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**MINUTES MEETING  
Town of Halfmoon Planning Board  
April 22, 2019**

**Those present at the April 22, 2019 Planning Board meeting were:**

**Planning Board Members:**

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

**Planning Board Alternates:**

Charlie Lucia  
Brendan Nielsen

**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:**

John Wasielewski  
Jeremy Connors

**Town Engineer / CHA:**

Joe Romano

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

**Don Roberts:** Good evening, I would like to call the meeting to order, last meeting we could not approve the minutes from March 25<sup>th</sup> because we did not have a quorum so we would like to get a motion to approve the minutes for March 25<sup>th</sup>

**John Higgins:** Don I have to recuse myself on that one

**Don Roberts:** Ok, John Recuses himself

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**Rich Berkowitz:** I make a motion to approve the minutes for March 25<sup>th</sup>.

**Don Roberts:** Ok, so I have a second?

**Tom Koval:** I second it

**Don Roberts:** All in favor? (All were in favor) Opposed? (None were opposed) Motion Carried, now I would like to have a motion to approve the minutes for April 8<sup>th</sup>.

**Rich Berkowitz:** I make a motion to approve the minutes for April 8<sup>th</sup>

**John Higgins:** Ill second it

**Don Roberts:** Ok Tom Kaval recuses, Marcel recuses, and we have a motion and a second all in favor? (All were in favor) Opposed? (None were opposed) Motion Carried. Thank you.

**Public Hearings:**

**19.039                    Salam Duplex, 10 Halfmoon Drive- Special Use Permit**

**Don Roberts:** Would anyone like the notice read? (No comments) Go ahead

**Bilal Salam:** Hi my name is Bilal I am representing the Salam Duplex project we currently have a home up right against 10 Halfmoon drive up here, we propose to build a duplex in the back area of our property over here, upon building the duplex we would tear down the original residence, and we plan on having a right of way connecting to Halfmoon Drive it's going to be 10 feet from the property line. The duplex will be located over a 100 feet from our property border lines that is pretty much it.

**Don Roberts:** Ok now there are other duplexes in the area right?

**Bilal Salam:** Yes, down the street I believe there is a few hundred feet away from us on Halfmoon drive there is a set of apartments and then down where Halfmoon drive and Churchill meet there is another set of apartments over there as well and on Guideboard road there was recently a duplex built, like a 1000 feet away from us.

**Don Roberts:** Ok , thank you , at this time we will open the public hearing , if anyone would like to speak please come up and say your name and address and any concerns you may have or comments so that being said would anyone like to speak? (No comments) Seeing no one wishes to speak we will close the public hearing, now just so you know if this gets approved we would like a bond to cover the action of demolishing the existing building.

**Bilal Salam:** I understand so on completing the duplex we will tear down the original residence.

**Don Roberts:** Ok, comments by the Board?

**Richard Harris:** Don could we just clarify, we were talking about it in the pre-meeting the concept of collecting a cash bond in the amount to cover demolition, we would hold that until you get a permit and demolish the building, as a sort of security, a performance bond we call it, we can work out the amounts after we talk to building.

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**Bilal Salam:** Ok that's fine.

**Don Roberts:** Ok thank you Rich, any comments by the Board?

**John Higgins:** How far is the house going to be back from the road? How long is the driveway going to be total?

**Bilal Salam:** I think the driveway is probably going to be around 600 feet , in the drawing here I have a sharp angle here it is probably going to be a little more curved, in total the driveway is going to be around 500 to 600 feet long.

**John Higgins:** Don being that this is a duplex does the fire department have to approve the driveway?

**Richard Harris:** I know he has met with the County Highway and the DPW he did come and see me about the plans so I know he is working on the turning radius at the apron under their design standards.

**John Higgins:** I was just curious, I know a lot of times if there is multiple houses off a single driveway it has to be able to support an 80,000 pound fire truck I didn't know if

**Richard Harris:** Im sorry you mean at the end like near the house , yea well there is a building code on that, that they will have to meet the terms of base off of the length but we did not have the fire department review this

**John Higgins:** Ok

**Bilal Salam:** Ok so that is something I'll look into. Yes

**Don Roberts:** Anyone else?

**Rich Berkowitz:** I make a motion to approve the Special Use permit

**Tom Werner:** Ill second that

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

**Bilal Salam:** Thank you

**Don Roberts:** You're welcome

**Salam Duplex, Special Use Permit- APPROVED. Board held a Public Hearing and approved a proposed duplex at 10 Halfmoon Drive.**

**Don Roberts:** Your welcome, now for the next public hearing the applicant could not be here tonight but the notices were sent out so we are going to have a public hearing and we are going to leave it open until the next meeting, the next public hearing is

19.044                    Urbanski & Sala Lot Line Adjustment, 85 & 87 Pruyn Hill Road – Minor Subdivision

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**Don Roberts:** Is anyone here to speak on behalf of that application? (No comments) I will open the public hearing please come up and say your name , address and any comments you may have, this is for the record it gets recorded

**Stan Sala:** My name is Stan Sala, I live at 87 Pruyn Hill road , Im just looking to see what happens here I don't know what's going on, all I know is that Im looking to purchase the back part of my lot off of my aunt and uncle next door.

**Don Roberts:** So you're the Sala in this

**Stan Sala:** Right Im the Sala part

**Don Roberts:** But you don't know what's going on?

**Stan Sala:** Wall all I know is I got the letter here I know what you wrote out on the acreage and stuff that Im supposed to pick up and everything, from there I know it was surveyed or that he had it surveyed.

**Richard Harris:** Your one of the applicants, this isn't new to you though?

**Stan Sala:** Pardon me?

**Richard Harris:** Your one of the applicants in this request.

**Lynn Murphy:** So I believe what's happening is he just understand the process, so he has made an agreement to purchase the back part of the property and in order to do that and im not giving you legal advice but there has to be a subdivision to change the property lines so then it will just transfer into your lot

**Stan Sala:** Well according to what Im understanding my nephew was supposed to take care of all of that

**Lynn Murphy:** And that is what he is doing through all of this that is what this process accomplishes

**Tom Koval:** you're in the right place doing the right thing, this is just the legal procedure we have to go through

**Stan Sala:** Ok

**Don Roberts:** And hopefully to be concluded at our next meeting hopefully, when everyone is here

**Stan Sala:** So now we are at a standstill until the next meeting?

**Don Roberts:** Right, correct ok thank you. Would anyone like to speak? (No comments) Ok as I said we will adjourn this public hearing, leave it open until the next meeting.

**Marcel Nadeau:** And there has been no issues John?

**Don Roberts:** No, ok moving along

***Urbanski & Sala Lot Line Adjustment – Minor Subdivision TABLED/PUBLIC HEARING HELD & ADJOURNED. Board held a Public Hearing for a proposed Minor***

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*Subdivision (lot line adjustment) and adjourned it until May 13, 2019.*

**New Business:**

**19.038                    Dish Network Installation, 17 Parkford Drive- Telecommunications Co-Location**

**Will Stone:** Good evening my name is Will Stone I am with Crown Castle, we operate the cell tower at 17 Parkford Drive, and we are also representing Dish Network in this action. What Dish Network is looking to do is to install a 5G wireless network that includes 3 panel antennas at the 154 foot elevation of the existing 188 self-support tower, 3 panel antennae's 6 remote radios which would be mounted right behind the antennas as you would see on the page of the drawings there and one line of co- ax, that would be run down the tower to a 5 foot by 7 foot steel platform to install one radio cabinet and one satellite dish. And that's really the extent of the installation. If you have any questions?

**Don Roberts:** This is not going any higher?

**Will Stone:** Not increasing the height of the tower we are not expanding the compound there is no generator so there is not going to be any additional noise or any pollutions of any sort like that.

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

**Tom Koval:** I'll make a motion to approve the co-location request

**Don Roberts:** The County is all set on this Rich?

**Richard Harris:** Yes, we do need a determination on SEQR.

**Don Roberts:** SEQR first, can I have a motion for SEQR first?

**Tom Koval:** I make a negative declaration pursuant to SEQR

**Don Roberts:** Can I have a motion to second for SEQR?

**Marcel Nadeau:** I second

**Don Roberts:** All in favor? (All were in favor)Opposed? (None were opposed) Motion Carried, now a motion for the approval

**Tom Koval:** I make a motion to approve the co-location request

**Don Roberts:** Can I have a second?

**Rich Berkowitz:** Ill second

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

**Will Stone:** Thank you very much

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**Don Roberts:** You're welcome

*Dish Network Installation, 17 Parkford Drive – Telecommunications Co-Location  
APPROVED. Board approved the application to allow co-location equipment on the existing tower*

**19.0950**      **Verizon Wireless “Twin Lakes” Micro Cell, 1604 Route 9 (Shamrock Plaza) -  
Telecommunications Co-Location**

**Dave Brennan:** Good evening ladies and gentlemen my name is Dave Brennan with the law firm of Young Summer out of Albany. We are here this evening for a proposed small cell application as the chairman described at 1604 route 9 , the proposal involves a placing an antenna on the existing peak roof of what is referred to as the DivinaTea retail business tucked behind the existing building here will be on a concrete pad measuring 6 foot by 8 foot, the electronic equipment in a fenced enclosure it won't be visible from route 9 and then from the roof will be a sled mounted antenna 2 foot tall , the total height is 6 feet above the roof line and it's just sled mounted with the ballast to hold it on the roof, and so the reason for this and what we have been doing this again is a capacity solution to provide additional capacity to the already existing coverage that is becoming degraded as there are more users over time.

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

**Rich Berkowitz:** Is that held on the roof by the ballast or is it screwed into the roof?

**Dave Brennan:** In this case it is a V shape that matches the roof line and it is held on by either fire block or like a thin cinder block, it's just the weight itself, its engineered to hold itself on through friction and the weight it's now drilled into the roof typically

**Rich Berkowitz:** What kind of wind can it withstand?

**Dave Brennan:** Well we have a structural report, usually I think they run them at 80 mph, I can get back to the fire department on that.

**Rich Berkowitz:** I was just wondering in case, I don't know what the maximum wind we've got up here

**Tom Koval:** Rich I've seen these before on flat roofs , one of my previous buildings had an antenna for something I can't remember what it was they did the same thing they just had a concrete block that held it down

**Rich Berkowitz:** Yea I don't have any problem with it, I just don't want it to blow over

**Tom Koval:** I never had it tip over

**Richard Harris:** Yes and code will look at it as part of the building permit too.

**Rich Berkowitz:** Ok

**Don Roberts:** Now Rich the County is all set on this also?

**Richard Harris:** Yes

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**Don Roberts:** Ok, anyone else?

**Rich Berkowitz:** I make a motion to approve the co-location

**Tom Werner:** I second the motion

**Rich Berkowitz:** I make a negative declaration pursuant to SEQR

**Tom Koval:** Second

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

**Rich Berkowitz:** I make a motion to approve the co-location

**Tom Werner:** I second the motion

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

**Dave Brennan:** Thank you.

**Verizon Wireless “Twin Lakes” Micro Cell – Telecommunications Co-Location**  
*APPROVED. Board approved the request for a roof-top “micro-cell” antennae and related ground Equipment at an existing building at 1604 Route 9.*

**19.052                      Northeast Controls, 3 Enterprise Avenue- Sign**

**Tom Wheeler:** Im Tom Wheeler with Adirondack Sign Company, basically we are looking to install a non-illuminated monument sign and a non-illuminated building sign. They are just made out of aluminum the letters on the building they are not lit and the monument sign is also aluminum with vinyl graphics.

**Don Roberts:** what’s the height on the monument sign?

**Tom Wheeler:** It is 84 inches

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

**Tom Koval:** I make a motion to approve the sign application

**Marcel Nadeau:** I second

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

*Northeast Controls – Sign APPROVED. Board approved new wall-mounted and free-standing signs at 3 Enterprise Avenue.*

**19.054                      ValuSpace Halfmoon, 1607 Route 9 – Sign**

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**Tom Wheeler:** Tom Wheeler with AJ Sign Company now, this is a Value Space Storage Facility, basically looking to install the typical branding package we've done two of these, there is one on I-90 in Albany I don't know if you've seen that, very similar look with the building and the letters and then there is also one in Brunswick, you go out of Troy into Brunswick. They build a nice looking storage building and then they brand it with the Valu Space logo Self Storage these are all internally illuminated channel letters, there is also a small monument sign it's an aluminum sign where just the letters will illuminate at night, pretty straight forward package really.

**Don Roberts:** Ok, and the monument sign is about 8 ½ feet high right

**Tom Wheeler:** It is 86 inches tall

**Don Roberts:** ok now the applicant knows that this is pretty much it for signage?

**Tom Wheeler:** I don't, yea I think this would be it, yea I think we are maxed out.

**Don Roberts:** Yea just so they know, questions by the Board?

**John Higgins:** The illumination on the letters, what kind and how bright is it?

**Tom Wheeler:** Their LED's it's a typical channel letter with a 3/16 acrylic face with vinyl graphics on it for the color the LED's are behind that so LED's have a short throw so it's more of a soft glow you know like a typical like target letter or market 32 letter.

**John Higgins:** Ok, because we had problems years ago with the intensity on a lot of lighting on some of the buildings here in town so, it was a foot-candles requirement maximum correct?

**Lynn Murphy:** Its NITS and no there has not been one established

**John Higgins:** Oh ok im wrong thank you.

**Tom Koval:** I'll make a motion to approve

**Don Roberts:** Can I have a second?

**Rich Berkowitz:** Ill second

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

**Tom Wheeler:** Thank you.

**Don Roberts:** You're welcome

*ValuSpace Halfmoon – Sign APPROVED. Board approved new wall-mounted and free-standing signs at 1607 Route 9.*

19.055                    Lussier Subdivision (Lot Line Adjustment), 30 & 32 Dunsbach Road- Minor Subdivision

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**Duane Rabideau:** Duane Rabideau from VanGuilder and Associates here representing Bill Lussier with an application before the Board for a proposed lot line adjustment between two lots he owns located at 30 & 32 Dunsbach road. The parcel is located on the west side of Dunsbach road about a half mile south of Crescent road, lot 30 is this lot right here with a dash line that's lot 30 this southern portion this parcel is vacant, lot 32 is 11 ½ acres and the south line and it's all this right here that lot has the existing house and accessory structure that's where Bill lives now , we are proposing to reconfigure the existing lots so that lot 32 will now go from 11 ½ down to 5 acres so the new lot 32 is going to be this lot right here that's 5 acres and then lot 30 will now be from the keyhole right here all the way around up and over down and here so that will now become a little over 16 acres in size. The lots are serviced by public water and onsite septic the appropriate easements will be put in place for access and to service both lots, and that's our proposal before the Board.

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

**Rich Berkowitz:** Are they going to access that parcel through the existing driveway?

**Duane Rabideau:** That's correct.

**Rich Berkowitz:** So they will have to have an easement

**Duane Rabideau:** Yea that's in place there is an easement in place already right here the dash signs through here we are extending the easement through all of this and down through here for access and utilities.

**Rich Berkowitz:** Ok I make a motion to hold a public hearing at our next meeting May 13.

**Marcel Nadeau:** I second

**Don Roberts:** All in favor? (All were in favor) Opposed? (None were opposed) Motion Carried, see you on the 13<sup>th</sup>

**Duane Rabideau:** Ok, thank you.

*Lussier Subdivision (Lot Line Adjustment) – Minor Subdivision PUBLIC HEARING SET. Board received a presentation on a proposed Minor Subdivision (lot line adjustment) and set a Public Hearing for May 13, 2019.*

**19.056/ 19.057**            **GT Toyz 1537 Route 9 – Site Plan & Sign**

**Greg Goldstein:** My name is Greg Goldstein GT Toyz, at 1537 currently at 1516 route 9 proposing to move to 1537, this is Dan Hershberg of Hershberg and Hershberg.

**Dan Hershberg:** Thank you Greg , the project is the existing building will be rehabilitated and used for the new use it had been a bakery , the project is going to be to sell new boats ,new motorcycles , used cars , used motorcycles and used boats , and there will be a line which includes ATV's and motorcycles. Greg is leasing the property, the property owners in the back there Diane, to watch us carefully to make sure we don't misstate anything. The existing area is primarily gravel pavement in order to store his vehicles Greg wants to pave it, we are also doing a cut out in front of the building so you will see an area there that is going to be landscaped and a sitting area so there will be a nice front of the building, rather than having the existing parking going right up to the building. We show some of the enclosed self-storage areas behind it , that storage is there for vehicles no

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materials the total increase in disturbed areas is 0.65 acres, going from green space to pavement primarily the rest of the site is gravel. We think the grade is good enough we are probably just going to fine grade it and pave it, and we will cut out that area there, there is also an existing sign which we believe it is in the right of way a little bit over at the right hand corner of the parcel and we would like to relocate it over to by the entrance of the driveway. So we will need a new sign permit but that is replacing the existing sign. Everything else on the site is going to stay pretty much the same. The green area down by the golf course and the green area down by the stream course and the green area at the back is not going to be impacted by the project. I'll try to answer any questions that the Board may have

**Don Roberts:** Thank you Dan, before we get started this is a significant change to the site so this is going to be considered a site plan request so there for it has to be referred to Saratoga County Planning Board and we are also going to refer it to our Town engineer and Clough Harbor Associates before anything else really happens.

**Dan Hershberg:** I think it's marginal but again if you think it requires it ok

**Don Roberts:** Your marginal and my marginal aren't the same so

**Dan Hershberg:** We are looking at it from a different viewpoint I guess Mr. Roberts

**Tom Koval:** A bakery to an automotive type dealership is not far apart so

**Don Roberts:** As long as we know that up front any comments by the Board?

**Rich Berkowitz:** Yea I have a lot of issues with this you're going from a quiet bakery this low use to motorcycles, power boats, cars, sales, repair, used and new, and this area is surrounded by residents, you start up motorcycles in that area you're going to disrupt everybody that lives over in that area.

**Dan Hershberg:** Well we think it's a permitted use we think

**Rich Berkowitz:** It may be permitted but I don't think it's a wise use

**Dan Hershberg:** Well again how much times the vehicles will start will be during the day not at night time

**Rich Berkowitz:** if I lived there I wouldn't want that in my back yard

**Greg Goldstein:** Walmart is contiguous to this property

**Rich Berkowitz:** I know I live back there I know exactly where it is, I don't live where I can hear it but I live off of Plant road and I know who lives in those homes and they also have a new development across from Plant road and I bet if we have a public hearing not one person would come in favor of this.

**Dan Hershberg:** Well then again the project if it conforms to the permitted uses and we comply with the code requirement we think we are essentially in a position to ask for this Boards approval.

**Don Roberts:** Anyone else?

**Tom Werner:** What's the heights of the elevated display area?

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**Dan Hershberg:** the front edge would probably be three feet in the air to the back so it would be tipped up

**Tom Werner:** Three feet to five did you say?

**Dan Hershberg:** No three feet we thing three feet in the front and zero at the back

**Tom Werner:** Ok

**Dan Hershberg:** The jeep or whatever is parked there the at, whatever is parked there can be seen

**Tom Koval:** Jeep car sales and repairs, right across the road, that's

**Lynn Murphy:** He wasn't manufacturing cars he was putting them together.

**Rich Berkowitz:** That's also a different area

**Tom Koval:** But im saying it's not really a different area , it's a similar use if they are repairing boats , motorcycles, that type of thing with neighbors right behind them with the noise that comes from it I'm into those type of hobbies, Pro Cycle was right down the street when they are working on a bike they are revving it up with the doors open, there is a tremendous amount of noise , boats are extremely loud while you are revving them up outside the water, that's what our concern is, because you have the other side of the street don't have residences right behind you and this side of the street do, when the bank went in next door , got approved we got concerns from the neighbors about light and that type of thing and now you are carving back even closer to those property lines and while yes it may be even though technically an approved use we also have to weigh in the issues of all of the surrounding residential properties so it is something we are certainly going to be looking at.

**Dan Hershberger:** Well that could be mitigated by closed doors while repairs are made so that they are not made with open doors we have done that on other projects

**Tom Koval:** We can't enforce that

**Dan Hershberger:** Well if it is conditional site plan approval

**Tom Koval:** you want us to come in after the fact that someone has made noise to tell you that people are complaining that you made noise?

**Dan Hershberger:** Yea but if you have a conditional site plan approval it could still , it certainly can be enforced it is in other communities I would hold out that we can do a lot to try and mitigate these concerns and we will try to do it after we have the next phase to the project.

**Greg Goldstein:** On the back side of Walmart he also buffered it with a large burm of trees and fencing that could be considered also

**Tom Koval:** Once again Walmart isn't producing exhaust isn't producing performance noise, Walmart is a store where they have trucks delivering stuff but there is no heavy engines and that type of thing

**Dan Hershberger:** I agree but they do have a mechanical garage there

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**Tom Koval:** Out in front where they change tires but they're not, you and I both know the difference between recreational vehicle exhaust and cars, so what im pointing out is the fact that this is what you are going to come up against when we progress with this

**Dan Hershberger:** We are sure of that

**Don Roberts:** Now did you say how many vehicles you plan on having for sale on site?

**Dan Hershberger:** The parking lays out to 96 vehicles, and again it might vary if vehicles are wider or larger they might take up 2 spots or smaller you might be able to fit in more but the average number of vehicles if all of the display areas full it would be 96.

**Don Roberts:** Anyone else?

**Marcel Nadeau:** I think to be able to have code enforcement be able to control this we would have to have a better idea what type of vehicles or what sizes we are going to be getting, instead of just a blanket 96 vehicles

**Lynn Murphy:** You're not going to get 96 vehicles, you have 96 spaces but you need to have a place for customers your employees.

**Tom Koval:** Are you looking at a new vehicle dealership for whatever manufacturer there is Honda, Kawasaki for whoever is in the market?

**Greg Goldstein:** New Motors, Sports Brand and I have three boat brands, currently new boat brands available.

**Tom Koval:** Then you're going to be servicing boats?

**Dan Hershberger:** Yes

**Marcel Nadeau:** But not new motor vehicles

**Dan Hershberg:** Used motor vehicles

**Marcel Nadeau:** Used not new

**Greg Goldstein** The servicing of will be predominately internal , we are not going to switch it out to the market we will have our customers and our internal preparing vehicles for delivery and boats and motor sports and what have you, but we are not going to be soliciting on the street for traditional traffic.

**Don Roberts:** Anyone else? Now like I said we will refer this to Saratoga County Planning Board and Joe you will review it for us and we will get back to you.

**Dan Hershberg:** Thank you.

***GT Toyz– Site Plan & Sign -TABLED/REFERRED TO AGENCIES. Board received a presentation for a used vehicle business and various proposed site improvements at 1537 Route 9. The Board tabled the request and referred it to various agencies for review.***

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**19.060/ 19.061      The S. Saxon Co. Fine Jewels, 1471 Route 9, Suite 106 (Crescent Commons)-Change of Use/Tenant & Sign**

*Lynn Murphy recused herself.*

**Stewart Greenway:** How are you doing Im Stewart Greenway this is my wife Sandra, we are basically just moving our operation 6 /10of a mile down. We are from 1524 route 9 into 1471, this is pictures of the sign

**Sandra Greenway:** The sign and the location.

**Don Roberts:** you are going to just going to put your sign in that's all?

**Sandra Greenway:** Yes

**Stewart Greenway:** Right exactly, no change in business practice at all , we are fine jewelers we do jewelry repair and a little bit of coin business, Sandra is there every day of the week Im gone most of the time but I'm there Thursday, Saturday pretty much all day.

**Don Roberts:** You say there is no change in business practice I would like to see one change if possible, I notice that the site you were before you were advertising Clifton Park, when you come here this is a Halfmoon Planning Board so please advertise you're in the Town of Halfmoon.

**Stewart Greenway:** Ok I didn't know that

**Don Roberts:** Any comments by the Board?

**Tom Koval:** As long as that's the sign and I'll make a motion to approve the change of tenant first

**Rich Berkowitz:** Ill second

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

**Tom Koval:** I'll make a motion to approve the sign application

**Rich Berkowitz:** Ill second

**Don Roberts:** All in favor? (All were in favor) Opposed (none were opposed) Motion Carried, you're all set.

**Stewart Greenway:** Thank you Board of Halfmoon.

*The S. Saxon Co. Fine Jewels, 1471 Route 9, Suite 106 (Crescent Commons) – Change of Use/Tenant & Sign (19.060 & 19.061)*

*APPROVED. Board approved the relocation of a jewelry business and related signs to 1471 Route 9.*

**Old Business:**

**19.049      Nichols Marine LLC, 927/929 Hudson River Road – Change of Use/Tenant**

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**James Nichols:** Good evening my name is James Nichols

**Julie Nichols:** Julie Nichols

**James Nichols:** We are the owners of Nichols Marine

**Donald Roberts:** Ok, and you want to relocate to?

**James Nichols:** Right, we're looking to relocate from our current location in Cohoes to 931 Hudson River Road in Halfmoon.

**Donald Roberts:** Ok, and since the last meeting we had a site visit. I had a committee that went out so Rich would you please report on the site visit.

**Rich Berkowicz:** Sure, last Wednesday, I, Chuck and Brendan went out there. We met with Mr. Nichols and also Mr. Fortune we went over the site as it is right now. Next door is Service Solutions even though it's zoned R-1, it's mainly in a commercial area, there might have been one residence up the street into west, but really not within the site of the, of this site. We discussed if this is approved where future boat sales would be where repairs would be and where future storage would be. We did mention that this site is pretty visible from the road and asked has to be kept in a very neat fashion. That was really about it as far as, we also talked about limiting the number of boats on the site and how you would trailer them and how you would move them around on the site.

**Donald Roberts:** Ok, any comments by the Board?

**Marcel Nadeau:** Will customers be bringing their boats there and storing them?

**James Nichols:** The boats that would brought there would be generally for repair. If they're there for a period of time, essentially storage while the repairs are being made, but long-term storage. Example, like winter storage, I wouldn't be doing that there we would do that at our marina over in Rensselaer County.

**Marcel Nadeau:** And what about like campers and motor homes no storage of that?

**James Nichols:** No storage of any of that we're boat people.

**Richard Berkowitz:** Can you discuss your Cohoes site and how that presents itself right now

**James Nichols:** Sure.

**Richard Berkowicz:** Versus how this site would present itself.

**James Nichols:** Well, at the Cohoes site, which is at 60 Garner Street, I have, I believe 6 or 7 boats there, I share the property with another automotive shop and another individual who is a retired tinkerer, jack of all trades. When we had our meeting on our site last week, the topic came up that it seemed awful cluttered, a lot of stuff there. I agree, that's kind of why we're trying to make the move, we're breaking our lease where we are in hopes of coming here. We want a more positive look for our business, we're kind of getting choked out there, where we can't, ya know, operate amongst the mess, if you will. So, that's part of the reason why

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we are making the move. We really didn't discuss that at the last meeting, but that is essentially one of key factors. We're trying to, ya know, improve our position.

**Donald Roberts:** Our concern is that the area stays well kept, ya know, I mean it's visibly attractive. We don't want any, ya know, mess there, ya know.

**James Nichols:** I won't let you down.

**Tom Werner:** To that point, would you consider in that red area of the display some sort of 2-3' wide landscaped area along the Right-of-Way line so as to provide somewhat of a visual buffer if you will, but also provide a physical demarcation so that the parking of vehicles doesn't creep up into the Right-of-Way of the highway.

**James Nichols:** Sure. Yup. Absolutely.

**Tom Koval:** What are we talking about Tom, timber or stone?

**Tom Werner:** Yeah, some sort of a stone, 3' wide mulch with low growing shrubs, cause obviously he wants to be able to have visual site line to the display but this would just help soften it up and aid in parking the vehicles so they don't get into the Right-of-Way.

**James Nichols:** Sure.

**Tom Koval:** So we don't want much right on the highway.

**James Nichols:** I gotcha

**Tom Koval:** We also don't, we, as a Board, we don't want to see boats torn apart that are visible, so when you drive by you don't see boats with no motors or boats sitting halfway on a trailer. We don't want it to look like a boat junk yard. That's a big concern for myself especially on Hudson River Road and some of the other previous locations.

**Donald Roberts:** Now, for, and your plan you have here...for that yellow area, is that big enough to actually comfortably fit 10 boats in there?

**James Nichols:** Sure.

**Donald Roberts:** Or do we have to lower that?

**James Nichols:** We are, we're smaller boats, generally speaking, and the largest boat you're gonna see in my facility, 30'. Down on Garner Street I have 2 boats that are there now that were there for winter repairs. They're 31 and 32 respectively, but those boats go to the water come spring. Those are customer boats. Generally, for repair most everything would be trailered in that area right there. I feel comfortably 10 boats isn't an issue there.

**Richard Berkowicz:** Is 10, 30' boats in that area?

**James Nicholas:** No, no, not 10, 30'. No, I'm saying an average

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**Richard Berkowicz:** That's what we're here to discuss, like I told you at the site, we're gonna need to pin you down with the number, because that yellow area, I mean you can't fit 10, 30' boats and we...

**James Nicholas:** No. 30 being the high, 16 being the small.

**Richard Berkowicz:** I could see 16' boats, but no 30.

**James Nicholas:** 20' average.

**Richard Berkowicz:** And also in that green area, if that's full of boats it's just gonna be difficult for someone to come in as far as an entrance.

**James Nicholas:** In that area....

**Richard Berkowicz:** That area might

**James Nicholas:** I that area right there if we were talking a 20' on a trailer, say a 20' pontoon boat,

**Richard Berkowicz:** Now, you also said that area would be or drop-off for maintenance.

**James Nicholas:** It'd be drop off but would be dropped off there, service order written but would go in the shop.

**Richard Berkowicz:** We also discussed possibly fencing in that yellow area.

**James Nicholas:** We did.

**Richard Berkowicz:** Yup.

**Tom Koval:** I think we also need to clarify, you keep saying 5 to 7 boats, 5 to 7 spots, because what will happen or what can possibly happen is we have 5 to 7 boats, but then we have 5 to 7 trailers that the boats are not setting on and the boats are set up and now it all spills out because we have a bunch of empty trailers parked around and we have a bunch of boats up on jacks and now it starts turning into clutter.

**James Nichols:** We can say 5-7 boats or trailers.

**Donald Roberts:** Well, like we've done in the past we said units, or should go with units.

**Richard Berkowicz:** And also those boats had to be trailered anyway for him to mow? Or was that, so those boats would have to be on trailers anyway in the display area?

**John Fortune:** I'm John Fortune. Yeah, also behind the building too there's also a descent width, I think about 20 foot, so there's also storage behind the building as well as on the side. Where you see that yellow area marked off ok, that area that we're talking about, behind that you can see my property line, there is additional area behind the warehouse itself.

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**Tom Koval:** That's exactly what we're trying not to have, clutter all around the property, so we spread, we keep spreading out then we gonna look like a junkyard instead of

**John Fortune:** Well, I don't have any of my property looking like junkyards.

**Tom Koval:** But, the potential is there, we start

**John Fortune:** No with me as a landlord it won't.

**Tom Koval:** Excuse me.

**John Fortune:** Not with me as a landlord it won't.

**Donald Roberts:** That's why we have to establish number of units. We're gonna have to set a maximum number of units, whatever they are, whether it's boats, trailers, whatever it is, maximum number of units on the site and that's it.

**Tom Koval:** So whether it's behind the site or alongside the site, it's a maximum amount of units?

**John Fortune:** Ok, alright, so, how many units do you feel that you're gonna need, about 20 units? 20 units is what he's looking for.

**Tom Koval:** Which is fine. 5 and in the red, 5 in the green, 5 in the yellow.

**Donald Roberts:** Ten, well, they said 20.

**Tom Koval:** It's 20. 5, 5 and 10.

**Donald Roberts:** Yeah, it's still five yellow.

**Tom Koval:** Yes, I'm sorry. 5 in the red, 5 in green, 10 in the yellow.

**John Fortune:** The other thing is, I want to make a correction to that you mentioned that the property's commercial and it's actually industrial. We were grandfathered, oh, yeah, Rich mentioned that the property in his other comment was commercial and it's actually industrial, it's zoned industrial.

**Richard Berkowicz:** No, the zoning is actually residential.

**John Fortune:** Well, not really, no we bought it back in 1978. It's being changed.

**Richard Harris:** Your property zoned residential just to the north it's zoned residential.

**John Fortune:** We are a light industrial though.

**Rich Berkowitz:** No you're not.

**John Fortune:** Well, that had to be changed because we've owned the property since 1978.

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**Richard Harris:** And you have been here with other tenants and we have gone through this a and it's residential and it's pre-existing non-conforming, it was changed back in, I could look it up but it was 80's or 90's.

**John Fortune:** Ok. So, you're telling me that, that now is not industrial property?

**Richard Harris:** It's not zoned industrial, but term people use is grandfathered.

**John Fortune:** So, we're grandfathered in under industrial usage?

**Richard Harris:** Correct

**John Fortune:** Ok. Ok. So, that's what we're trying to say

**Richard Harris:** So, this is allowed to be there because it's consistent with what's been there since the zone change but if he vacates and no one was there for 2 years you would lose those rights

**John Fortune:** Correct, they are. Yes, we did. Yes. So, we are still grandfathered in.

**Richard Harris:** The use is industrial, but your zoning on the map is R-1

**John Fortune:** I understand. Correct, correct. Alright.

**Richard Berkowicz:** Now, in that yellow area, what's your typical size of boat because we were just discussing, you can't fit 10 30' boats in there, but you can fit 10, 20' boats?

**James Nichols:** Yeah, we'll use the average of 20 from 16 footers to 30. Let's just say around 20.

**Richard Berkowicz:** Now, that yellow area does not go past the front of that building.

**James Nicholas:** Correct.

**Richard Berkowicz:** So, we could say you could fit ten units in that area but they can't go past the front of the building.

**James Nicholas:** Ok

**Richard Berkowicz:** So, you're gonna have to police that and then if someone from the Building Department comes and sees more boats in that area protruding through the front of that yellow line, they're gonna site you.

**Donald Roberts:** We're trying to look out for you also. I mean, once we establish this, if you go above and beyond that, you're gonna get a ticket.

**James Nichols:** Understood.

**Donald Roberts:** Ya know.

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**Donald Roberts:** We don't want that either.

**Richard Berkowicz:** It's tough to, say you have ten boats in that yellow area and they're normal size boats. Because say you get two big boats that equals four smaller boats, so now you're down to six boats in that area. So you're gonna be, you're gonna be under the number that we give you, but you can't go past that because you can't fit any more.

**James Nichols:** Understood.

**Donald Roberts:** And again, we're taking units, not just boats. It's boats, trailers, anything.....anything other also.

**Richard Berkowicz:** Well, he's not doing RV's or anything like that. You're not gonna....no RV's, trailers, fifth wheels or anything like that.

**Tom Koval:** Jet Ski's, boats

**Richard Berkowicz:** There's no Jet Ski's, right? You're not into Jet Ski's?

**James Nichols:** I don't sell Jet Ski's. Occasionally, I use one, but I'm not a Jet Ski dealer, no

**Richard Berkowicz:** Ok, but they're small anyway.

**Donald Roberts:** But we'll still go in units.

**Tom Koval:** But you're doing repairs on it.

**Richard Berkowicz:** A unit should not include any motor vehicles.

**Richard Harris:** I do want to clarify, if a boat is on a trailer, we would view that as one unit. Separate would be two.

**Donald Roberts:** Once you take it, yeah, once you separate it.

**Richard Harris:** We went through this with sheds in town.

**Richard Berkowicz:** Except that he's moving boats around, he should be able to...

**Richard Harris:** Yeah, I mean, from a Code Enforcement perspective, if we get a complaint or observe it, we give him a chance to rectify it before we ticket, typically, its 30 day, if it's a public safety thing, argument sake, he's in the Right-of-Way and we would have him do it immediately.

**Donald Roberts:** Yeah, if it's safety thing for arguments sake yeah.

**Richard Harris:** So we, ya know we try to give you and, 99% comply when we ask them and point out.

**Richard Berkowicz:** And this does not include boats that are inside the building, so, when you're working on a boat inside the building, that doesn't count as an outside boat from what I can gather.

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**Tom Koval:** Once you have the designated spaces, If its inside, its visibility is not....

**Richard Berkowicz:** So, you have the possibility to have more, but they cannot be seen. They have to be inside the building.

**James Nichols:** ok

**Donald Roberts:** Now also in the past, issues like this, we have done conditional approvals for a year and if it works out it just becomes permanent, we could do that if people want to.

**Tom Koval:** We do that when we have concerns about specific use for properties. We've done it, I would say a half a dozen times in the past year and we haven't had an issue with it not working out because people tend to follow the rules because they know they're being watched. I like it for the simple fact that it keeps everybody on the up and up.

**Tom Werner:** What do we need to do to document some of the points Rich made as far as these area, come in with a plan and have it professional marked so we know exactly the boundaries and he understands the boundaries for Code Enforcement?

**Lyn Murphy:** You could do a resolution conditioned upon all of the things that you are talking about

**John Fortune:** Why don't we just settle it now and just go to 10, 5 here, there and 5....

**Richard Berkowicz:** We have to put something in, we have to put something in a resolution to enforce it.

**John Fortune:** We have this guy coming in from Saratoga County trying to open a business, in an industrial use area

**Richard Berkowicz:** That's what we're doing right now.

**John Fortune:** I'm just saying you've the County sewers that are down the road from them, you can smell from high heaven sometimes in the right breeze and you're worried about an extra boat being here or there.

**Donald Roberts:** Well, wait

**Tom Koval:** Now if we don't pay attention to every little rule somebody will abuse it (excuse me I'm talking) and then the next guy will come in and say that guy up the street's getting away with it, how come I can't? That's why we stick to a specific floor plan on our decisions.

**Donald Roberts:** See, we've been burned before. When we, we've been burned.

**James Nichols:** I'm to 20 boats....

**Richard Berkowicz:** Excuse me, we were on our way of doing this until you interrupted us.

**Richard Berkowicz:** Now you just threw a whole monkey wrench into the whole thing now you have him sweating there and you have him sweating there because you interrupted us in trying to forward this process.

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**Donald Roberts:** Yes, please let us, please let us do our business here, we were close, just so you know, we were close, alright? Now guys, what do you want to do here?

**Tom Koval:** I make a motion to give a one-year conditional on 5, 5 and 10 configuration as provided on the paperwork we were given, after one year, if it all works out, it becomes permanent, If we have issues before that one year, we will reevaluate the situation.

**Richard Berkowicz:** Also, no outside storage of any parts.

**Tom Koval:** No outside storage of any parts.

**Richard Berkowicz:** Do you store fuel outside at all?

**James Nichols:** Fuel?

**Richard Berkowicz:** Yeah.

**James Nichols:** No.

**Richard Berkowicz:** No, ok.

**Tom Koval:** Anything, anything else becomes, any other motor vehicle, any other structure becomes a unit so, if you have half a boat there, or a stack of motors, that's a unit.

**Lyn Murphy:** If I correct the Board, and you correct me if I'm wrong Mr. Koval, there's, you're not, you're saying you don't want winter storage, they'll be a maximum of 20 units, you're going to put a hedge along the Right-of-Way, there will be no outside storage of parts and at this point in time your business is not involved in campers or motor homes?

**Richard Berkowicz:** I mean he did have winter storage, from what you told me.

**James Nichols:** Correct.

**Richard Berkowicz:** You did have winter storage from what you told me.

**James Nichols:** I have winter, with winter storage we will do repairs on boats during the winter. There will be boats there.

**Tom Koval:** But you will not exceed the maximum units allowed?

**Lyn Murphy:** But you said you were doing your storage in ....

**James Nichols:** Right, right. Like if a customer was just coming solely for winter storage, it's not gonna be there. If it's on the property, it's to be sold or to be repaired.

**Tom Koval:** For boats to be repaired over the winter

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**James Nichols:** Right, we do do a limited repairs over the winter as well.

**Tom Koval:** That's acceptable

**Richard Berkowicz:** I'll second.

**Donald Roberts:** Ok, we have a motion and a second with conditions, all in favor? (All were in favor)  
Opposed? (None were opposed)

**Richard Harris:** I'd just like to clarify how we're handling this from an administrative standpoint. If we have no issues, will the applicant need to return next April 22?

**Donald Roberts:** No.

**Richard Harris:** So, if issues arise, it'll expire April 22, 2020

**Donald Roberts:** Right.

**Richard Harris:** And he'll have to come back

**Donald Roberts:** Yes.

**Richard Harris:** And hopefully rectify on the plan whatever

**Donald Roberts:** If all goes well, we don't need to see him again.

**Richard Harris:** Ok. Just clarifying.

**Donald Roberts:** Opposed. Motion carried. Now how about a sign?

**James Nichols:** We have a sign that we are gonna want to put up. I haven't gotten that far yet.

**Donald Roberts:** You have to come back to ask for the sign. Ok?

**James Nichols:** I will be back for a sign.

**Donald Roberts:** Ok, very good.

**Julie Nichols:** We can temporarily have a vinyl banner, but we know that, I think it's only 30 days.

**Richard Harris:** Yeah, add the words like, coming soon onto it or something.

**Julie Nichols:** Ok.

**Donald Robert:** Alright? Ok. Thank you and good luck.

**James Nichols:** Thank you. We appreciate it.

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*Nichols Marine LLC – Change of Use/Tenant APPROVED. Board approved the request for a marine sales and repair business, with conditions related to the maximum number of units, site improvements, outside storage and a 1 year conditional approval.*

**Donald Roberts:** Can I have a motion to adjourn.

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

**Tom Koval:** Second.

**Donald Roberts:** All in favor. (All were in favor) Opposed? (None were opposed) Motion Carried