

8/12/19

**MINUTES MEETING
Town of Halfmoon Planning Board
August 12, 2019**

Those present at the August 12, 2019 Planning Board meeting were:

Planning Board Members:

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

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 Drobný

Town Board Liaison:

John Wasielewski
Jeremy Connors

Town Engineer / CHA:

Joe Romano

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, have the Board members had a chance to review the minutes from the last meeting?

Rich Berkowitz: I make a motion to approve the minutes.

Don Roberts: Can I have a second?

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Tom Koval: Ill second it

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

Public Hearings:

19.117 Yarosz Subdivision, 72 Smith Road – Minor Subdivision

Don Roberts: Would anyone like the notice read? (No comments) is there anyone here to present this application? Please come up and say your name and address and what you plan on doing please

Bob Davis: Bob Davis, Advanced Engineering and Surveying as we said before a two lot minor subdivision.

Don Roberts: When it's complete they would still be conforming lots?

Bob Davis: I believe so

Don Roberts: They will be yes, this is for the record, and it's all recorded so the more we get on the better

Bob Davis: I understand

Don Roberts: Ok that being said we'll open the public hearing would anyone from the public wish to speak? If so please come up and say your name and address and any comments you may have, because again it's recorded.

Chris Cusak: My name is Chris Cusak I am at 2 Misty Meadow way behind there, on Smith road and Misty Meadow, which lot is it in the picture I can't see it even with my glasses on that is proposed for the new construction? Ok thank you.

Don Roberts: You're all set? Ok thank you, would anyone else like to speak please come up.

Theresa Cram: Theresa Cram I'm at 4 Misty Meadow Way the second one off up from Smith right behind in between the two plots, between the main plot there which I guess is A now the six houses that abut that there's a forever wild area there so because we can't see the top of that lot B is that just the left side of it or is it also along the top part if you move that little red pointer up over.

Bob Davis: That is the existing property line the entire lot so it stayed the same to the line down here

Theresa Cram: Yea what my question is A the bottom section there to the right of the house or, and is it section in back of the house also?

Bob Davis: That's it, this is just the distance to the property line, so the lot right now is shaped like this, your drawing a line down here, from here over is all going to stay with the lot that the house is on currently.

Richard Harris: It's basically splitting it down the middle from Smith road.

Theresa Cram: So the new lot line will go from Smith road straight back to the left of the house?

Richard Harris: Is that correct? Yea it's a line right here

Tom Koval: Rich is it officially forever wild? I hear that term thrown out there so often and it's because some realtor told them it was forever wild but

Richard Harris: I don't believe there is a restriction on his property

Theresa Cram: Well we were told when we bought our property from Belmonte that that whole section behind that goes between the property line that that is forever wild so one of our questions is what does that mean for building, that's why I'm asking because the run off would come down, it's not flat that section there it goes up from the center of the line straight up a hill so any kind of building would go down.

Tom Koval: That forever wild term is wildly thrown out by developers to entice people to buy properties and it is seldom true

Richard Harris: I believe you on your property may have a deed restriction on your deed and often those deed restrictions people refer to them in common terms like land preservation or forever wild or no cut buffer, I don't know for sure but you would have to check the deed of this lot that's being proposed for subdivision to determine if it has such a restriction, It's my understand this is a very old lot it's not a recently created lot in the last 20 years or so I don't believe, so it would be very unusual for this lot that is the subject for the public hearing to have a deed restriction like that, if Mr. Belmonte told you that I can't speak for him but I do recall seeing , it happened before us here but that a lot of the lots in that development do have deed restrictions in their own deed that they can't cut on their side

Theresa Cram: Yes so the reason that I was asking about behind the house If it's just to the left of the house that's fine there is going to be no run off but if it is going to be behind the house there would be run off that's all, so and this gentleman just showed me that it does go straight back from Smith road.

Richard Harris: Does that satisfy you

Theresa Cram: Yes

Richard Harris: Ok

Don Roberts: Would anyone else like to speak?

John Dunsick: My name is John Dunsick I live on Smith Road I own the property to the south of this proposed re-subdivision I've seen the map that was prepared by the surveyor I kind of think that there may be a few errors and omissions contained in the map I'd like to submit if I could the original deed for this property that was recorded back in 1968, the surveyor is only referencing a VanGuilder subdivision map whereas the actual deed that was recorded in 1968 has an attachment a map made by Krupschack I don't know how the surveyor missed that I don't know if there is no abstract to title or title policy that the current owners have but if I could submit this, If I could a few other concerns I don't know if this survey conforms to code of practice of the NYS Association of Professional Land Surveyors which may be different from the subdivision requirements of the Town of Halfmoon. I noticed and I mentioned to the Planning Board staff

that none of the documentation seems to match up with the record lines , in particular there was a capped iron rod at the corner with my property unfortunately I think a few years ago the Town Highway Department came through with the boom and went behind the former utility pole and actually flattened the monumentation all I can see now is a portion of a rebar sticking out of a hole with water in it, which leads me to my next concern, that area to the south of the existing house that area is all clay, that is a very wet area, Charlie Biette told me years ago that's clay to the south of his house, the north side is more sand, my concern is if this is going to be what a single family home or a duplex? I'm not sure, you've got clay in there and what are you going to do for a leaching field and I'm concerned too because if there is a problem with the leaching field I'm going to be walking that line and that clay is going to retain whatever and in addition I would like to mention the traffic on Smith road now already and in the last two years it's been getting crazy, people have been using it as a cut through to avoid the mess out at Farm to Market and 9 and that's a development I don't like to see. I guess that's about it, any questions? No, thank you

Don Roberts: Mr. Davis would you like to respond to the survey concerns?

Bob Davis: Well let's see where to start, I think that the first item that he mentioned was whether or not a title report was done and the answer is no, there was no title report which is noted on the plan, what was the second point in regards to?

Richard Harris: The accuracy of the line dictated?

Don Roberts: The accuracy of the survey itself.

Bob Davis: We found a lot of monumentation that you could see noted on the plan, and what you see here is the best fit from all of the monumentation that we did find.

Lyn Murphy: It's a certified plan, stamped correct?

Richard Harris: Typically like the County real property tax office once we have a surveyors stamp on it by a licensed surveyor that is adequate to meet our requirements under the Town Code to be presented to the Board. There have been instances where there is a difference of opinion where what might be filed by a surveyor years ago vs now that is not something we have historically as planning department staff got involved in , whose stamp is right this is usually resolved at the County level is my understanding.

Bob Davis: Was there another, what was the...

Don Roberts: I think that was it.

Bob Davis: At this point we are not doing any, the plans for what is going to happen on that lot it's just going to be sold as a vacant residential lot, at the point that it is sold then whoever buys it will be responsible for doing there test bits perk tests finding what you're saying or whatever they find and try to make it work.

Richard Harris: Yea that would typically be something reviewed as part of the building permit process , you know depending on what is being built , square footage , the foundation the location on the lot and that's certainly something that is pretty typical required for a septic permit as part of whatever is being built.

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Don Roberts: Would anyone else like to speak? Seeing no one else wishes to speak we will close the public hearing, comments by the Board members?

Marcel Nadeau: Discrepancies within the survey would be a civil action that they would have to take amongst themselves so this Board would have no responsibility.

Lyn Murphy: That's correct and this gentleman by stamping the plans and certifying on this being true and accurate is putting his license on the line and you rely on that to proceed.

Marcel Nadeau: Thank you.

Rich Berkowitz: I make a negative declaration pursuant to SEQR

Marcel Nadeau: I 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 minor subdivision

Tom Koval: I'll second

Don Roberts: All In favor? (All were in favor) Opposed? (None were opposed) Motion Carried, all set

Bob Davis: Thank you.

Yarosz Subdivision- Minor Subdivision

APPROVED. A Public Hearing was held and the Board approved a proposed two-lot residential subdivision.

New Business:

19.124 Chiron Massage, 3 Cemetery Road – Change of Use/Tenant

Tamara Sullivan: Hi Tamara Sullivan for Bruce Tanski Construction, we have a new tenant at 3 Cemetery road occupying a 180 sq. ft. office space.

Lyn Murphy: Excuse me Mrs. Sullivan can you define new when did the client move in the tenant?

Tamara Sullivan: I don't know exactly when because I don't handle the leases out of my office I know that he has been there for a number of months sometime between when Jeff Williams left and I came on board. So his business is therapeutic massage he is the only employee to occupy the space , his hours Tuesday 4 to 8, Wednesday through Friday 10 am to 12pm and 6pm to 8 pm, Saturdays from 10 to 2 and Sundays from 10 to 12.

Don Roberts: Before we go any further can you do me a favor please I've spoken to Mr. Tanski before about this play by the rules , ok he knows the rules , that tenant should not have been in there before getting approved, alright I know it's not your fault your just the messenger.

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Tamara Sullivan: I know and I completely understand I have spoken with the gentleman who does do the leases and I've told him that I need to know if anyone or any sort of change of lease well in advance to anyone moving in.

Don Roberts: From now on we are expecting no one goes in there without approval at any properties he owns.

Tamara Sullivan: I understand

Tom Koval: We threaten all kinds of actions previously if this happened again and its happened again and it's kind of, they are empty threats at this point, making us look like fools which I don't take kindly to and for every project that you bring in front of us that specter is in my mind that where he played us for fools. You need to let him know what he needs to do and he needs to start doing it.

Tamara Sullivan: I can understand that I mean I personally am certainly not trying to do that and I do intend this job is new to me but I do intend on doing it to the best of my ability and doing it the correct way.

Don Roberts: And again we are not holding you responsible for this we know it's not you

Lyn Murphy: Every project that comes before the Board will be reviewed as that project and that project alone so that is important to recall.

Don Roberts: Anyone else?

Rich Berkowitz: I make a motion to approve the change of use and tenant.

Mike Ziobrowski: I'll second

Don Roberts: All In favor? (All were in favor) Opposed? (None were opposed) Motion Carried, sign? Is there going to be a sign?

Tamara Sullivan: Thank you, no, no sign

Don Roberts: Ok, if there is they have to come back before the sign is up ok

Tamara Sullivan: Ok

Don Roberts: Alright thank you.

Chiron Massage– Change of Use/Tenant

APPROVED. Board approved the use of approx. 180 SF for a therapeutic massage business.

19.125

Glennpeter Jewelers 1503 Route 9 – Change of Use/Tenant

Jeffrey Weiss: Hello there I'm Jeffrey Weiss CEO Glennpeter Jewelers and I have Tracey Lewis the COO of Glennpeter Jewelers.

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Don Roberts: You're the guy on the commercial, right?

Jeffrey Weiss: I'm here to answer any easy question you have, any difficult Tracey will answer, yes and I consider every question difficult so go ahead Tracey. We're asking for I guess a change in tenancy at the Halfmoon Plaza we're going to move our location from 2000 feet to the corner store which would be 4200 feet. So we are asking the Boards approval, right Tracey.

Tracey Lewis: Good job Jeff

Don Roberts: So same operation just moving right next door?

Jeffrey Weiss: Same operation we're moving to the right.

Tom Koval: Same signs and everything?

Jeffrey Weiss: No we're going to , we're doubling the size 4,000 ft. actually from an impact cause we are a jeweler store we take less traffic than what was there before so its

Tracey Lewis: Did you say sign or size?

Tom Koval: Sign

Jeffrey Weiss: Same sign, yea whatever is permitted?

Tom Koval: You are going to have to come back if you are going to change your signage.

Jeffrey Weiss: No at this point we are not.

Richard Harris: Yea it does look like you are just changing out in the existing sign boxes to put in, because those were already approved that square footage, you'll remove the old signs, is what it looks like.

Jeffrey Weiss: If anything changes I assume there is a signing Board we'll come back to or here?

Richard Harris: Yea you could talk to us there might be some flexibility depending on what you're doing exactly in concern to square footage.

Jeffrey Weiss: Thank you

Tracey Lewis: Yea we would just be changing the name

Richard Harris: I just want you to keep in mind I know the plaza is close if not at its max square footage so if you are going to add any make sure you talk to us first and there probably would be some approvals from us

Jeffrey Weiss: My guess is because we have an awning with Glennpeter on the existing which will be coming down I know probably a smaller sign will be put up for that tenant assuming we get lucky and it leases out.

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Richard Harris: You're vacating where you are now right?

Jeffrey Weiss: Right we are moving

Richard Harris: Right ok I wanted to clarify that.

Mike Ziobrowski: I would like to make a motion to approve the change of use/tenant.

Rich Berkowitz: I second

Don Roberts: All In favor? (All were in favor) Opposed? (None were opposed) Motion Carried, now you do advertise you're in Halfmoon and I want to thank you for that

Jeffrey Weiss: And thank you for noticing me on tv but they told me I have a face for radio am not sure what that means but that's why I'm no longer on tv,(laughs)

Glennpeter Jewelers– Change of Use/Tenant

APPROVED. Board approved the use of approx. 4,000 SF for the relocation of an existing jewelry business

19.121/19.128 WellNow Urgent Care 1694 Route 9 – Change of Tenant/Use & Sign

Tom Wheeler: Im Tom Wheeler with AJ Sign Company, this building is the old Sleepys in front of the Crossings, wellNow Urgent care is looking to move in. What we're proposing is a sign on each side of the building a larger one facing route 9 and then one facing the back where Cracker-barrel road there is one facing the crossing entrance and then one facing the gas station. They are all internally illuminated channel letters , I found a bunch throughout the state and they all pretty much look like this, they also put red awnings around the building it just kind of gives it a look.

Don Roberts: Can you explain the change of use and tenant, can you explain what's going to be in there and how it's going to operate?

Tom Wheeler: It's an urgent care, it was a mattress store, and it's going to be an urgent care so it's a typical

Rich Berkowitz: Is one of the representatives of WellNow Urgent care here?

Tom Wheeler: No

Don Roberts: Ok we need to know some detail what's going to go on in there

Tom Wheeler: It's an urgent care just like the Albany Med urgent care

Rich Berkowitz: Sometimes you need special parking situations for ambulances of they are going to be coming and going in, what kind of cardiac cases they are going to be having, in my opinion 95, 99 % of the stuff is going to be very simple but when they get that difficult case in there someone's having a major cardiac event you're going to have to have an ambulance come and I know the ambulances are less than a 10th of a mile a way

Tom Werner: I think that depends on whether they are approved for that type of care I know they may not be able to receive ambulances

Don Roberts: Before we go any farther I think we need a representative from the urgent care facility here ok, we shouldn't be doing this.

Mike Ziobrowski: Tom so what we are saying is it's not about the signs, it's about the use

Tom Wheeler: Got it.

Don Roberts: Nothing against you but we have got to have somebody here that is going to explain what's going to happen there.

Paul Marlow: There is an issue with the signs are you familiar with what's going on with the square footage of the signs?

Tom Wheeler: Somewhat, we are probably over right?

Paul Marlow: So we spoke with a representative last week not really sure what direction the company wants to go whether its reduce the square footage to get under the requirement or to seek a variance, I don't know if you have an update on that or...

Tom Wheeler: I'm actually the installer for a national company that handles one now they told me to come and try and get these approved.

Richard Harris: They were actually talking about pulling the application like as of Thursday or Friday but they were going to have to talk to higher ups or something to find out whether they were going to pull it , reduce the square footage or get a denial and so we asked the question are you still going forward with the use , is someone going to be here for the use and we never heard back so today we emailed and a guy from WellNow said , yea we think this sign guy is coming so we are not sure what's going on

Tom Wheeler: I'm just the sign guy though I don't know anything about

Don Roberts: We need someone here from them alright, ok but thanks for coming

Tom Wheeler: So if they want to proceed with this sign package, it would be a variance with the Zoning Board of Appeals?

Tom Koval: Yea because they are way over

Tom Wheeler: Way over, ok I can spread the word on that and tell them to send someone, thank you.

Don Roberts: And Rich you'll take care of contacting them right?

Richard Harris: Yes

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Don Roberts: Alright, thanks

WellNow Urgent Care, – Change of Use/Tenant & Sign

TABLED. Board tabled the applications pending receipt of additional information on the proposed use.

19.127 McBride & McBride Subdivision, 163 Pruyn Hill Road & 12 McBride Road - Minor Subdivision

Duane Rabideau: Duane Rabideau from VanGuilder and Associates I am here representing Tom and Sarah McBride before the Board tonight for a proposed 2 lot subdivision and a lot line adjustment , its located at 12 McBride road and 163 Pruyn Hill Road. The overall McBride farm is 112 this is the parcel we are cutting out right there that would be this parcel right here this is 163 Pruyn Hill Road, the proposal is to create a one acre parcel in the southeast corner of the overall McBride farm which is down here and a lot line adjustment with 163 Pruyn Hill Road. What we are proposing to do is to cut off a 20 ft. strip here off this lot and annex it to this proposed lot here that will be for driveway access off of Pruyn Hill road. The proposal is to tie into public water here and onsite septic on this parcel that we are creating, and this parcel does meet all of the special requirements of the AR zone, and that is our proposal.

Don Roberts: Thank you, comments by the board? (No comments)

Tom Berkowitz: I make a motion to set a public hearing for August 26th.

Tom Koval: I second.

Don Roberts: All In favor? (All were in favor) Opposed? (None were opposed) Motion Carried, see you on the 26th, thank you.

Duane Rabideau: Thank you.

McBride & McBride Subdivision- Minor Subdivision

PUBLIC HEARING SET. Board set a Public Hearing 8/26/19 for a two lot subdivision and lot line adjustment.

19.118 Lissmac Fence, 17 Route 146 Site Plan Amendment

Jason Dell: Hello my name is Jason Dell I'm an Engineer with Lansing Engineering here on behalf of the applicant for the Lissmac site plan amendment. As you folks know this project is currently under construction right now and we are before the Board this evening for a minor amendment to that site plan that would include the construction of a fence around the facility7 , the fence would be 6 foot high fence , it'll be decorative aluminum fencing on the south and eastern side and a chain link fence around the remainder of the facility, I will have two access gates on either side , that would be there for security it would be locked during the evening and the purpose of the fence would be for security purposes. That is our request before the Board this evening.

Don Roberts: Any comments by the Board?

Tom Koval: How are they handling the access for the fire department?

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Jason Dell: We would coordinate that with the fire department you know get Knox boxes in either side and we would coordinate that with the emergency services.

Mike Ziobroski: Is the fence black, the chain link fence?

Jason Dell: Yes

Marcel Nadeau: How does the fence affect the neighbor, anything?

Jason Dell: It shouldn't affect the neighbor at all I mean we still have all of the required buffers, we still have all of the screening in between that it's just strictly outside on the pavement, a fence

Tom Koval: I make a motion to approve the amendment to the site plan the fire department is coordinating for access.

Marcel Nadeau: Ill second

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

Jason Dell: Thank you.

Lissmac Fence - Site Plan Amendment

APPROVED. Board approved a proposed security fence around the perimeter of the property, with the condition that the applicant coordinate access with the fire department.

19.118 GT Toyz LLC, 1537 Route 9 – Site Plan Amendment

Joseph Granich: Good evening, my name is Joe Granich on behalf of GT Toyz, I'm the attorney for the applicant. We've discussed this at the pre meeting, we made some amendments requests to the current site plan specifically in order, the service awning on the north side of the building due to the layout and some of the other issues on the property would ask that that be completely removed from the site plan. Do you want me to address them one by one or how do you want me to do it?

Donald Roberts: I guess we can, it'd be the best way to go I guess. Any thoughts on removing the awning?

Tom Koval: You were going to use the awning for staging or

Joseph Granich: It was more aesthetically put vehicles or boats or vehicles that were going to be possibly sold and delivered under the awning but the way the parking lays out and the flow of the property, ya know the fencing that was required, privacy fencing it just doesn't make any sense.

Tom Koval: I have no problems if you are taking something out like that

Mike Ziobrowski: No issue with the awning.

Lyn Murphy: Just for the purposes of the record (inaudible) so while the issues may be taken singularly, you don't have to give your opinion unless you have a problem with what the applicant is proposing.

Donald Roberts: In other words, we can't act tonight anyway, so

Lyn Murphy: Correct.

Joseph Granich: The next issue that we ask to address this evening was the privacy fence sound barrier. I understand that, and again, I mentioned this in the pre meeting. I was not involved in this project in any way up until recently, to bring myself up to speed, I reviewed all the minutes of the prior board meetings and obviously spoke to my client and the engineers involved. The issue with the sound wall appears to be possibly that it may not have been, well I believe that it was my client who may have proposed it initially due to some concerns of there being sound generated as a result of the business, my understanding that in addition to a wall being proposed, there was, I believe a decision in an agreement between the Board and my client that any service, not manufacturing, but the assembly of any of the vehicles that he's going to be selling were going to be conducted in doors with doors closed and I think that's referenced in the meeting, and I don't recall if I asked the Board if they recall that. I think that was part of the initial site plan approval. That being said, I, again, I was not present I think Mr. Berkowitz may have expressed some concern about the noise being generated by the testing of motorcycles and/or starting up boats again all that being conducted inside, this issue of a sound wall was proposed, we researched it, we got quotes for it. The issue of, multiple issues, one of the biggest issues is that it turns out to be extremely expensive, now we spoke about this in pre meeting and I am here to say that as a representative of the company, I am being straightforward, don't want anybody to think that we are being disingenuous, this was not something that was taken lightly. In support of whether or not the sound barrier was necessary, I don't believe there was any studies done, but I believe that there was some thought that neighbors would have concerns. So addressed what I thought were the only three, there's three contiguous neighbors to the property, it's Mr. Case, Mr. Hildebrandt, and the Schimerhorns. We submitted an affidavit on Marie and Wayne Schimerhorn could not be here, I believe the Hildebrandt, is in the audience this evening. And as I indicated, I have not been able to reach Mr. Case. I am unaware of whether Mr. Case

Richard Berkowitz: Excuse me, have you tried or you just haven't been able to reach him?

Joseph Granich: Well I was advised that, by Mr. Hildebrandt, that he reached out to him.

Richard Berkowitz: Does Mr. Hildebrandt represent Mr. Case?

Joseph Granich: No, but you, Mr. Berkowitz, you indicated that you spoke to him at...

Richard Berkowitz: I know him personally.

Joseph Granich: Correct, and you, I think you had indicated to the Board that he was opposed to the project from the beginning, correct?

Richard Berkowitz: Yes, he was.

Joseph Granich: Ok. So,

Richard Berkowitz: As far as what he's told me, I'm not representing him either

Joseph Granich: I completely understand, but I have not spoken to him and I understand Mr. Hildebrandt has so he can address that when he speaks to the Board. But my question is if you have spoken to him he was opposed to the project, do you

Richard Berkowitz: He also wanted to be well protected from the project.

Joseph Granich: Do you know if he was opposed or in support of the wall. Because I don't know the answer to that.

Richard Berkowitz: He can't have a wall because of his, the confines of his property.

Joseph Granich: Ok. So that being said, I, we addressed the other two neighbors who have indicated that they had no issues with sound but they did have issues with aesthetics. So in an effort to do the best we can and I believe as it was mentioned in the meeting to take care of the neighbors the best we can, we asked them what we could do to make them as happy as possible. Mr. Hildebrandt has indicated that he would like a 10' high wooden fence. Mr. Schimmerhorn indicated he would like a 10' high chain link fence with privacy slots in it if we provide it which we can. I think the Board is, and I have maps that can be brought up on, are they up now, so as the Board is aware, all three of these neighbors are quite some distance from not only the property line, but more importantly, the footprint for which GT Toyz is going to be allowed to operate. I don't have the measurements here, but I think they exceed 2-300' in spots. So we are asking at this point if the Board would consider allowing the sound barrier that was initially proposed, and I don't think was done with any subsequent testing, or any legitimate testing other than concerns about sound which is a legitimate concern which I believe may have been alleviated by the requirement and the acceptance that he be allowed, all of his, whether it be the construction, excuse me, the assembly or the service of any of the vehicles being sold would be done inside the confines of the garage with the doors closed. So we're asking if the Board would consider, or allowing us to provide with additional information the Board might require to consider the elimination of the sound wall as it was initially proposed and then putting in the fencing that the neighbors are requesting. I will endeavor, Mr. Berkowitz, if you suggest how I should, because you apparently know him, to contact Mr. Case, I was lead to believe that maybe due to his age or his health he did not want to be bothered, if you think that is otherwise I would make any, every effort to contact him if his opinion is as you state, I would do anything I can to alleviate his concerns, we want to be good neighbors.

Richard Berkowitz: I can ask him.

Joseph Granich: Ok. Then I'll be happy to and you could put him directly in touch with me and I'll be happy to meet with him directly at his convenience.

Donald Roberts: Now this is not a Public Hearing but Mr. Hildebrandt, are you in agreement with what Mr. Granich said about replacing the sound barrier with this new proposed fence? Yes you are, thank you very much Ok, go ahead thank you very much, go ahead Mr. Granich

Joseph Granich: So, does anybody have any questions? I know this was a little bit of a hot discussion earlier on the sound barrier before I move on to the next topic.

Tom Koval: With those, and it's a little bit off topic but it's still a pertinent question. When you install the inside door, what type of air filtration system is being installed for all these units that are being worked on inside the building with closed doors?

Joseph Granich: Can't speak to that but maybe either Mr. Goldstein or...

Donald Roberts: Well, before we go there though, I mean, let's get the fence out of the way.

Tom Koval: Well, it plays into it.

Donald Roberts: Well, how's that?

Tom Koval: Because if they're not providing the proper ventilation then they're going to end up working on these vehicles outside regardless even if it's for a short amount of time it takes us to send Codes over there and then we still have a noise issue.

Joseph Granich: Is it a fair statement that if I were to address the air quality as it pertains to the starting of these vehicles in doors that that would alleviate their concerns with respect to the sound wall if it would force us to, or allow us, to keep the doors closed. Obviously,

Tom Koval: It would give me a point of reference.

Joseph Granich: Fair enough. We can, I mean obviously, as you indicated, being in the construction business, there has to be some sort of ventilation. Whether it's the simple HVAC or if there's exhaust fans, those things are readily, easily addressed and I'd be happy to address those

Tom Koval: It's very easy to do with an automobile

Joseph Granich: Sure.

Tom Koval: Tail pipe and hoses?

Joseph Granich: Absolutely.

Tom Koval: It's almost impossible to do it with boat motors

Joseph Granich: Boat motors. Ok.

Tom Koval: So, that's what I would like to see as part of my personal, when this comes up, I would like to see some kind of specs on the system.

Joseph Granich: And as I believe you may be aware, but the back, it's the, this entire project encompasses not only the assembly of certain motor sport products that come unassembled they'd have to be put together somewhat, not manufactured, but somewhat and some minor repairs to these things, a lot of it is the sales. So, the back portion of the building which, I believe, you're referring to is not very large, I've been there, it's probably...probably square footage wise, around the size of this room we're in, so, that would be where it would be addressed and obviously going into the sales portion, where the employees are, sales and customers, there would be a barrier there to prevent exactly your concern.

Donald Roberts: Rich, do we have a rendering of the new proposed fence?

Richard Harris: Yeah, there's a detailed, I think it's the second page, should be in your packet

Donald Roberts: Ok, but we do have one?

Richard Harris: Yeah.

Donald Roberts: Ok, so

Richard Harris: Yea it shows the detail on one of the sheets

Donald Roberts: Ok.

Joseph Granich: So, if I just may, I just want to address this because the issue as I understand it is that, and please forgive my directions here but on the map above you, if you went to the middle of the page, you see the highlighted or the darkened blacken line, that references the fence I don't have one....is this a laser pointer?

Richard Harris: Yeah, on the lower right is the chain link fence, correct?

Joseph Granich: Correct. So, if you were looking at the project behind the project, that area there that, my understanding right there is going to be solid wood.

Joseph Granich: Oh, it's chain link. I'm sorry, yes correct. That's the chain link and then that section there would be solid wood. Having not spoken to Mr. Case as to get what his desire would be, we are just proposing the solid wood, I think it's much for aesthetically pleasing. Obviously, if he has an opinion one way or the other, I would be happy to discuss it with him. And then obviously there's existing fencing that the Planning Board required regarding (can you highlight the portion of the fence), that area there is, I believe, 10' high and sections of privacy and then the balance back portion is 6' high privacy.

Richard Berkowitz: Now what kind of deliveries are procured there? How are these vehicles or boats or motorcycles, Jet Ski's delivered?

Joseph Granich: You want to address that?

Greg Goldstein: Greg Goldstein, GTZ Toyz, 1516 Route 9. Boats come on truckloads of four at a time, they're bigger than an average truck but smaller than a tractor trailer.

Richard Berkowitz: Are they backed in or are they pulled in forward?

Greg Goldstein: They normally are pulled in forward.

Richard Berkowitz: And how does the truck get back out?

Greg Goldstein: It's going around our property, there's a gate there and there's a sliding gate there and it's designed to be able to get around.

Richard Berkowitz: So at no time there won't be any backup alarms?

Greg Goldstein: There should be no backup alarms. I mean other than in an instance where they might have to back up a few feet, but no real or unnecessary backup alarms for any extended

Richard Berkowitz: What time do you take deliveries?

Greg Goldstein: We have to unload them so it's during the day 9-6.

Richard Berkowitz: Ok.

Mike Ziobrowski: If I understand correctly, the solid wood fence is not going to have the sound acoustic blanket at this point in time? It's just a wood fence, is that correct?

Joseph Granich: So, back to my original point, we did not believe that it was necessary, the space alone, or at least based upon what I've read, was generating sufficient enough noise that would require sound proofing. However, the original fence that was proposed by my client early on was a sound proof, it was a sound barrier. There are hybrids of a sound fence where you could put a wooden fence and/or in this case a chain link fence and then hang what are called sound mats off them. They are, that option is less expensive, significantly, well I shouldn't say significantly, but it's less expensive than the sound wall itself. Back to my original position, I was not here when this thing was initially proposed it seemed like the sound concerns with respect to the indoor operation of the majority of the business and more importantly, the significant distance of the 3 neighbors in question, from my perspective at least made the sound issue moot, I'm not saying that there will be no noise generated but obviously we all are familiar with the hum of Route 9 which is right there, but that is an option that there could be sort of a hybrid.

Mike Ziobrowski: So it's an option at this point in time? You're not proposing it or you are proposing it?

Joseph Granich: What I, once I got involved I decided to go to the neighbors and actually feel, decide what they may be interested in and both of the two neighbors I spoke to had no concerns about sound, they wanted aesthetics. So, to answer your question, it's always an option. I'm here to try to eliminate, which I believe is the most expensive and probably least, the most unnecessary option.

Mike Ziobrowski: Right, I'm just trying to confirm what the Im just trying to confirm what the status is at this point in time.

Joseph Granich: Totally understand

Donald Roberts: I guess we could move on to the landscaping.

Joseph Granich: Ok. So, with respect to the landscaping and this ties into four, I believe the Board is aware, there's been some setbacks obviously in construction as I'm sure Mr. Koval knows nothing always goes smoothly so we are moving forward at, as quickly as we can but the concern would be that we would not have the landscaping in place for the anticipated C/O day and we don't want that to be something that would set it back so, we wanted to do the landscaping proposal I believe it's going to be very beautiful, It's a very nice aesthetic, compliment to the project especially on Route 9, however, we would escrow for the money for that or bond money for that portion the project if we can't get to it, we'll get to it in the spring.

Donald Roberts: That's shouldn't be a problem at all.

Richard Berkowitz: When is the anticipated C/O?

Joseph Granich: Well, tying into, and I can't answer that. Do you know when the anticipated C/O would be, where's Mr.Lorette? Could you give them an idea?

Unknown (no name given): We are looking at late September maybe, were waiting for some material to get back in, some steel to get back in

Mike Ziobrowski: Well we said 90 days.

Donald Roberts: Yeah

Richard Berkowitz: Well, it's, seemed like it was a big secret, when this is going to be finished.

Donald Roberts: Well, I don't think....

Tom Werner: Can you provide a rendering of what the landscaping will look like a street view from Route 9, because we did have discussions about that in previous meetings? Sort of a rendering of how it will look across the front as the motorists would pass by.

Joseph Granich: I think there's two issues there sir and if I could address them both. There's the landscaping that is the issue with respect to a, almost a grotto that's out in front of the building for customers and then there is some additional landscaping that I think my client and the Board discussed, additional trees and bushes and stuff of that nature that would be inside the Right of Way but more on Route 9.

Donald Roberts: Joe Romano, you're going to review that anyways.

Joseph Romano: We did.

Donald Roberts: He did. Our Engineer reviewed this.

Richard Harris: I just want to mention, it's pretty typical on a large number of projects during the year that an applicant is seeking a C/O and they're not able to do, usually one and two things because of the weather timing, which is landscaping and put a top course pavement on usually a parking lot paved area. It's been a long practice of the Town that I continued recently where we take a, either a cash escrow or if it's a large amount or a letter of credit or bond with a deadline date. Sometimes they miss that date but we do have the bond to hold and cash, we did it with Graybar for example.

Donald Roberts: Sure.

Richard Harris: They didn't have all their landscaping in, a good percentage of it died, we're holding \$60,000 until they get everything done....alive. So, it's not usually something we concern the Board with but if they want to change it or eliminate it that's a different story, but to hold money in escrow for, ya know, let's say springtime in this case, and even that happens sometimes it's rainy or late spring and we're considerate in that fact.

Donald Roberts: So, this should not be an issue.

Richard Harris: Not an issue. Yeah.

Joseph Granich: And Mr. Werner, just to add to your issue, the landscaping that we're talking about that would be more on Route 9 aesthetically, we've proposed a series of small, I say small, three or four separate landscaping beds, if you will that would look aesthetically pleasing and laid out in a certain way in front of the property, and obviously if there's any suggestions about any additional that the Town would like to see, we'd be more than willing to discuss it.

Tom Werner: Yeah, I'm just....ya know, make sure it's a softened view for travelers. I mean it's going to be a sea of vehicles in that parking lot so just kind of soften that and there are some other establishments up on Route 9 that have done something very attractive.

Joseph Granich: We'll take a look at them. Thank you. So, tying into the fourth issue, in light of the fact that we were somewhat behind in getting the construction where we need it to be, we were going to temporarily ask, and I had asked the Board to consider, a temporary situation, I know the Board doesn't have temporary C/O's where we could operate in a modified capacity at the new location. Obviously, members of the Board being businessmen, you understand that if you were to shut down for even 30 days it could be significant for his business. So, we asking to do 11 spots would be the north end of the project and a temporary trailer. Since I've proposed that to the Board, there's been some developments with respect to Mr. Goldstein's current location just south of this location on Route 9. As the Board I think is aware, there's a florist that is designated to go into the spot where he is now. The landlord and the upcoming tenant and Mr. Goldstein have met and they've offered and agreed to do some sort of co-occupancy for this 90-day window that we're hoping that we're not going to need but we're going to need probably a portion of it. There was some concern about parking, I know my client had come to the Board and asked for additional parking which was given in a temporary form, I believe, 50 spots. With respect to the co-tenancy of my client and the florist, they would not seek any additional spots. They would ask that those spots be, they would divvy those up amongst themselves and then whatever the original parking allotted for the location would be would revert back to it and that would be up to the new tenant to deal with the Board. The real issues that I think the Board would have an issue with is, if they're allowing, if they're willing to them to operate at a temporary capacity as a co-tenant with the florist which would then alleviate the need to go up at the new site and temporary capacity would be signage. As everyone's probably aware, he has, I believe, what's a sign that's permitted currently based on size and dynamic are shape and geometric size the new tenant obviously is going to put his plastics in that new sign. We're asking to again temporarily just remove the current sign and drop it down a few feet just below it so he has a presence on Route 9. So that would be an alternative to my request of number 4 would he be allowed to have some temporary access:

Tom Koval: Well the issue we have to argue is that was supposed to expire as of September 1.

Joseph Granich: Correct.

Tom Koval: So that's another 90 days, not only are you asking to keep 50 cars but you're asking us to already bump our temporary people out and another 90 days for the 50 cars. We didn't wanna do it in the first place.

Joseph Granich: I am sir and I understand that and I know you understand that unfortunately none of these things are done with a crystal ball and there's a lot of moving parts to make it work and I...

Tom Koval: I do but bringing in all those extra vehicles prematurely it wasn't really our problem. We already flexed a little bit to try to be helpful to a Halfmoon business but, and I realize that unforeseen conditions when you're building a building started late for approvals were late. Yet once again not this Boards fault or issue. Now we're going to be going into early winter months with way too many cars in there. Now another business is in there.

Donald Roberts: Well, perhaps we should lower the 50 cars down the 90 day period because when the new tenant's in there, they're going to need some space too.

Joseph Granich: Well, what we've again, to that end with the discussions and the agreement I've had with the new tenant, he wants certain parking in the front of the building so his customers can actually access the store. Mr. Goldstein's vehicles would be more where they are now on display just north on the lot and on the side. Of the 50 cars that are currently permitted and again in a temporary form, they would, I believe, Mr. Goldstein would be getting approximately 30 spots and the florist, ya know he doesn't generate a lot of traffic but if there's funeral or there's vans coming in he would need the access of approximately 20 cars. I would ask that the Board would consider again on a temporary basis to extend the 50 cars either for the 90 days or up until Mr. Goldstein gets a C/O at the new spot whatever comes first which would eliminate that, it would revert back to 30 immediately. I could also then propose, I don't know if it's even permissible but the moment that his place gets paved and is almost ready up the street, he could move inventory up there and park it in the back alleviating that concern as well.

Tom Koval: Paving generally last to add

Joseph Granich: Understood. I understand. I mean there are certain things on the property that could be moved up there and staged and then moved when it's paved, for example, there's not going to be I don't think a lot of sales of boats in, ya know, early October, so that could be taken off the lower lot. But again, we are in endeavoring to get in there ASAP the 90 day request has probably about a 45 day window built into it, but with the hope that we don't need it.

Tom Koval: Isn't there availability a large parking lot within the Goldstein family down in Latham that they could put some of these excess vehicles and not be dealing with 50 vehicles on his parking lot.

Joseph Granich: There is Mr. Koval but let me just address it this way. As you know what is being proposed by Mr. Goldstein from my perspective is rather unique business model. Instead of just selling cars or just selling trucks or just selling bikes or just selling motorcycles, he's trying to do, create what I think is a very unique business in your town and that is the combination of multi-type motorsports as well as high end used cars and boats. In an effort to get this business up and running as you may know Mr. Goldstein has to avail himself to certain deals that are available by manufacturers. Therefore, and to your point earlier about bumping up inventory knowing when he had to move, it's a valid point but when inventory is, can be purchased at a reduced rate it has to be purchased. There are vehicles that are being stored currently on another Goldstein property owned by his father who's present as a favor to his son to say listen I know you're having this issue. I would endeavor Mr. Koval to eliminate as many of this problem we can by putting those vehicles elsewhere but he has his own space issues as well.

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Lyn Murphy: Just for point of clarification you said there's 50 cars, 20 of which are going to be for the florist and 30 of which are going to be for Mr. Goldstein. Meaning he's already dropping his inventory.

Joseph Granich: He's going to have to reduce the inventory to

Lyn Murphy: I just want to make sure I understood that.

Joseph Granich: to accommodate the co-tenant.

Tom Koval: That 50 that we approve is that just for him or is that a combination of the other tenant also?

Mike Ziobrowski: It was 30 and with an additional 20.

Richard Harris: Just for him

Mike Ziobrowski: Yes.

Joseph Granich: But he was the only tenant at the time and now we're going to have this

Tom Koval: Well no, there's another tenant on that property.

Joseph Granich: But I don't believe he's

Greg Goldstein: I was told he has to be out by September.

Marcel Nadeau: Mr. Chairman, I've been on the Board for a long time and I don't ever remember a site that we've had to make so many concessions for. We were told this was going to be ready to go September 1. How many more concessions are we going to have to see?

Donald Roberts: I agree with you 100% Marcel and I expressed that in our pre meeting as well.

Marcel Nadeau: We've heard a lot of promises only to find out that I can't do that, I can't do this, I can't do that, I need an extension so ya know.

Donald Roberts: I know, I agree 100% with you. And one thing I would like to say is I sure hope the 90 days extension works because personally I don't want to see an RV on site temporarily for an office because I think that would set a bad precedent for our Town. I really don't want to see that happen. So, just so you know I'm against the RV right now.

Joseph Granich: And that's why when this, I pushed Mr. Goldstein to work as best he could with the landlord to try to come up with this hybrid.

Marcel Nadeau: I think they're making their problem our problem.

Donald Roberts: Yeah. Again, I'm against the RV just so you know even though

Joseph Granich: Mr. Marcel if I can be just heard, I read the Minutes on this project since it came before the Board and again I told you in the pre meeting this is my first appearance before the Board and I'm very straight forward, I would not misrepresent you at all. What I know is this, I've known the Goldstein family for approximately 20 years Greg Goldstein is starting this endeavor on his own with his wife and his one child in the efforts to make this a brand new business that he has every ounce of his money, his time and his blood to sweat into it, This is not a product that's going to get $\frac{3}{4}$ of the way there and fail, I understand that the Board is desirous of getting it done. They've made concessions, my client has asked for concessions, he's also proposed things that may be not in hindsight were of the best decision. We want this up and running ASAP, this is not some national corporation who's playing games, he is a local resident and he's been in the capital region his whole family, his whole life. He just wants the opportunity to get this thing up and running, I think it would be a wonderful addition to the Town if he was given the opportunity.

Donald Roberts: Understood, and again, we can't act tonight so, got to wait for the County right, so be back on next meeting or the meeting after maybe? Rich?

Richard Harris: Yeah, the discussion at the pre meeting and I just want to confirm that we were going to take a look staff wise at the site plan, the last approved site plan where the parts fit here, 30, 40, 50 so you have some options to think in consideration of the florist being in September 1 and if they're operating at the same time. Is that the desire of the Board have us kind of evaluate that? We would have no problems staff wise it being on the next meeting on the 26th. We'll look at that, at that evaluation.

Donald Roberts: Let's do that then. Alright?

Joseph Granich: And if the Board has any, other than what I can speak today, if there's any suggestions or if you have any desires for me to provide any additional information, I'd be more than happy to do it at the next Board meeting.

Donald Roberts: Ok. Thank you very much.

GT Toyz LLC- Site Plan Amendment

TABLED. Board tabled the request to modify the recently-approved site plan pending receipt of additional information related to the proposed changes and the applicant's temporary use of 1516 Route 9

19.129 421 Halfmoon Flex Park, 421 Route 146 – Minor Subdivision

Donald Roberts: Go ahead Jason.

Jason Dell: Good evening, Jason Dell Engineer with Lansing Engineering here on behalf of the applicant for the 421 Halfmoon Flex Park. The Board's very familiar with this project we were last before the Board back in June of this year where you guys had approved previous modification to the Park and we are back here this evening to request a couple other minor modifications to the site plan. The biggest modification to the plan is that we are going from 7 buildings down to 6 buildings and ultimately are going to have a reduction of just under 25,000 sq. ft. of building area, so, for building 1, was previously up in the front along Route 146 that was going to be a two-tiered building and 30,000 sq. ft. That has been removed from the plan and replaced with about a 10,800 sq. ft. mixed use, potential mixed use building. Building #2 is existing, that's already constructed. That 15,000 sq. ft., and buildings 3 and 4 were in the center portion of the site and they were 25,000 sq. ft. and 20,000 sq. ft. respectively. Those two buildings have now been brought back together as

one and increased in size from an aggregate of 45,000 sq. ft. to 50,000 sq. ft. Building 4 in the rear that was previously a 25,000 sq. ft. building that has been reduced to a 14,500 sq. ft. building, so there's reduction there and the two remaining buildings over on Parkford Drive remain the same size and then the same configuration. So, everything within the Tech, or within the Flex Park, excuse me, the access into the park from Route 146 as well as Parkford Drive remains the same. If you've driven out there at all you see that the access to 146 is obviously already in, however, the cut through has been made to Parkford Drive. There is a construction entrance along this side, water line is in and they will be putting the sewer line in shortly. So, the changes to the buildings are relatively minor and they are a net decrease in square footage. The second part of the modification that we're here before this evening would be for a minor subdivision for building 4. The potential future applicants or occupants of that building I should say would like to own the property that the building is on. We would be seeking a subdivision and a lot line adjustment?

Donald Roberts: We're going to set a Public Hearing on the first one, right?

Lyn Murphy: He was just talking about a Public Hearing one right now

Donald Roberts: Oh, ok, alright.

Jason Dell: Sorry about that.

Donald Roberts: But, ok, so....

Jason Dell: I figured I'd tell you why we're doing it

Donald Roberts: But Joe, you want to mention about the cross easements before we go any farther?

Joe Romano: So, I know previous times when this has been in front of the Board, we've talked about the parking cross easements and ingress, egress, Now that you're actually subdividing a lot out, we'll make sure that those easements are in.

Jason Dell: Correct, we'll not only need the access easements, but we'll also have to dedicate the water and sewer lines now.

Joe Romano: Which we had witnessed going in, but we'll just have to go through the formal process now and create that easement.

Jason Dell: That's correct. The sewer district is the same situation. They're inspecting out there for the same reason.

Donald Roberts: So now you're going to talk about the minor subdivision.

Jason Dell: Gotcha.

Don Roberts: Thank you.

Jason Dell: So, again, the subdivision will involve building 4 and will be taking about 2.6 acres off of the main portion of the property and adjusting the lot along Parkford Drive to create the overall parcel for this

building 4 which would be a little over 3 acres, so we would be adjusting the lot along Parkford Drive to give them frontage onto Parkford as well as they will have access off of Parkford Drive so that would be the minor subdivision aspect of the property, so we're here this evening to bring the Board up to speed on the modifications to the park as well as request that the Board set a Public Hearing for the minor subdivision.

Donald Roberts: Comments by the Board before we set the Public Hearing.

Mike Ziobrowski: No comments. Would we make it for the 26th?

Lyn Murphy: Yes.

Mike Ziobrowski: Ok.

Richard Berkowitz: I motion to set a hearing for August 26.

Mike Ziobrowski: I'll second.

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

Lyn Murphy: The second matter had to be tabled because they didn't have County approval yet

Donald Roberts: Right.

421 Halfmoon Flex Park- Minor Subdivision

PUBLIC HEARING SET. Board set a Public Hearing 8/26/19 for a two-lot subdivision and lot line adjustment.

421 Halfmoon Flex Park- Site Plan Amendment

TABLED. Board received a presentation seeking to modify the previously-approved site plan to consolidate Proposed buildings 3 and 4 into a new 50,000 SF building. Board tabled the request pending county review.

Old Business:

19.076

Eastpointe Homes, Cemetery Road – Major Subdivision

Jason Dell: Hello again, Jason Dell, Engineer with Lansing Engineering, here on behalf of the applicant for the Eastpointe Homes residential. Back in April of this year the Town Board approved modifying the Inglewood PDD to include this property for the proposed subdivision and we are back before the Board this evening for the subdivision process with the Planning Board. So, since the Board saw this project last we did reduce the density of the project down from 42 lots down to 37 lots. We do have our, continue to have, access off of Cemetery Road where we've got a short loop road of about 1,900 feet which will provide access to all of the single family homes. In reducing the number of lots we were able to widen the lots to accommodate the end users building size that they'd like to do so the minimum lot width now within the project is 42' wide. We'll be serviced by municipal water, sanitary sewer will be provided by Saratoga County Sewer District and storm water will be managed in accordance with all requirements. I know the last time we were before the Board on the project there was a bit of discussion with Mr. Higgins about sidewalk and sidewalk placement. We did go out and walk the route and discuss the sidewalk with Rich, Paul, as well as John Pingelski and where we are showing the sidewalks on the current plan was agreed that this would be the most appropriate location for the sidewalks. So, we're here this evening to answer any questions that you folks may have. We have

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submitted and received comments and address comments from CHA on the detailed engineering plans. So we're here this evening to request that the Board set a Public Hearing for this project as well.

Donald Roberts: And I think we're going to do that the 1st meeting in September. Right? Before that, any comments by the Board on what we've heard tonight? Okay, so we want a Public Hearing for September 9th

Rich Berkowitz: I'll make that motion

Tom Koval: Ill second

Don Roberts: All In favor? (All were in favor) Opposed? (None were opposed) Motion Carried, see you September 9th on this one.

Jason Dell: Thank you.

Donald Roberts: Thank you.

Eastpointe Homes – Major Subdivision

PUBLIC HEARING SET. Board received a presentation and set a Public Hearing 9/9/19 for the proposed subdivision of 37 single family home lots.

Mike Ziobrowski: I make a motion to adjourn the meeting

Marcel Nadeau: Ill second it

Don Roberts: All In favor? (All were in favor) Opposed? (None were opposed) Motion Carried, thank you, good night.