

10/10/23

**Town of Halfmoon Planning Board
October 10, 2023**

Those present at the October 10, 2023, Planning Board meeting were:

Planning Board Members:

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

Planning Board Alternates:

Alison Pingelski
Laurie Barton

Coordinator- Building, Planning and Development:

Richard Harris

Senior Planner / Stormwater Management Technician:

Paul Marlow

Town Attorney:

Lyn Murphy

Deputy Town Attorney:

Cathy Drobny

Town Board Liaison(s):

John Wasielewski
Eric Catricala

Town Engineers:

Joel Bianchi - absent

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

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

Tom Koval: I make a motion to approve the minutes.

Marcel Nadeau: I'll second.

10/10/23

Don Roberts: I have a motion and a second all in favor Aye? (All were in favor) Opposed? (None were opposed)
Motion carried, Rich abstains.

New Business:

Capitaland Flooring Company, 1605 Rt. 9 – Sign (23.164)

*Capitaland Flooring Company – Sign
TABLED. The applicant failed to appear.*

Evexia Therapeutics, 217 Guideboard Rd – Change of Use/Tenant (23.168)

Nicole Hadsell: Nicole Hadsell

Liberty Lavecki: Liberty Lavecki, but it just turned to Justice because I just got married.

Don Roberts: Congratulations. Go ahead, what do you want to do?

Nicole Hadsell: So, we are proposing a change of use at 217 Guideboard Road to open a NYS approved adult use Dispensary.

Don Roberts: How many employees?

Nicole Hadsell: We don't have the correct number like the exact number to date, we're thinking about 10 to 12. Probably about 6 of those being full time.

Don Roberts: Okay, hours of operation?

Nicole Hadsell: Monday through Thursday 10 to 9, Friday and Saturday 10 to 10 and Sunday 10 to 7.

Don Roberts: Okay, questions by the Board?

Rich Berkowitz: Do you need security there?

Nicole Hadsell: We will have security, we don't, and it's not required that we have security, but we will be having security.

Rich Berkowitz: And there is no use in the parking lots or.

Nicole Hadsell: No, no absolutely not.

Don Roberts: We don't allow that.

Rich Berkowitz: I know but I wanted them to know.

Nicole Hadsell: Yea, so it would just be coming in a secure area where the clientele would check in, their ID would be scanned and they would enter, 21 and up would enter a secure retail area.

Don Roberts: Anyone else?

Rich Berkowitz: I make a motion to approve the change of use and tenant. Do you have a license yet?

Nicole Hadsell: We have a conditional license that is, we're waiting to get the approval for our final license.

10/10/23

Rich Berkowitz: Okay, Ill just make the motion conditional on them getting a license

Marcel Nadeau: Ill second it.

Don Roberts: All in favor Aye? (All were in favor) Opposed? (None were opposed) Motion carried and for a sign you've got to come back, for a sign

Nicole Hadsell: Yes

Don Roberts: Okay, good luck and when you advertise, you're in Halfmoon don't forget.

Nicole Hadsell: Yes, thank you so much.

Evexia Therapeutics– Change of Use/Tenant

APPROVED. Board approved the use of approx. 2,000 SF of space for a retail adult-use cannabis dispensary.

J. Dunn Office/Warehouse, 518 Hudson River Rd. – Site Plan & Special Use (23.165 & 23.170)

Brett Steinberg: Good evening my name is Brett Steinberg I'm the engineer for the applicant for J Dunn and their proposal. For some site modifications at their existing facility on 518 Hudson River Road which is located in the W-2 zoning district. The J Dunn acquired the property back in 2020, there is an existing barn they had received approval to construct a wood, a metal framed building in the rear of the parcel. It's their proposal to demolish the existing barn and silo which is out front and construct a 3200 square foot office building, with 5 paved parking spaces. Paving them just so we can get the striping for the handicapped parking spaces and make sure the striping stays, it doesn't stay well on gravel parking. Also construct a new 2400 square foot steel building in the back for the purpose of housing dry goods and equipment which actually is currently stored in the barn. Things like attachments to the machinery and things like that. At the rear of the parcel. The total disturbance area is under an acre, about .87 acres so we should be under the guidelines for a stormwater pollution prevention plan, full stormwater pollution prevention plan, obviously they'll need to do an erosion and sediment control during construction as part of a basic stormwater pollution prevention plan. It's proposed to construct a new septic system at the southeast corner of the property to service the office building. The existing septic system, we're not exactly sure what's there but there is something in the area of where the proposed building is going to go. You also have the 100-year flood plain boundary out front so we had to stay out of that as well as some, find a location that would be suitable onsite for a septic system that hasn't been impacted too much by existing construction, and existing gravel and asphalt. The, obviously there will be a new water service, handicapped parking, 5 parking spaces and at this point I'd be happy to open it up to the Board for questions and obviously we've got some engineering to do on it, and go through agency review and MJ's review but would like to hear any comments and concerns the Board may have about the presentation.

Don Roberts: Okay, thank you and we will be referring this to MJ Engineering our Town engineer for review, Saratoga County Planning Board for review, and the fire district for review. That being said questions by the Board?

Tom Koval: The buildings in the back are there any restrooms or anything in them?

Brett Steinberg: There are no restrooms, its just storage for materials and dry goods

Tom Koval: And no water service to them?

10/10/23

Brett Steinberg: No water service either.

Tom Koval: I don't see any parking areas or gravel areas or.

Brett Steinberg: There is an existing gravel lay down area around the site, if you follow the y at the Rich has his finger on it, is there a laser pointer here?

Richard Harris: Yes, try that.

Brett Steinberg: So yes, there is an existing gravel roadway which comes in and then it kind of wraps around this entire area is a gravel lay down area for vehicles and for storage of equipment.

Tom Koval: Do you currently have any outdoor storage there?

Richard Harris: There is some back there.

Brett Steinberg: There is a little bit back there, yes.

Tom Koval: You're not proposing any outdoor storage for the buildings out front?

Brett Steinberg: It's all equipment outside.

Tom Koval: You're not proposing any outdoor storage out front by the offices?

Brett Steinberg: No, no that would be, that's actually there's an existing gate here to prevent people from getting to the rear of the parcel.

Tom Koval: So, your office building is going to be 3000 square feet?

Brett Steinberg: It's actually separated into two office spaces, one that 2,112 feet, which is the area you see the primary area, the entire footprint and shell of the building will be constructed but there will be a secondary 1085 square foot office space adjacent to it but that will not be for rent.

Tom Koval: You only have five parking spots for 3,000 square feet?

Brett Steinberg: That's correct, yes, there's a considerable amount, there's only 4 employees at this site.

Richard Harris: Typically for an office building, although this Board has the ability to waive it for an office, its one space per 200 square feet, so what was the total, I'm sorry 3,000

Brett Steinberg: 3,200 feet

Richard Harris: So, you know 30 spaces I really don't think that's warranted but that should probably come up in your review. You know if you're not receiving clients there, customers you know unless you came up with a better idea, but you might want to show an area.

Brett Steinberg: We can show an area, there is plenty of area there where the existing barn was, we just would rather not develop it too, to a parking area.

Richard Harris: You can call that a land banked parking

Brett Steinberg: Land banked parking

10/10/23

Richard Harris: There's plazas that if you were to use our strict code, it's ridiculously excessive. In Christmas maximum people come in, so this Board for decades has allowed land banked parking that's approved and if it turns out you need it, it's reserved, set aside. Typically, it's where everybody puts their snow. I've seen a couple of plazas though that did take advantage of it once they got up and running with 4 or 5 extra spots, not 25

Brett Steinberg: Understood

Richard Harris: You might want to show an area

Brett Steinberg: Yea we can do that.

Don Roberts: Anyone else?

Alison Pingelski: I just have a question, of the hundred year flood plane boundary so it looks like you're crossing over that currently?

Brett Steinberg: That's existing yes.

Alison Pingelski: And so there won't be any changes?

Brett Steinberg: Won't be any changes, any fill into the 100-year flood plain boundary so there shouldn't be, and there won't be any change within that area.

Richard Harris: And you're doing nothing new right here?

Brett Steinberg: That's correct, that's correct.

Richard Harris: Is that what you're saying?

Brett Steinberg: Correct

Richard Harris: Okay

Charlie Lucia: I'm just curious, you mentioned dry goods, what might that be?

Brett Steinberg: Clay you wanna?

Don Roberts: Can you come up here and use the microphone, name please, because this is all recorded so.

Clay Slaughter: Clay Slaughter J Dunn Group LLC. Owner. That will be for small hand tools, DOT road signs all of that sort of stuff. We have different seed we need for repairs, just some of our small material that we don't want outside getting wet, and that's currently what's in the barn so it's really a flop.

Charlie Lucia: Moving it over, alright thank you.

Don Roberts: Anyone else? Okay we will do our reviews and get back to you, alright.

Brett Steinberg: Okay, sounds good thank you very much, appreciate it.

Don Roberts: Okay thank you, thank you.

J. Dunn Office/Warehouse – Site Plan & Special Use

TABLED. Board received a presentation on a proposed warehouse and office building, and referred it to several agencies for review.

Old Business:

Dawson Senior Center PDD, 200 Pruyn Hill Rd – Major Subdivision & Site Plan (23.093 & 23.125)

Bruce Tanski: Bruce Tanski, Clifton Park, sorry for being here Tamara still has a speaking problem, so I guess I'm taking over. The goal here tonight is to request preliminary approval for the subdivision and site plan. The site encompasses 23.51 acres, it's located at the corner of Farm to Market Road and Pruyn Hill and is now zoned as part of a PDD. The project includes construction of 17-2 Unit residential town houses for a total of 34 and a 3 story 124-unit senior living facility. The large congregate building will be a three story with a footprint of 5,800 square feet with a total of 167,400 square feet, similar to falcon trace and the town houses will be similar to PAAR Estates. The project will include a subdivision to accommodate development, senior building on lot 1, will be 10.8 acres, 17 lots for the town houses, 1 remaining lot for storm water management. The parking is based upon similar projects. 182 parking spaces are provided with an additional 12 banks for a total of 194. Water and Sewer will be provided via connections with the Town and County. Stormwater will be managed onsite and in accordance with all requirements. We have gone through a detailed engineering review with MJ, we've addressed all technical comments to date, submitted plans to emergency services and have addressed their comments. We have submitted to the sewer district and have addressed all comments to date. We have our ACOE permit and our SHPPO sign off. We've met with representatives last week from the Planning Board to review the site distance and I assume all was good. So, we're here tonight to answer any questions and to hopefully get preliminary approval.

Don Roberts: Thank you, thank you Bruce. Now we did have our site committee go out as you said and Marcel, Alison and Charlie would you give us a short synopsis of what went on out there.

Marcel Nadeau: Yea, the three of us looked at the site and there was issues I believe with the site distance prior to Bruce clearing the shrubs in that area, shrubs, and brush. With that cleared we didn't find that there would be an issue with that, and the site distance, it certainly improves it with that. We did request possibly a sign suggesting that there is a driveway as you're coming up towards the complex, if we could have that it may help the situation. But prior as far as the neighbors, the complaints they had I believe those were there previously, and I don't believe this project created any of that.

Don Roberts: Alison.

Alison Pingelski: Yea I agree with what Marcel said. We did observe that with the cleared property you had very clear line of sight to cars coming down the hill, we also did observe being parked and being on the side of the road that cars were traveling at a very high rate of speed, so we could see that pulling out of that intersection at that rater of speed could pose a concern from the neighbors property that is to the west of where we were standing, the visibility was not the same. We could not see cars coming up over the hill from that direction so we as Marcel indicated we do think some signage maybe saying entrance might be appropriate to the east of the property there are two signs, one is a stop ahead sign and just a little further to the east of that is a curve sign, so we think that there was intent to indicate that the road does veer and there is an incline and you can't see the stop sign from those initial posts so we are hoping that if they do a study that they'll see that there might be some other signage that might be warranted or the speed could be reduced.

Don Roberts: Okay thank you, Charlie.

10/10/23

Charlie Lucia: Just real quick, it's a small note but as you look at the roadway that would entrance, that would be the entrance/exit to Farm to Market. There is a big dip area there but even after talking to the engineer and with the proposed contractor they're going to raise that grade up to a 1 to 3 % grade which would be any approach for an intersection which even makes that site visibility for the people entering Farm to Market or the people coming up or down Farm to Market you know, much clearer and more easily identified, and I agree with Alison and Marcel with everything else they said.

Alison Pingelski: And Bruce the land that you cleared, you did identify was in fact in your property, right?

Bruce Tanski: I'm sorry say that again

Alison Pingelski: The last meeting the clearing we thought was on the County property but upon further investigation where we saw the stakes the clearing was on the property on the Dawson property.

Bruce Tanski: That was a mistake on the engineer's part.

Marcel Nadeau: Also I believe the applicant suggested with his neighbor that he would put some Arborvitaes there so once we do the site plan that would have to be added to the site plan.

Don Roberts: Good, and Lyn you said the Town Board has requested the County to review this?

Lyn Murphy: The speed limits and any other necessary signs like suggested by you.

Charlie Lucia: Just one other thing too and it's just a technicality more than anything else but you did mention Bruce 182 parking stalls and, on the paperwork, here it says 176 I know that's not a big change, but it is different, so I didn't, just whatever that is 182 or 176 so it reflects what you'd like.

Marcel Nadeau: And where did we leave off on Tom's comment as far as the emergency exit on Pruyn Hill, did we determine that would be blocked off or what?

Tom Koval: Gated

Marcel Nadeau: Gated?

Alison Pingelski: Locked and gated, they had accepted a locked gate.

Don Roberts: You're going to gate it right?

Bruce Tanski: Pardon me?

Don Roberts: It's going to be gated, the emergency

Bruce Tanski: Correct, whatever you guys want, okay. I also want to go on record, my neighbor to the east had called I think Mr. Harris about us getting too close to the property line and I want to go on record that we are going to put Arborvitaes on to satisfy the neighbor and he was comfortable with that .

Don Roberts: Anyone else?

Alison Pingelski: There are pine trees in the drawing and they're just going to swap those out?

Don Roberts: Right.

Tom Koval: So, we are going to wait on this until we have the

10/10/23

Don Roberts: No, if you're satisfied, we can do a preliminary tonight.

Marcel Nadeau: For subdivision

Don Roberts: Preliminary for subdivision we can if you wish.

Rich Berkowitz: I make a motion to have a preliminary approval for a subdivision.

Marcel Nadeau: I'll second that.

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

Bruce Tanski: Rich I just want to go on record I let them know that we are going to put Arborvitaes on that neighbor that called you.

Richard Harris: Yea, we, I didn't even go over with the Board at the pre-meeting, I had gotten an email and Bruce had taken care of it before I even had a chance to answer the guy. The neighbor was concerned about some of the clearing he did that he had sent to the Board he was going to do and maybe went over a couple of feet?

Bruce Tanski: Two feet in one spot.

Richard Harris: But before I even got a chance to reach out to Bruce, I think I saw you at the Town Board meeting, plus I think I talked to Tamara and Jason and they're like yea met with them and then I got an email

Bruce Tanski: I just want it to go on record that we are going to put them on, and you can put it, and Jason said he would put it on the plan.

Richard Harris: And I heard from the neighbor, and I wanted to confirm it and he said yes, Mr. Tanski assured me he was going to plant a row of I think Arborvitaes and address it and I'm all happy now, I'm basically satisfied he said, so.

Bruce Tanski: Thank you very much.

Dawson Senior Center PDD – Major Subdivision & Site Plan

PRELIMINARY APPROVAL. Board granted preliminary approval for the proposed 36-lot subdivision (34 townhome lots; 1 senior living building lot; 1 stormwater area lot) located at 200 Pruyn Hill Road.

Don Roberts: Thank you, okay going back the first item on the agenda under new business.

Capitaland Flooring Company, 1605 Rt. 9 – Sign (23.164)

NO SHOW

Don Roberts: Anyone here? (No response)

Richard Harris: I don't have anything from them late today, or today saying they weren't going to make it, Sandy calls everyone and emails them directly.

Don Roberts: Okay, nothing we can do about that, okay anyone else got anything?

Alison Pingelski: I make a motion to adjourn.

10/10/23

Charlie Lucia: I'll second.

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