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**MINUTES MEETING  
Town of Halfmoon Planning Board  
April 8, 2019**

**Those present at the April 8, 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 and I would like to welcome two new members to the Board tonight , alternate members so we need to put into action right away, Brendan Nielsen and Chuck Lucia welcome to the Board, and also we can't take action on the minutes from the last meeting because we don't have a quorum of people who were here last time so we will have to put that up to the next meeting.

**Public Hearings:**

**18.194**

**Betts Farm Residential PDD, Betts Lane – Major Subdivision**

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

**Gavin Vuillaume:** Gavin Vuillaume with Environmental Design representing Abele Builders, good evening new Board members, welcome to the Town of Halfmoon, the project has been in front of the Board many times. This has been going on for about five years. We've had several public hearings during the PDD legislation phase of the project. The Town Board has been very receptive to the project. These actual design engineering drawings are based on the PDD approvals that were gained about a year ago so just for the public the application still remains the same, essentially we are proposing 201 residential units where 118 of the units would be smaller patio homes, we are also proposing 82 twin homes and those would all be developed within 5 phases of the project. We presented again the more detailed plans at the last meeting. Clough Harbors or CHA has provided engineering comments that we have already addressed, I spoke with Joe last week I think he is pretty much set with things at this point, there will probably be another small round of comments before we actually submit this thing to the Department of Health and DEC for future approvals, we have also submitted the plans to the Saratoga County Sewer District which has been very positive with this project and very aware of the project since there currently is a force main that runs through the site that provides sewer service for some of their adjacent subdivisions. So the projects been moving very very well this is the Public Hearing again for us to answer any question that the public might have there is no real new updates, I think that the last thing we were speaking about at the last meeting a little bit was the improvements to Betts Lane, just a quick recap of that, the Betts Lane is the main entrance to the subdivision, we've got a more detailed engineering drawing here, we would be making improvements to Betts Lane all of the way from 236 up to the entrance of the subdivision. The improvements would include a widening of the asphalt pavement that's there now, currently I believe it's about 18 foot wide we are going to be proposing it up to about I believe 28 feet wide, we will also be including as part of the reconstruction of the road, we will help the grading that's there, there is a hill at the very top of the project that we are working with some of the neighbors there to try and lessen that hill and be able to provide a safer access as you come to the end of the road that's currently there. We are also improving the culvert. There is a small stream culvert crossing about here that we are also replacing. Also a part of the other things that we are doing not only within the subdivision but within Betts Lane is we are providing a pedestrian access along one of the sides of the road where we would have a five foot concrete sidewalk. Again providing pedestrians and residents a means of getting safely down the edge of Betts Lane over towards the park. So again there is not a lot of new updates but we obviously are here to answer any questions the public might have.

**Don Roberts:** Ok thank you Gavin, at this time we will open the Public Hearing if anyone from the public wishes to speak please come up and say your name and address and any comment you may have.

**Wesley Betts:** Hello I'm Wesley Betts, 30 Betts Lane. I just want to clarify that Betts Lane is still going to be the primary entrance or is it now going to be the entrance off of Hayner road?

**Gavin Vuillaume:** It would be the primary entrance.

**Wesley Betts:** So has anything been done about site lines on Hayner road?

**Gavin Vuillaume:** I can quickly answer that one. Yeah, as far as improvement on Hayner Road, we did have a traffic study look at the site distance and the curvature along the Hayner Road there are no real necessary improvement along that road but one thing that we did do during the project approval phase is we did lessen the amount of single family and twin homes that would be accessing Hayner road. So again we are trying to force all of the traffic to go towards Betts Lane as opposed to Hayner.

**Wesley Betts:** The widening of Betts Lane again on the south side of Betts Lane that is federal wet lands around that creek so is this going to interfere with that because to my knowledge once federal wetlands are declared you can't impede them anyway. I'm just curious how the widening is going to work.

**Gavin Villaume:** So the culvert that we are proposing will pretty much be exactly the way the one is now other than we are widening it out a little bit so there is no current head wall that is there to make up the grade so there will be a head wall on either side of the culvert that will lessen the impact to the wetlands.

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**Wesley Betts:** Ok that's all I was wondering

**Don Roberts:** You're all set. Ok your welcome, would anyone else like to speak? ( no comments) Seeing no one else would like to speak we will close the public hearing. Comments by the Board members?

**Tom Werner:** Yes, Gavin , question. I certainly commend the applicant for the pedestrian access that is going to be built along Betts Lane over to the town park and of course you got a big development there. Having said that, what's the plan for getting across route 236 to the park, and then on the west side of 236?

**Gavin Villaume:** Yes , so we haven't proposed anything to DOT yet we will be contacting them to make sure that they are on board with that, it really will be left up to them. There is we have it shown on the plan as a future connection again it's really going to be up to DOT as far as what would be allowed my guess is that they probably would allow for it being that there is a park that is accessible on the other side of the road. But again it is really kind of up to the department.

**Tom Werner:** And what is your schedule. I would like to see something kind of finalized for this.

**Gavin Vuillaume:** Yes we can make sure that we have something before if you want to make that some kind of a condition we can certainly make sure that that's been looked into a little further detail, there is a culvert that is there now or there is a swale there , it is in between the road and the park and we are showing a culvert there so we think physically we can get it all to work it's just what kind of devices or signage are they going to require for the actual crosswalk.

**Tom Werner:** I think we can foresee some pretty good uses for the size of that development and the other connections for the trail beyond that and of course the Town park and you've got the ice cream stand in the Summer. So you can expect youngsters, children trying to use that and we want to make sure there is a safe crossing.

**Gavin Vuillaume:** Yes.

**John Higgins:** I have a couple questions. First off, that sidewalk that you are putting in who is going to maintain that?

**Gavin Vuillaume:** That would be the Town. We have already discussed that with the highway superintendent and he is in favor of the design that we are currently showing.

**John Higgins:** Ok. And he is willing to accept the responsibility for maintenance, ok. Hayner Road you said you did site distances, what are the site distances?

**Gavin Vuillaume:** I don't have the numbers in front of me.

**John Higgins:** Are they acceptable?

**Gavin Villaume:** Oh yes, yep we do have all of that information in the traffic narrative that was provided during the PDD process.

**John Higgins:** Ok , also I think in Joe's revision or responses that he wanted, he mentioned about some of the lots that are backed up onto common areas don't have any kind of buffer. Is that one of the things that you guys are looking into?

**Gavin Villaume:** Yes there's some small green areas that you can see on the board there I will show you quickly. I think what you are talking about John are these small green areas in between the back of the lots?

**John Higgins:** Correct.

**Gavin Villaume:** Yes certainly we would be landscaping those , I don't know if those particular plans show the landscaping; it really doesn't I mean we are showing some of the I guess we are doing buffering along some of these existing properties. But I know Abele builders has done a fantastic job with some of their open space in Glen Meadows so

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I'm sure those areas will be landscaped and provide privacy. We can get more information on that before we finalize the plans.

**John Higgins:** Yea we are going to want to see that.

**Gavin Villaume:** Yea we can do that.

**John Higgins:** Also the trail that goes down to Swatling Falls that's going to be maintained by your Homeowners Association?

**Gavin Villaume:** That is by the Homeowners Association.

**John Higgins:** Ok and also the stormwater retention basins?

**Gavin Villaume:** The Homeowners Association would maintain them too.

**John Higgins:** Maintain them? Have total responsibility for them too?

**Gavin Villaume:** Yes just like they do in the others. Yea usually we give an easement in case the Town has to get in there.

**Don Roberts;** But you will make sure that the HOA is aware of their responsibility and not always call the Town?

**John Higgins:** Ok. Also we discussed at the pre meeting when you come back for final approval we are going to want to see some kind of a schedule as far as all of the improvements that when they are going to be done as far as in relation to the timing and also have you talked to the owners, property owners along Betts Lane , you mentioned about trying to do something at the top of the hill there, I see some of them here tonight are they in total agreement?

**Gavin Villaume:** Yes, Chris Abele is here tonight with several residents along Betts Lane.

**Don Roberts:** Ok well, e don't usually do this but we will re- open the Public Hearing, name and address please.

**Bruce Betts:** Bruce Betts , 28 Betts Lane, and over the duration of the project the site distance level has changed and I never got an actual, how much the hill would actually have to be taken down to get to the site distance to be agreeable with the project?

**Gavin Villaume:** Actually we might have that, go to that other drawing. So you can see kind of where the hill. Do you see that dashed area? So there is the dashed area showing existing grade the way it is, this is the new grade, each one of these boxed areas is about 5 feet so 4 to 5 feet it would have to come down.

**Bruce Betts:** Ok.

**Don Roberts:** Are we all set, do we have another one?

**Bruce Betts:** No I am just trying to picture where the road is now and how much it would lower to how far back the grade would go.

**Gavin Villaume:** Yea well obviously then that 5 feet would be tapered down partially on your property to kind of smooth it out.

**Ed Abele:** The earlier designs were more abrupt.

**Bruce Betts:** Because Chris said the last time that it would be taken back as far as need be to make it a nice mowable grade.

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**Gavin Villaume:** I think so definitely nice mowable slope right there.

**Bruce Betts:** Ok.

**Don Roberts:** You're all set? Ok thank you. While it is still open would anyone else like to speak? (no comments) Ok we will close the public hearing again. Go ahead.

**John Higgins:** Obviously if you are going to be working on private property you're going to need some kind of release.

**Gavin Villaume:** Temporary easement yep.

**John Higgins:** Something that which we would want to see also before.

**Don Roberts:** John that is none of our concern.

**John Higgins:** It's not our concern?

**Lyn Murphy:** No that's between the land owners, if it was within our right of way obviously we would give permits and stuff but we don't regulate him going on his property. We don't have the authority to do so. He is smart enough to not do that because he would have him arrested.

**John Higgins:** But how are we going to give final approval based on an elevation if we don't know if that elevation is going to be done?

**Lyn Murphy:** Because he just spoke and said he is fine with him doing it and he had talked to the applicant.

**John Higgins:** Ok but doesn't he have to give an ok ?

**Lyn Murphy:** No.

**John Higgins:** No, ok I think that's all I have for right now.

**Don Roberts:** Anyone else?

**Tom Berkowitz:** I make a motion to grant approval on the preliminary subdivision contingent on a final review by Clough Harbor.

**John Higgins:** I'll second it.

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

**Gavin Villaume:** Great, thank you.

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

*Betts Farm Residential PDD, Betts Lane - Major Subdivision*

*APPROVED. The Board held a Public Hearing and subsequently granted preliminary subdivision approval on the proposed 201 lot subdivision conditioned on addressing remaining items of the Town Engineer.*

**New Business:**

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19.023

Location

T-Mobile / American Tower, 15 Route 236- (Woods Plaza) Telecommunications Co-

**Michael Berotti:** Good evening my name is Michael Berotti I am a program manager for Network Building and Consulting, here tonight on behalf of American Towner and T-Mobile Northeast LLC. At this time T-Mobile is proposing modification to the existing wireless communications facility located at 15 route 236. In summary what T-Mobile is looking to do is extend the existing tower to allow the co-location of T-Mobile as the existing rad centers are too low to meet its R-F objective. In addition T-Mobile shall utilize its existing footprint to house a 10 x 15 feet leased area which shall include its equipment cabinets and its generator in the same 10 x 15 footprint. The existing access path shall remain as is in the stealthing component of the facility shall remain as a model pine also. In our previous submission they provided a tower drawing which should break down the existing heights and how the camouflaging of the tower shall be constant after the proposal. In summary tonight we have come here to look for two separate approvals, negative dec on the SEQR and also hopefully the Planning Board Approval so we can move forward to the building permit with your blessing.

**Don Roberts:** Thank you. Now just to reiterate the new section is what 10 ft.?

**Michael Berotti:** Correct, so the new section is actually 10 ft. , so the tower right now is 99 ft. existing they are going to bring that to a 109 ft. and then the top of the lets say leaves per se' are going to be 115.

**Don Roberts:** Ok, so it's going to be really be covered?

**Michael Berotti:** Correct, so ideally what it should look like is exactly what you have on your screen is going to be the structure.

**Don Roberts:** Ok. Thank you now do you anticipate coming back in the future and going any higher or no?

**Michael Berotti:** Right now I cannot speak for other carriers but T- Mobile at this point to the best of my knowledge that should meet their height RF objective that they need, I can't speak for American Tower because I don't have any of the other information of what they may or may not have on going in the future, but to the best of my knowledge T-Mobile need is at that extended height

**Don Roberts:** Ok , thank you. Questions by the Board?

**Rich Berkowitz:** Who else is on the tower besides T- Mobile?

**Michael Berotti:** Open up the structural documents, and that would be my best summary for that here, is per American Towers documents they are the controlling entity of the tower, I am seeing Verizon, T-Mobile, it looks like Verizon has 2 RAD centers and then T-Mobiles proposed RAD center so if we show , it's hard to see from here.

**Rich Berkowitz:** Now does this keep you at 4 G or does this get you up to 5G? Does that make a difference as far as height or technology?

**Michael Berotti:** In terms of coverage right now T-Mobile is what we call our white space so there is no existing technology for T-Mobile in the area so this is essentially bringing T-Mobile.

**Rich Berkowitz:** So you are not on the tower yet?

**Michael Berotti:** That is correct, this extension is putting T-Mobile on the tower.

**Rich Berkowitz:** Ok.

**John Higgins:** Why can't they go in at a lower elevation?

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**Michael Berotti:** To go at a lower elevation would be about 70 ft.- 72 ft. approximately and that is too low for the propagation and it wouldn't provide the coverage objective for the area.

**John Higgins:** When we originally approved this site we were told that it was a dead spot in the area for Verizon at the time so if T-Mobile is only going to be on this tower are they also getting on other towers in the area?

**Michael Berotti:** I don't know that answer, their full buildout plan I don't have access to. We represent T-Mobile a lot for the new site build program and I don't have a map of every single where they are going but in relation to this one facility.

**John Higgins:** We had a lot of discussion about this site way back when it was originally approved and one of the reasons we went with the fake pine tree or whatever you want to call it was because it lessened the impact in that area so now you want to go up roughly another 15 feet which is going to make it even more visible and I guess my question is, is that absolutely required?

**Michael Berotti:** Yes.

**John Higgins:** You're going to say yes because..

**Michael Berotti:** Its two part. Overall these modifications are very expensive to put up and increase a model pine, ideally if T-Mobile in terms of their financial aspect would rather go with the lower height if it worked for them from a business standard and unfortunately to meet their present and future subscribers they have to go higher and spend the additional consideration to make the investment worth the network.

**John Higgins:** That is only if they want to go on just one tower there are three to four other towers right in the same vicinity that they could co-locate on and not go higher.

**Michael Berotti:** To their existing footprint I would have to defer to an existing engineer in their network but these are all pre-vetted by the internal RF team at T-Mobile and these are probably the structures that are the least favorite to go onto, as we also have to make sure that the branches are maintained and it's also a much higher cost center for us instead of going on a traditional model pine. So these are in our network standards one of the, co-location is always our first option instead of building a new tower. In terms of extensions model pines are much more difficult and a cost center for T-Mobile, so this would not be something that they would be eager and willing to do unless it was absolutely a necessity for the network.

**John Higgins:** Well as Rich mentioned , you're coming in asking for this one to be another 15 feet which is going to be a lot more visible and then two weeks from now you'll be in wanting to co-locate somewhere else, and I guess I had to at least ask the questions.

**Don Roberts:** John I really can't agree with that. Fifteen feet ok but they are going to camouflage it so I don't see any issue with this myself personally, anyone else?

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

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

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

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

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

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

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

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

**Michael Berotti:** Thank you.

***T-Mobile/American Tower (Woods Plaza) – Co-Location***

***APPROVED. The Board approved the application to allow co-location equipment on the existing tower.***

**19.047 Billies Barbershop, 4 Old Route 146 – Sign**

**Bruce Tanski:** Good evening Bruce Tanski, Bruce Tanski Construction, I would like to introduce Tamara Sullivan to the Board she will be taking over Jeff Williams spot. We want to relocate the sign that was at Billies Barber shop, it had already been approved and we want to relocate it on the Old 146 part of the building next to the road, but out of the right of way.

**Don Roberts:** And that is the same sign that was at the previous location?

**Bruce Tanski:** Correct, there is also another part of this that is on here that I am going to pull from the application they wanted to put a 1.5 x 8 ft. wall sign on the south side of the Barber shop and I don't want to do that.

**Richard Harris:** You don't want that Bruce?

**Bruce Tanski:** No, not at this time.

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

**Rich Berkowitz:** I make a motion to approve the free standing sign by the road.

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

**Don Roberts:** All in favor? (all were in favor) Opposed (none were opposed) Motion Carried. All set good job Bruce

**Bruce Tanksi:** Thank you,

***Billie's Barber Shop, – Sign. APPROVED. Board approved the new free-standing/monument sign for Billie's Barbershop.***

**19.048 Dunkin Donuts – (Halfmoon Sunoco), 325 Route 146- Sign**

**Bruce Tanksi:** Ok the Board needs to know that there is no net gain on the signage we just would like to relocate it from being close to the ground under the Sunoco sign and make it a free standing sign.

**Rich Berkowitz:** And you know they are going to change this in a few months anyway?

**Bruce Tanski:** Yea but I won't be coming back here doing it.

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

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

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

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

**Rich Harris:** Don I just want to add to Rich's point. I didn't add this at the pre-meeting, but a couple of years ago the Town Board loosened the requirements for signs that were substantially similar to an approved sign. So if they come back, the same height, same dimensions but changed to just Dunkin or something it wouldn't normally be something we would bring back to the Board. If it was a close call I would consult with Don, but there has been a handful of times since the code has changed by the Town Board that we had a church wanted to add a website to the same sign. Now maybe under the old rules we wouldn't have made them come back either but I think they were going to add about 1 sq. ft. to do it on the bottom and we did not require that to come back to the Board so we probably would not.

**Bruce Tanski:** Well that's a good point Dunkin is thinking about changing some of their characteristics so they just might just go Dunkin or something like that.

**Rich Berkowitz:** Yes that's what they are doing they are changing all of their signs to Dunkin.

**Bruce Tanski:** So would we have to come back?

**Richard Harris:** No.

**Lyn Murphy:** Well what you would have to do is go to Planning to show them what you are doing and then they would make a determination as to whether or not you would have to come to the Planning Board.

**Bruce Tanski:** Ok, because I'm trying to do everything by the book.

**Richard Harris:** Yea we like to have a record of it at least an image or by email just describing it so we can make the determination either with Don or consult with Lyn so to save you the headache of coming in , that was the idea the Town Board tried to make the sign ordinance a little more friendly to businesses and that was one of the changes that we kind of had to figure out and stay on top of. There has been probably two or three times a year people are changing not the dimensions not the height maybe adding a different thing to it may be like a phone number or something and we don't require them to come back

**Bruce Tanski:** Ok, thank you very much.

**Rich Berkowitz:** They still have to make the application but we don't have to approve it though.

**Richard Harris:** I wouldn't make them do an application or do a fee I would look at it first and then let them know save them that headache possibly.

**Bruce Tanski:** Ok, thank you very much.

***Dunkin Donuts (Halfmoon Sunoco) – Sign, APPROVED. Board approved the new free-standing/monument sign for Dunkin Donut***

**19.049 Nichols Marine LLC. 931 Hudson River Road – Change of Use/Tenant**

**Jim Nichols:** Good evening Im Jim Nichols my wife Julie Nichols, owners of Nichols Marine and East Side Marina in Rensselaer County.

**Don Roberts:** And what do you want to do?

**Jim Nichols:** We would like today to lease this property and we would like to move our location from Cohoes to 931 Hudson River road.

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**Don Roberts:** And what would you do with the site?

**Jim Nichols:** We are a boat repair shop, marine repair and we do sales and service out of that location is our request

**Don Roberts:** How many boats do you anticipate having on site at any one time?

**Jim Nichols:** We are a small operation I would say safely less than 20 would be total

**Don Roberts:** Our concern is having it get so congested that it looks unsightly , that would not be good, and where would you be storing the boats?

**Jim Nichols:** The shop itself is roughly 3,000 sq. ft. all repairs that we would be doing would be inside and as you pull in where you see new , used boats that piece of grass along the road , this area right here we would have a small display of our smaller new inventory and right here we would have a small line of boats here , and of course inside the building we would be doing our repairs and here we would have storage for boats that are either being in storage there or being repaired and are awaiting repairs.

**Don Roberts:** I think we may need a more detailed site plan showing where these boats are going to be located.

**Richard Harris:** I think it would be helpful if we kind of drew boxes around where all of those different types of uses will be. We like to anticipate what could go wrong and what I mean by that usually with used vehicles and boats is we get a complaint or there is a kind of a safety issue of being parked in front of doors or access, so it is good for code enforcement to know specifically whether it will be up to 8 boats being serviced here 8 boats over here for sale, so we kind of have it a little more defined. I think we talked about that a little bit and I think you attempted to do that here just when I got that and reviewed it, it would be a little hard to figure out. The code enforcement officer a year from now if we get a complaint or if you get a fire inspection what this means to him but I think we've probably got to simplify it I think is the right word but figure that out, we could do that , help you out with that.

**Don Roberts:** Any other questions by the Board?

**Rich Berkowitz:** Do you plan to have winterized boats there over the winter?

**Jim Nichols:** Winterized?

**Rich Berkowitz:** Yes.

**Jim Nichols:** Yes.

**Rich Berkowitz:** How many, and where would you store them?

**Jim Nichols:** We wouldn't store any more than what we have as far as on the side of the building going towards the back of the property, at our current location we have 8 boats there for the Winter all smaller boats except for 2 , most of our Winter storage is done at our marina , we have more property over there

**Rich Berkowitz:** And what is that large white building to the north is that part of that property also?

**Jim Nichols:** Not for us that is owned by the landlord that's another existing business

**Rich Berkowitz:** Would you be opposed to screening any of the boats on the side?

**Jim Nichols:** I'm sorry.



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**Fred Metzger:** The 22<sup>nd</sup> or 7<sup>th</sup> ?

**Don Roberts:** 22<sup>nd</sup>.

**Urbanski & Sala Lot Line Adjustment – Minor Subdivision-PUBLIC HEARING SET. Board received a presentation and set a Public Hearing for April 22, 2019 on the proposed Minor Subdivision (lot line adjustment).**

**19.041 421 Flex Park, Parkford PDD – PDD Amendment Recommendation 421 Rte. 146**

**Old Business:**

**Jason Dell:** Good evening my name is Jason Dell, Im an engineer with Lansing Engineering here on behalf of the applicant for the 421 Flex Park and amendment to the Parkford PDD we are here this evening because we were referred to the Planning Board by the Town Board for a recommendation pertaining to the PDD modification, and we have requested from the Town Board to include an additional .79 acres located along route 146 into the 421 Flex Park and the Parkford PDD. If you recall this property we were before the Board a couple of months ago seeking a re approval of the 15,000 sq. ft. building there at which this Board did approve however we are back this evening seeking to have that property included within the PDD as it will increase the development potential for the 421 Flex Park, Paul could you go to that alternate plan there, this is the overall 421 Flex Park plan , we will actually be coming back to this Board shortly with modifications to that site plan but what we are here for this evening is this property in the front here. Previously we had this smaller rectangle is the footprint of the 15, 000 sq. ft. building it had a 7,500 sq. ft. footprint and it was 2 stories making it 15,000. So the footprint and the width along 146 and the look from route 146 won't look any different however what the applicant would like to do is have the second floor of that building extend northward into the PDD for some additional office space as well as parking up within the PDD and in order to have that site plan we can't really have the same building crossing the two zoning districts , so we are looking to include that property into the Parkford PDD and the 421 Flex Park which will go along with some additional revisions that again we'll be back before the Board for, but if you recall recently you folks approved the site plan for a large 70,000 sq. ft. building in this area that has since been broken down into two smaller footprint buildings as well as a larger building in the back here and the reason for the breakup of the buildings is to decrease the amount of site work on the site , we don't need to bring the site down quite as far. Additionally the applicant has purchased the properties located on Parkford which Mr. Higgins I believe this answers your question from the last time around when we were here for 413 if you recall we used to have an emergency access road that came up here , and I told you the next plan that you would see from us would show the secondary point of that access which comes out here onto Parkford Drive and around, so we are here this evening to request consideration of this Board for a positive referral back to the Town Board for the minor modification to that PDD.

**Don Roberts:** Thank you Jason. Questions by the Board?

**John Higgins:** I've got a couple questions, what's going to happen with the cross easements for the parking with the existing building?

**Jason Dell:** All of the cross lot parking easements all of that remains in place this is just strictly what we are here for this evening would be for the top, and yes all those parking easements all would remain in place that are currently there for the 413 project you are talking about? Along here?

**John Higgins:** Well yea, no the new proposed building had cross easements to share the parking on it with the existing building.

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

**John Higgins:** So if you are going to double the size of that building now, you don't think you will have enough parking in the back for that building alone?

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**Jason Dell:** No we will still have the cross lot parking easements here those are in place. We will need the additional parking in this area for the 30,000 sq. ft. building here as well as this building here is about 25,000 sq. ft. , this one here is 20,000 sq. ft. so we are providing is ample parking however we still would like to have that cross lot parking easement.

**John Higgins:** Well since this is totally changing now when you went before the ZBA for your set backs on the new building, you said because of the fact it was going to be similar to the smaller building next to it and they granted those a bunch of variations, are you going to have to go back now to the ZBA again, it's a totally different plan, I was at that meeting and I heard what was stated the reason that you wanted variances was because it was going to be the same as the other building, well it's not the same anymore , it's going to be twice as big , in my opinion you don't need the setbacks now you can move the whole thing back.

**Don Roberts:** Rich what do you..

**Richard Harris:** My experience with variances is once the variance is granted its granted for the property, and if something changed factually it doesn't negate the variance I've never heard of that, it stays with the property.

**Lyn Murphy:** Basically, the setback changes once the variance is granted, so the setback is what it is now regardless of what happens.

**John Higgins:** So even though the applicant didn't do anything with the original application and what was presented to the ZBA at that time was basically a hardship because they said that with the size of the lot that was the best they could do if they had to move it back, I was at the meeting so I know

**Lyn Murphy:** The bottom line is once the ZBA says it's appropriate for a setback to be 10 ft. instead of 20 that travels with the land regardless if they attached 400 acres to the back of it, they said its ok to have that variation from the existing standards

**John Higgins:** Ok.

**Don Roberts:** Ok thank you Rich, thank you Lynn

**Rich Berkowitz:** One question Jason with that new building there, there is no way to get around that. Is there a way to get around the front to get to the back? I mean the easements are there but you really aren't going to use them are you?

**Jason Dell:** Well the parking that Mr. Higgins is referring to is right in here..cross lot parking easement, Mr. Earls building is right here.

**Rich Berkowitz:** Oh I see you're still going to build parking on the east side of that.

**Jason Dell:** And there are two accesses to that.

**Rich Berkowitz:** But there is not going to be a connecting inner route, to get from the east side to the west side.

**Jason Dell:** No there is no route between here and here to get out . The reason being is a significant grade change and there is actually.

**Rich Berkowitz:** Ok it all makes sense now.

**Jason Dell:** There is rock in there too. There is a seam of rock that goes right in here and instead of blasting that down we tried to figure out what can we do instead of removing all of that well it would make sense to do a second floor of a building there because you know obviously the constructability of it.

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**Rich Berkowitz:** So if you come out on the upper level you are coming in the second floor and going down to the first floor.

**Jason Dell:** That is correct.

**John Higgins:** Oh so there is not going to be a first floor on the back side.

**Jason Dell:** No.

**John Higgins:** Ok.

**Don Roberts:** Anyone else?

**Tom Werner:** Jason will you be submitting a new traffic analysis once you finalize what your plans are for the buildings and the nature of the businesses?

**Jason Dell:** We certainly can, first step obviously is the PDD modification and then as we moved forward we are preparing the design drawings now to submit to CHA for review and we can certainly do that the square footages remain similar to what were originally proposed, they are similar they are not the same because we did add these two buildings right here along Parkford just to kind of show what could be there because the applicant does own these now in order to get access out there so the answer to your question is we can certainly provide an updated traffic analysis.

**Tom Werner:** You have a sense of what the usage would be similar to what's generally in this area?

**Jason Dell:** Yes it changes.

**Tom Werner:** Office space?

**Jason Dell:** Office, hopefully manufacturing, hopefully a little bit of both, storage...

**Tom Werner:** Ok.

**Rich Berkowitz:** I personally think there is a ton of parking up there you are probably not even going to use half of it.

**Jason Dell:** Right here internally we've got loading docks that the applicant wanted internally and within the building, so in order to maneuver out with those trucks we kind of need a big parking area.

**Rich Berkowitz:** I understand that but I don't foresee a parking problem.

**Jason Dell:** I don't foresee a parking problem by any means but we were providing the additional area right now that we are not showing striped off just to show that those trucks can get in and out of there.

**Rich Berkowitz:** Because the other building you had there is no parking problem either.

**Jason Dell:** That is correct.

**John Higgins:** Where is the main entrance?

**Jason Dell:** the main entrance is still off of 146 down here where it currently is but now this will also be a full access over here onto Parkford so they will be able to get out on either place.

**Don Roberts:** Anyone else?

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**Rich Berkowitz:** I'll make a motion to make a positive recommendation back to the Town Board.

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

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

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

**Jason Dell:** Thank you.

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

*421 Flex Park, Parkford PDD – PDD Amendment Recommendation - APPROVED. The Board heard a presentation and issued a Positive Recommendation to the Town Board for a PDD Amendment at 421 Route 146 to add a 0.79 acre parcel to the Parkford PDD.*

**17.034** **Pinebrook Hills PDD Farm to market Road – Major Subdivision (Final Approval)**

**Ivan Zdrahal:** My name is Ivan Zdrahal I'm here tonight to present the proposed subdivision, Pinebrook Hills PDD for consideration of the issuance of consideration to issue a final approval by the Board. The project is a 66 lot subdivision, at this point, the plans for the project are fully completed and include all comments received for this project by the public, by the Board, by the Town Engineer. The, just a quick recap of the timeline of the, past timeline of the project. The preliminary approval was issued in June 2018, we received a New York State DEC approvals and Army Corps permit in November 2018. Saratoga County Sewer District approved the project. The only thing which is pending for the Governmental agencies. Health Department approval, but everything was submitted to the Department there's just a couple minor documentation, standard documentation, SEQR documentation, stamping those plans before they get submitted to the Town for Chairman's signing. We have provided, I'm stating in my submittal for the final approval that there will be a payment of \$25,500 made payable to the Town for the water district extension which is for the remaining lots above the 49 lots which were previously approved on this site. For now 66 so its ...

**Lyn Murphy:** What are you talking about part of the preliminary...once preliminary approval is granted, we do the out of district water agreement typically. This project was unique in that part of it had already been paid for. So he is now paying for each and every lot. He's paying for the remainder of the ones that hadn't already been paid for.

**Ivan Zdrahal:** There are other things I am establishing, some data with respect to the GEIS fees which will be applicable to this project. Based on the information I had in my files, the present fee per lot is \$3,635 which for the 66 lots amounts to \$239,910. The project will consist of improvements which are applicable to the GEIS fees in the amount of \$200,125 and that includes an upsizing of a water main which is...

**Lyn Murphy:** Ivan, this is a bunch of stuff that these guys don't really, they don't get into the fees.

**Ivan Zdrahal:** Oh.

**Lyn Murphy:** So, all of that is included in the water extension agreement and in the PDD it's all spelled out and that's already been approved by the Town Board so they need to know from you that this looks exactly the same basically as when you granted, when they granted preliminary approval.

**Ivan Zdrahal:** Yes it does.

**Donald Roberts:** Thank you Lyn. We were trying to make it easy on you.

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**Ivan Zdrahal:** Ok.

**Ivan Zdrahal:** Thank you.

**Donald Roberts:** Joe we all set? You got any problems? Rich? Board members you have any comments?

**Richard Berkowicz:** Ok, I make a motion to grant final subdivision approval.

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

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

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

**Donald Roberts:** You're welcome. Now I got a good idea here. Why don't we have Chuck make the motion to adjourn and have Brendon second it so they.

**Richard Harris:** Can I bring something up quickly though. I talked to the applicants for the Marine repair in the hallway and would you be amenable to setting up a site visit if they give me a revised plan setting up the site visit before the next meeting, and it wasn't clear how you discussed it because given the seasonal, it's a two-week move for him and he was hoping to be in by that weekend before the 22<sup>nd</sup>. I told him at this point the best case scenario is that you get approved by the Board on the 22<sup>nd</sup>. That's best case scenario, I can't promise you that and you move in the 23<sup>rd</sup>. He said but it's (he works full time and that's his own problem – it's his own issue), but it's a two-week thing for him and I said listen, I will talk to the Board about trying to, if I get that sketch in the next day or two, we'll try to set something up later this week or early next week with eye towards any questions you could resolve maybe by the 22<sup>nd</sup> and get you back on, so.

**Donald Roberts:** Ya know, the only concern I have is that, ok we got the, ya know, Chuck and Brendon that are new.

**Richard Harris:** Yup.

**Donald Roberts:** I mean I'm not sure whether we should throw them into that or not but. I guess we'll ask for three volunteers, then we'll ask for three volunteers to be a Committee:

**Lyn Murphy:** We'll do an email to see who can go down once you have a date.

**Richard Harris:** Yeah I could that. I could email everyone and see unless you feel like picking now but yeah.

**Donald Roberts:** Well, let's see if we have three guys that want to do it now.

**Richard Berkowitz:** I mean if you can do a late Wednesday or Friday, I can do it. Dependent on what, kind of what Friday, late Wednesday, I can do it.

**Richard Harris:** Late Wednesday.

**Donald Roberts:** John.

**John Higgins:** Next week it probably have to be Friday because I believe I'm working Wednesday.

**Richard Harris:** We'll do it by email. Unless Chuck and Brendon can commit right now.

**Donald Roberts:** You could, can you?

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**Chuck Lucia :** Next week, right?

**Donald Roberts:** Yeah.

**Richard Harris:** Yeah, I mean it'd probably be good for both of you just to see.

**Lyn Murphy:** You're gonna go, right?

**Richard Harris:** Obviously, a Board member and either Paul or I yeah, yeah.

**Donald Roberts:** Ok, so it'll be Brendon, Chuck.

**Richard Harris:** And we'll try to get another person.

**Donald Roberts:** Then do an email, we need one more person unless Rich can commit.

**Richard Harris:** I'll try to do the later the better. Does that work for you guys work wise?

**Donald Roberts:** Alright.

**Richard Harris:** The later, the better – Chuck?

**Chuck Lucia:** Yeah.

**Tom Werner:** Would there be value in looking at the existing in Cohoes? Just to get a sense?

**Donald Roberts:** It probably couldn't hurt. I'm not sure, is that down by the Cohoes-Troy Bridge – the 112<sup>th</sup> Street Bridge? I'm not sure if that's the one down there or not.

**Richard Berkowitz:** Did he say Rensselaer County?

**Donald Roberts:** I thought he said Cohoes.

**Richard Harris:** I thought he said Rensselaer County. I didn't hear where.

**Richard Berkowitz:** He said Rensselaer County but he said Cohoes also.

**Lyn Murphy:** I got the impression that he does this in Cohoes and he wants to move it over here and then in Rensselaer County he some actual marina.

**Richard Berkowitz:** Well he's moving this from Cohoes up here and then the marina.

**Donald Roberts:** And it can't hurt to see the Cohoes.

**Tom Werner:** It gives is a sense of what's out and stored.

**Donald Roberts:** Yeah. Because I'm just worried about how that's gonna look. That's, ya know, really.

**Richard Berkowicz:** Well its wide open.

**Donald Roberts:** It's gonna look unsightly.

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**Richard Harris:** So how do you want to handle that in terms of a visit to Cohoes? On your own or?

**Donald Roberts:** But we'll need to know where it is.

**Richard Harris:** Alright, I will email you where it is.

**Donald Roberts:** Ok. Alright?

**Richard Berkowicz:** If you can screen the existing boats there, except for the ones for sale, that might help them out a lot.

**Donald Roberts:** Alright? Ok, Chuck, you're on.

**Chuck Lucia:** Alright, motion to adjourn.

**Donald Roberts:** Brendon.

**Brendon Nielsen:** I second.

**Donald Roberts:** All in favor? (all were in favor) Opposed? (none were opposed)

**Donald Roberts:** Motion carried. Meeting Adjourned.