree.

Bill Lucarelli: I respectfully request approval pending the note.

Richard Harris: Don I just want to remind you we did receive a letter from the Picketts who are here regarding the project

Don Roberts: Ok

Richard Harris: Ok and you received it in your packets, included as part of the record.

Don Roberts: Part of the record yes thanks you, and they are here.

Richard Harris: Yes

Tom Koval : They addressed in their letter about the drainage , I believe your note on the subdivision approval, the pending note saying that you will not push any further water on addresses their concern about further drainage issues above and beyond what they already have you cannot create any more water onto their property than they have.

Bill Lucarelli: Correct, understood, yes

Tom Koval: Than they have at this time

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Marcel Nadeau: I make a motion to approve the subdivision; I make a motion for a negative dec on SEQR.

Tom Koval: I second it.

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

Rich Berkowitz: I make a motion to approve the subdivision with a note on the plan stating that there will be no adverse effect to the neighbor's drainage

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

Bill Lucarelli: Thank you.

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From: Mary Grace [REDACTED]
To: <hamis@townofhalfmoon.ny.gov>
Date: 11/16/2018 4:30 PM
Subject: Tabor Rd. Subdivision

Town of Halfmoon Planning Board
Don Roberts, Chairman

We thank the board for the opportunity to address this issue at the November 13 planning board meeting and appreciate the board's attention to our concerns. We would like to clarify and further state our issue with this project.

The proposed building lot that fronts on Tabor Rd. is considerably lower than our lot at 51 Tabor Rd. Our lot and the front portion of the proposed subdivision sit in a natural bowl with no surface runoff. All melting snow and rainfall percolates into the ground. In late winter and early spring when the ground is still frozen there is a problem. The water ponds in the rear of our lot and the front of the proposed subdivision which is lower than our lot. Our house has an at grade cellar entrance the same level as the cellar floor. When the water ponds, it rises nearly to the elevation of the entrance. We are concerned that if the front of the proposed subdivision is filled it will cause the water that has historically ponded to be cast onto our lot and cause our cellar to flood.

If this issue is not addressed before the lot is sold and developed, and there is a problem afterwards, we might not have any recourse. The name of the applicant "Tabor Road LLC" indicates it is likely a corporation formed for the development of this project and will likely dissolve after the last lot is sold and developed. Thus leaving us with no recourse should there be a problem.

We submit that the fill/drainage issue be resolved before a subdivision is approved.

Very Truly Yours,
John and Mary Grace Pickett
Sent from my iPad

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Tabor Road LLC 4-Lot Subdivision - Minor Subdivision APPROVED. Board approved a four lot residential subdivision with the condition that a note shall be added to the plan stating that any grading of Lot #4 shall not adversely impact the adjoining property to the east.

18.155 Duke's Grove Pole Barn & Shed, 486 Hudson River Road- Site Plan

Duane Rabideau: Duane Rabideau from VanGuilder and Associates representing the applicant Don Neddo before the Board for the two site plan revisions to the Dukes Grove event center, located at 486 Hudson River road. This is a continuation of the first meeting there are two issues at hand the application needed to be reviewed by the County Planning Board, I believe there were no, the County did not have any issues with it and also needed was review by the fire department and apparently there was no response by them, I believe these were the only two outstanding issues.

Don Roberts: Ok, thank you Duane, comments by the Board?

John Higgins: Duane as I said at the last meeting this applicant continues to ignore Town regulations and build at will, when is that going to end? I mean this is the fourth time that I've been involved with where this has happened I don't know what the Board needs to do to get the word or the message through to the applicant that he just can't ignore the laws of the Town and build whatever he feels like building without the proper permits, I mean I think the Board has been more than cooperative in the past but I don't know when if I did it they would tell me to go tear the building down so I think the applicant needs to understand the rules and regulations of the Town and follow them in the future.

Duane Rabideau: Duly noted and forewarned.

John Higgins: Thank you.

Don Roberts: Thank you, anyone else?

Rich Berkowitz: Make a motion for a neg dec on SEQR.

Tom Werner: I'll second it

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

Rich Berkowitz: I'll make a motion to approve the site plan application as shown on the map, with the caveat that if anything else goes on this site I will personally not vote for it and I would like to see it torn down.

Duane Rabideau: Ok, forewarned

Don Roberts: Good point Rich, second?

Tom Koval: I'll second

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

Duane Rabideau: Thank you.

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Don Roberts: Thank you.

Duke's Grove Pole Barn & Shed, Site Plan APPROVED. Board approved a site plan to construct an approx. 2,880 SF pole barn and 96 SF shed.

18.109 Giffy's Bar- B-Cue/ Powers Put Expansion, 130 Meyers Road – Site Plan

John Higgins and Cathy Drobny recused themselves.

Gavin Villaume: Good evening everybody, Gavin Villaume with Environmental Design Partnership Im here with Bryah Gifford. This project was presented back in October the details of the proposal is to construct a 1500 sq. ft. building addition to the existing banquet barn on Meyer road. I believe at the last meeting there was a lot of discussion on both pedestrian and vehicular access to and from the banquet barn so the plans have been revised to address those concerns as well as some of the comments that we received from Clough Harbor. So I will just quickly go over some of the changes and then we can open it up I guess to any questions you might have, as far as the additions again just so you can be recollected on the plan there is two building additions one the south side and one on the north side the one on the south side is the larger of the addition onto the banquet barn this is also going to be the location for the main entrance to the building as you know right now there is one centered on the barn because of its proximity to Meyer road it was recommended by the Board that we try to work a different entrance in to the building which we have again the main entrance would be for most of the pedestrians coming to the site would go right to the main entrance there and we've also provided another handicapped ramp and parking on the north side and I will get to that in a minute because we have a couple different alternatives for that . Just to give you a little bit more information on the parking requirements the way we've calculated it based on the minimum code requirements we estimate that each one of the restaurant and the banquet would require between 40 and 50 spaces so we've added up all of the spaces next to Powers Pub , the existing gravel parking area over off of Farm to Market road the large paved parking in between the two gravel parking areas and another larger area just to the east of the main Powers Pub. So we have calculated about 100 spaces which seems to be adequate for both those two uses so you know I think Giffys and Powers Pub both these two operations would function fine and as long as normal activities would be occurring I think the other concern that the Board had was just getting access down in through there and I've kind of demarked an area where pedestrians would access from these parking areas down to the banquet barn , there is a parking area right here where they would just cross this area of cars pulling in and out of the parking area once your over in here we are proposing a new side walk that would come from Powers Pub and connect it to the new entrance at the banquet barn . So that's the parking over on again to the north side wave got a couple different alternatives for parking I know the boards not too crazy about having an arrangement where there is cars parked and backing out into the roadway again these don't get used a lot it's not like these parking spaces are going to be used on a daily basis that's for sure so we have come up with another alternative again we prefer this one , I've shown another on up on the other top of the page that doesn't have as much parking but I guess we could live with it, it basically runs a T into the site where you would have a handicapped parking space on both sides so we can talk a little bit about those two alternatives. I think those are the highlights of most of the changes we have made for the plans yea again I wasn't at the last meeting Bryah informed me of all of the concerns the Board had and I looked through the minutes and I think we pretty much have everything taken care of.

Don Roberts: Now you think that's a safe passageway for the pedestrians that go from the parking onto the barn?

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Gavin Villaume: Yea I mean we can if you want we can maybe even stripe it just so that people can kind of see where the pedestrians might be crossing the parking area

Don Roberts: I think that might be a good idea

Gavin Villaume: Yea we can do some striping, right now there is a parking space here that doesn't have any anyway so we were going to stripe that one parking space but we can continue it all of the way down where you see the dashed line there that's probably a good idea

Don Roberts: I think that would be good thank you.

Rich Berkowitz: How is that going to be paved?

Gavin Villaume: How long is it going to be?

Rich Berkowitz: No, how, is it going to be paved it is going to be gravel?

Gavin Villaume: Which one now

Rich Berkowitz: The pedestrian pathway

Gavin Villaume: The pedestrian pathway will be all concrete, concrete sidewalk I believe, concrete or asphalt Sidewalk

Bryah Gifford: The current one right now is in the front of, the existing one right now is how everybody walks into the front door of Powers right now

Gavin Villaume: And that's all paved

Bryah Gifford: Yea that's all paved and that's how you walk into the front door, the way its drawn here is, the customers are going to park on the same main area , there but instead of walking into the one door you'll turn in and walk right past the cars, it will look like it connects

Rich Berkowitz: But it is going to be a concrete path? Or is it going to be macadam or its going to be gravel?

Bryah Gifford: It will either concrete or asphalt, the current path right now is asphalt

Rich Berkowitz: Ok , and now my next question is when you have two events going on and you have people parking on the far parking lot on a night like tonight are they going to walk there or are you going to provide transportation?

Bryah Gifford: No it will be a walk and as I'd mentioned the last time I was here you know the benefit of having your party in a historical building is how beautiful it is and it's not a you know four white walls , the down side is it's a historical building and you are walking from the gravel parking lot and walk down a hill, we do plan on making it required that if you are using the barn you are parking in the upper lot, as I don't want you to fill up Powers lower lot because we need that for the regular customers coming in and there won't be a valet parking and that type of stuff no,

Rich Berkowitz: No golf carts?

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Bryah Gifford: Actually a golf cart was actually mentioned by the Board as a use of help, I have no golf cart at the moment

Rich Berkowitz: Do you plan on it? You would have to make that pathway wider

Bryah Gifford: Yes sure so it can get on there absolutely

Rich Berkowitz: It will get out of hand if you have people walking and people walking on the same path way

Bryah Gifford: Absolutely agree with that yea I absolutely agree with that

Rich Berkowitz: Are they also going to be queuing up in front when they are dropping off

Bryah Gifford: What's that im sorry?

Rich Berkowitz: Queuing

Bryah Gifford: Well there is actually already a loading area in front of that sidewalk that the zoning board of appeals made us put there, a whole loading area.

Lynn Murphy: What he means is when you have people going to a wedding are they going to stop drop people off and then drive and then you are going to have a long line

Gavin Villaume: Waiting outside you mean right?

Rich Berkowitz: No I'm more concerned with cars

Bryah Gifford: With cars coming in, I mean I would prefer not to have that I would prefer to have it be your handicapped and your parking here where you're able to walk and you're going into the parking lot

Rich Berkowitz: How are you going to control that?

Bryah Gifford: Again we would put it in our paperwork because I don't want the parking lot to be used the lower paved part to be used for the party, so it's an easy thing that we can actually add to our event contracts and say your required to park in the upper lot and have a sign up there saying that you have to park in that upper lot

Rich Berkowitz: The people who are throwing the party would know but the guests coming to the party would have no idea

Mike Ziobrowski: So you would have to say this is not a drop off zone, you would have to have some signage.

Rich Berkowitz: That or somebody actually outside telling people

Bryah Gifford: Telling people, but either one I'm not opposed to it, we can certainly change some of those loading dock signs.

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Marcel Nadeau: Now Gavin you said 40 to 50 spaces under normal activity, what's abnormal activity?

Gavin Villaume: I don't know Bryah what's abnormal?

Bryah Gifford: Our abnormal is our once a year when I come in for St Patrick's Day permits otherwise just normal permits

Marcel Nadeau: So you're saying both sites only need 40 to 50 spaces?

Bryah Gifford: Yea according to the requirements of the Town yea, sq. footages and usage, there is a spot for every three seats, and there is a few employees mixed in for each one, your assuming that people aren't just meeting there, you're coming as a family

Marcel Nadeau: on the parking area I think I brought the attention that I wasn't too excited about backing onto the road so I would recommend you use that upper area, the alternate area

Gavin Villaume: The alternate layout

Don Roberts: Everyone agree with that the alternate, Joe that's a good one, Joe? Good.

Marcel Nadeau: Another question, on the plans it shows it to be a portion near the parking area the alternate parking area something in the right of way what is that?

Tom Werner: It looks like a stone planter there

Gavin Villaume: There is an existing stone planter in front of the building that's going to stay the way it is, do you have the other sheet

Tom Werner: It looks like an encroachment, a slight encroachment.

Gavin Villaume: Ok so we've got right now this planter area now that's got to be blocked off, we are going to put a wall here and tis just going to be a planter, that's it.

Tom Werner: It's encroaching on the right of way.

Marcel Nadeau: What is that right there?

Gavin Villaume: That is an existing planter wall, planter wall.

Tom Koval: Is it in the Town right of way?

Gavin Villaume: Yes

Don Roberts: That should probably come out right?

Gavin Villaume: It's quite a ways from the edge of the pavement; I mean if the plow plows he is not going to hit it

Lyn Murphy: If he does it's your problem not ours.

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Gavin Villaume: Yea, if the plow picks it up then we will take it out, if he hits it we will take care of it, he could put a note on there.

Don Roberts: As long as your aware that the Town won't be liable.

Gavin Villaume: Then we will fix your plow.

Lyn Murphy: You would be responsible for the plow as well

Don Roberts: As long as you are aware of it

Bryah Gifford: Right now the plow can't get any closer at all he has pushed all the dirt in front of it sadly.

Gavin Villaume: And again it goes to the esthetics of the front of the building right now we would like to keep it.

Bryah Gifford: And again eliminating that doorway that's there now and making the door into the other building, the plan is to just remove the door.

Tom Koval: How old is that planter?

Bryah Gifford: The planter was with the new part of the building

Gavin Villaume: They just did it.

Marcel Nadeau: So it was just put in?

Gavin Villaume: Put in probably last year was it?

Bryah Gifford: A year ago.

Tom Koval: A hundred years old would have been the correct answer

Bryah Gifford: I certainly wish Sir. We all know Im getting good at coming back to these meetings so, someone didn't know the boundaries right

Don Roberts: Someone didn't know the boundaries right?

Bryah Gifford: Yea, it's all hand stone concrete in there

Don Roberts: I know it encroachments are not good.

Bryah Gifford: Neither one of us put it there either.

Marcel Nadeau: How does it stand for us approving something knowing there is an encroachment?

Lynn Murphy: The reality is there is probably.

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Marcel Nadeau: Just to protect our board.

Lynn Murphy: For your Board you put on the conditions you said, you can do just what you said, you can put conditions that you said any damage to any Town vehicle as a result of it being there.

Marcel Nadeau: But what about us approving that knowing that there is an encroachment?

Lynn Murphy: I wouldn't recommend approving something with an encroachment, is it going to be fatal to the Board can you be sued for it no.

Marcel Nadeau: Ok that's what I was looking for, another thing did someone bring up a temporary as far as handling the parking, we talked about a one year temporary did someone mention that at previous meetings?

Don Roberts: No but you can.

Marcel Nadeau: Im just thinking it is a lot, I know you get pretty busy there and Im thinking now we are going to add something else to it I know on paper it looks really good but not all our sites come out so good when they are on paper, when the actual site takes place so, I thought someone had mentioned it.

Bryah Gifford: I'm also crossing my favorite fingers that someone calls and books a building a spot in there so I agree with you, I don't know what's going to happen because I haven't put any body in it yet your right, I am going to try to be proactive with it by adding the extra parking spot and making sure we have a handicapped ramp and moving the entrance

Don Roberts: Do you want to do a year?

Marcel Nadeau: I think so, how do we.

Don Roberts: Just for parking we are talking about not the whole.

Marcel Nadeau: Yea just the parking, make sure the parking works.

Tom Werner: Now we are talking about the alternative for the handicapped parking?

Marcel Nadeau: Yea

Rich Berkowitz: Based on this, if we approve this as going here

Bryah Gifford: I know sadly so everybody's asked me that so many times, but it's really not up to me it's up to Rich and the Building code and fire department

Don Roberts: Well, we don't, how do we do that even you know, at this point we don't know, we don't really know, I would leave that up to the Building Department.

Tom Koval: Well I mean that's perfect how close are we with the numbers

Don Roberts: With the numbers they show now with the parking should work so if we approve this parking plan for a year if it doesn't work then we make adjustments if it works we let it go

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Bryah Gifford: And if I can say also On my behalf of obviously owning both business I don't want either business to hurt myself in either way as well too so Im not going to overbook one thing to hurt the other thing because I benefit , I need both businesses to do something you know so Im not going to over book it , also thankfully you all have pointed out that Powers has done well and it is busy, but you also notice that if you come on any Friday or Saturday I've got 40 spots on an upper gravel parking lot that no one has ever parked in you know so yes we are busy and I know customers don't like walking always down from the higher part of the paved spot but no one has ever parked on the gravel spot so it's not too busy that we have never had enough parking spots at Powers

Don Roberts: To address Marcel's concern if we approve this parking for a yea then we are covered.

Rich Berkowitz: On St Patrick weekend or day are both businesses going to be operating?

Bryah Gifford: No because the gold is St Patrick's Day

Rich Berkowitz: So the Barn will be closed?

Bryah Gifford: The Barn, yea the barn is not going to be for St. Patrick's Day

Rich Berkowitz: Ok and no other events will be going on?

Bryah Gifford: No because I can't handle that

Rich Berkowitz: Ok, just a worst case scenario

Bryah Gifford: And again I know there's always a concern of the volume that is there but again its one day a year that we have

Don Roberts: Especially if it falls on, if St. Patrick's Day falls on a Friday night or a Saturday

Bryah Gifford: Which it did this past year

Don Roberts: but if that happens again like that you will not book the barn for those days

Bryah Gifford: Im running both and I can't run both at the same time

Don Roberts: Ok good, thank you.

Marcel Nadeau: Ok, how do we legally enforce that, so let's say we do have a parking issue in a year we can pull this away from him how do we control that?

Lynn Murphy: You're giving him a temporary approval for this building for a year if there are problems with this you can say you can no longer use it

Marcel Nadeau: Ok we can control that.

Don Roberts: Or they have to adjust the parking

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Lyn Murphy: Or they have to adjust the parking or whatever you are doing a temporary approval you can do that

Don Roberts: You understand that right?

Bryan Gifford: Yep I certainly do

Lynn Murphy: The highway superintendent is good with whatever you guys decide as it relates to the winter

Richard Harris: If you are going to give them some type of one year approval are you going to require him to come back in a year or if there is no problems raised to code enforcement or something?

Don Roberts: If there is no problem its good.

Richard Harris: Ok

Marcel Nadeau: I think what we are concerned with is we can control it if there is a problem, and if we see there is a problem we are going to bring him in.

Lynn Murphy: If you even have to do a temporary approval where he has to come back in a year or you are approving it and if he fails he will get cited.

Don Roberts: I think we should don't make him come back in a year if nothing is wrong I don't think we should do that

Marcel Nadeau: But she is saying you can't do that

Lynn Murphy: I think you have to because you are giving them a temporary approval, also that temporary approval expires in a year too so he has got to come back and you can agree as a Board to wave any fees associated with it he just simply has to come here and then you guys can say it's all good.

Bryah Gifford: And I've had a business here in Town for 25 years and never had any issues so I am not opposed to if you want to do that have me come back, I mean knock on wood I've never had a problem in 25 years of having Giffys

Don Roberts: So your aware of what's going on here you know what we are doing, ok?

Bryah Gifford: I understand completely yes.

Rich Berkowitz: I just have one other question about the right of way, what if a private vehicle crashes into that corner.

Lynn Murphy: It's going to be his fault

Rich Berkowitz: It's his fault not ours

Lynn Murphy: that's like, so all around Town people have their stops in our right of way

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Tom Koval: There's retaining walls and all kinds of stone walls and fences and signs everything that are in the right of way

Lynn Murphy: It's our right of way so if we take it out too bad for you. But other than that we don't take on the responsibility for them having something in the right of way.

Don Roberts: Now going back again do we address the no backing out onto Myer road here for the

Rich Berkowitz: We are going with the alternate layout.

Don Roberts: That will take care of the no more backing out onto Myer Road

Marcel Nadeau: And I assume that the delivery trucks on the road do you have the signs in place now stating that they are not

Bryah Gifford: They have been there for over a year now that say no parking loading zone and pointing over to the gravel

Marcel Nadeau: So it doesn't really work

Bryah Gifford: Sadly I respectfully disagree I am there every single morning helping them unload the trucks

Marcel Nadeau: So the truck I saw there wasn't there.

Bryah Gifford: Your welcome to join me tomorrow morning they arrive at 11 o'clock, its every Tuesday and Friday I unload the trucks myself, respectfully.

Marcel Nadeau: It must have been some other place.

Mike Ziobrowski: So I think I've got this I am going to make a motion to approve the temporary site plan application, so we will review the parking lot in one year with a contingency of the striping of the walkway, the handicapped alternate, the Town is not liable for the encroachment of the planter on the right of way and signage is to be saying no unloading or some nature,

Rich Berkowitz: And a paved walkway.

Mike Ziobrowski: And a paved walkway

Lynn Murphy: The entire site plan is a temporary

Marcel Nadeau: Were you doing signage for telling people that they have to park in the upper section versus the lower for the barn?

Bryah Gifford: Yes I was hoping to and keep it with the aesthetics of the building I had a wood sign that was going to be made that says event parking only with arrows when you come in you know to park in that gravel spot. And again we had discussed it in our plan to put it in contracts as well too like as I said I don't want it to interfere with the other business

Tom Werner: So that would be posted right when you come in off Farm to Market to your right?

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Bryah Gifford: Correct, the fence there that's

Tom Werner: Event parking this way

Don Roberts: Anyone else?

Rich Berkowitz: Ill second the extensive motion

Don Roberts: Now before you do once you get up and running Bryah your gonna advertise you're in Halfmoon right?

Bryah Gifford: You best believe that and Im now the two oldest operating buildings in the Town of Halfmoon, 1786 and 1825.

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

Bryah Gifford: Thank you.

Giffy's Bar-B-Cue/Power's Pub Expansion APPROVED. Board approved an approx. 1,566 SF (total) building addition and a deck on the existing renovated barn, with the following conditions: (1) the "Handicapped Parking Layout Alternative" shall be utilized; (2) The Town shall not be liable for any damages resulting from the planter located within the right-of-way; (3) The pedestrian route from the gravel parking area shall be paved and striped; (4) This approval shall expire in one (1) year; and (5) A revised plan shall be submitted and subject to final review by the Town Engineer.

Tom Koval: I'll make a Motion to Adjourn.

Marcel Nadeau: Second

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