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**MINUTES MEETING
Town of Halfmoon Planning Board
August 26, 2019**

Those present at the August 26, 2019 Planning Board meeting were:

Planning Board Members:

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

Planning Board Alternates:

Charlie Lucia-absent
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

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?

John Higgins: Don I have to abstain I was not at the previous meeting

Don Roberts: thank you John, John Higgins abstains.

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

Don Roberts: Can I have a second?

Mike Ziobrowski: Ill second it

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

Public Hearings:

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

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

Bob Wilklow: Im Bob Wilklow from VanGuilder Surveying here representing the McBride's before the Board tonight for the proposed 2 lot subdivision and lot line adjustment located at 12 McBride road and 163 Pruyn Hill road. The proposal is to create a one acre parcel in the southeast corner of the McBride farm and to do a lot line adjustment with 163 Pruyn Hill Road to acquire a 20 ft. strip of land southerly to connect this strip to Pruyn Hill road for the road frontage. We will also utilize this strip for access for the driveway. The proposed lots will tie into the public water and will have a private septic system designed by a professional engineer. Lot 163 Pruyn Hill road will go down to 38,683 sq. ft. the buildable area of lot A will still be 38,681 sq. ft. not including the flag portion and the remaining lands of the McBride farm will be 76 ½ acres. All the lots will meet all of the spatial requirements required in the AR zone. And that's what's in front of you tonight.

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

John Higgins: Is the new lot in the water district?

Bob Wilklow: I believe so because it is going to be out on, that is what the 20 ft. strip is going to give it access out on the front on Pruyn Hill Rd.

Don Roberts: Lyn Does that constitute being in the water district just having access to the road?

Lyn Murphy: The parcel itself has, there is a house on the property with water as we sit here now right?

Bob Wilklow: On 163 there is on Pruyn Hill road

Lyn Murphy: Right so the whole parcel must have been in the water district because when they subdivide off they've been connecting.

John Higgins: Ok, because that big piece of property was part of the McBride fields correct?

Bob Wilklow: Correct, yes

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John Higgins: So well Im asking is

Lyn Murphy: Bottom line if it isn't then the Director of Water will take care of it

John Higgins: Ok, that's all I was asking, thank you.

Don Roberts: Anyone else?

Richard Berkowitz: I make a motion for a negative declaration for SEQR

Tom Koval: Ill second it

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

Richard Berkowitz: I make a motion to approve the minor subdivision

Tom Werner: Ill second it

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

Bob Wilklow: Thank you.

Don Roberts: You're welcome

McBride & McBride Subdivision, - Minor Subdivision

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

19.129/19.130 421 Halfmoon Flex Park, 421 Route 146- Minor Subdivision & Site Plan Amendment

Jason Dell: Good evening my name is Jason Im an engineer with Lansing Engineering here on behalf of the applicant for the 421 Flex Park and the amendment to it for the minor subdivision the Board is very familiar with this project so I'll just hit on the subdivision portion of it , so we are seeking a minor subdivision that will involve what was described at the last meeting as for building 4 that will include subdividing approximately 2.6 acres from the overall parcel as well as a lot line adjustment to the existing lot that is located along Parkford drive. So the proposed lot size for the project will be approximately 2.96 acres and the lot that will be adjusted will be reduced from about 2.4 acres down to 1.92 acres, so we are here this evening to answer any questions the Board may have as well as the public may have on the minor subdivision.

Don Roberts: Thank you Jason, at this time we will open the public hearing would anyone like to speak? Please come up and say your name and address and any comment that you may have.

Michael Deets: Michael Deets 423 route 146 Halfmoon. My concern is with what's being done next to my house is the drainage alongside my house where the cat tails are, I know I was before the Board before when

the put the last meeting in and Im all for the project I have, I am for progress in the Town of Halfmoon however I don't want it to have to make an impact on me with the drainage right alongside my house. I have noticed with the new building that I agreed to behind my house to go in with the rain that we have had the past week, a very unusual rain, however it looked like the Cohoes falls coming off the building and going directly alongside my house and I feel that it has taken a lot of the fill by my house away with it. I don't know if anything can be done with all of the construction that's being done alongside my house that maybe they can put riprap a pipe of some type or something to divert the water, it's going to go that way no matter what but maybe contain it inside of a pipe so it doesn't keep eroding by my house. I know they have their project with street lights and generators again when the building went in behind my house that's another subject but I had no idea the lights would be left on all night , I didn't know there was going to be a generator about 80 feet off of the back of my bedroom window or their lights left on in the front of the building for the whole night , my biggest concern is the drainage , I could oversee the other stuff its already in place and I can't change it , however as we move forward I am just concerned about by my house with the drainage. That's pretty much it, do you have anything you want add?

Melanie Clays: Hi Melanie Clays Im Michaels wife of 423 Route 146, every time I get one of these certified mail letters from the Town about the Flex Park I worry , I think how is it going to affect us. First of all we've had very good cooperation from Jason , we are on a first name basis , if I have any concerns I'll call him , right Jason, so you know we are cooperating we just , to see the construction going on , we see it , we feel it every day with rumbling and all that going on and you know that's our home and we were there long before this construction started so obviously we have a vested interest in maintaining our home the best we can and I agree with my husband that the drainage , the flooding that's coming down between our home going east next to the Flex Park is where it is , we've talked before to the contractor that's works for the Flex Park about whether a culvert or something was necessary to go down through there so it's not anything new , we've had these conversations already ongoing, so we hope that the Board will consider that and help us also the construction company will give us a hand with what we need , thank you.

Don Roberts: Thank you, Jason will you please respond to this.

Jason Dell: We are aware of especially last week, I've already spoken with Paul I've gone out there this afternoon I met with the contractor to try to identify some problems that were a little bit further down 146 down in this area this is their house right in here and the existing building that is currently constructed is right in here and in between here unfortunately there is a large Army Corps, not a large Army Corps wetland but none the less there is an Army Corps wet land. We did get a disturbance permit early on in the project to disturb a small amount of that to put the access road in however we can't go in there and pipe it and or excavate it out and create a new channel. Once all of the asphalt is in up here we've got a large storm water basin in the back that is going to take the majority of the runoff down off of the project and direct it down into the stream , however there is existing drainage that originates up on Parkford drive and comes down and through the back side here and drains behind the project , well there is a wetland here and then that drains behind the project and then that drains back and through so we'd be happy to take a look at it again with Joe and Paul to see if there is anything that can be done to divert some of the run off, but a lot of that is coming from the existing Parkford Dr. through the site and around through the Army Corps wetland that's there now. There is also the DOT drainage ditch that is along here that we could possibly have a discussion with the DOT about reshaping that ditch, to possibly allow that water north of our project entrance to go I guess easier to the existing culverts that are out there , to cross over route 146 so the long and short of it is we are aware of it we talked to Paul about it , we'll be in touch further with Paul I mentioned to him prior to the meeting that if, if necessary we could meet out there tomorrow and take a look at it.

Mike Ziobrowski: Yea, it is not unusual for, when you have a rain event like this you put together an initial SWPPP Plan

Jason Dell: It was a remarkable rain event

Mike Ziobrowski: And then upon an event like this then you put in your B&P your best management practices to manage the SWPPP so it's not unusual so if it's being addressed , perfect.

Rich Berkowitz: Jason what happened with that one area where they were pushing the dirt forward, the water cut a corridor right through

Jason Dell: Yes it did , it is all reshaped again if you go by there today you can see that they can actively repaired all of that , that needs to now get established

Richard Berkowitz: How do you prevent that though?

Tom Koval: They need to stabilize it they need to put erosion blankets down because it's been getting washed out once a week for the past four weeks so it's time to get some erosion control down onto that one spot.

Jason Dell: Understood and we are aware of it and Paul I believe would verify that none of that erosion has left the site yet right?

Tom Koval: Right the silt fence is halfway up on the back side

Jason Dell: It's doing its job

Tom Koval: Its doing its job but not for much longer

Jason Dell: We are aware of it.

Tom Koval: Back to the Deets concerns, if there is light pollution onto their property that isn't at all what we approved and we will have to check the photo-metrics on your lights again if you're having an existing problem where those lights are spilling onto your property , you're going to have to revisit the light fixtures you put into there and get some kind, you're asking us to keep approving these changes but if that's an issue to the neighbors , there was never supposed to be an issue to the neighbors so you might need to put some back shielding on those light fixtures to cut down on that light pollution into their yard, Rich do you recall if there was a generator on the original site plan for Gas Turbine?

Richard Harris: I'd have to check I don't know off hand

Tom Kaval: If it isn't, we will have to take a look at that because if there wasn't and you put one 80 feet away.

Jason Dell: Was that during construction if I might add or is it ongoing?

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Michael Deets: It was after

Jason Dell: Is it ongoing?

Michael Deets: No only when the power is gone

Tom Koval: It should have had a better sound attenuating cabinet if it there was going to be one on there and if it wasn't approved on the original site plan then that's another issue. You can't just add a big diesel generator 80 feet from somebody's back window and expect us to keep saying ok to the rest of it.

Jason Dell: Understood, I do know that this lot has been subdivided off and sold so I would have to follow up with

Tom Koval: Right so we are going to have to take a look at that with Gas Turbine, if they did that without a permit without the proper

Richard Harris: Yea, we will check to see if they've got a permit, what I can tell you though there are frequently utility upgrades that happen that we don't feel impacts the site plan, this sounds like it would but we have people replacing roof top units and we don't make them come back to the Board

Tom Koval: But a large generator is a much more severe situation and if the client spent a little more money they could bring the decibel levels way down on this equipment, so that is something we should take a look at

Richard Harris: First we will see if they've got a permit and then see if it was on the plan , I have my doubts it was on the site plan approved , when Scott still owned the building , and see when it got put in.

Jason Dell: I will have to verify that as well, this is the first time, she had mentioned we have talked quite often in the past I have not heard of the sound issue yet but whatever we could do we would certainly help

Tom Koval: Do we know who the future tenant is for this back lot? Just out of my personal curiosity?

Jason Dell: I do not know the tenant yet, but we will be back in for

Tom Koval: I saw some scribbling on a plan two weeks ago that said an electrical distributor so

Jason Dell: That is what I know electrical distributor but nobody by name that I know.

John Higgins: Which lot is it, you said lot 4 all I see is A, B and C

Jason Dell: No, you weren't here last week John it was for building 4 which is right in here, this rectangle area then connects to Parkford

John Higgins: There's no lot C? Lot C?

Jason Dell: Yes

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Don Roberts: Jason whatever you can do to help the neighbors we would appreciate that, it's only fair you know.

Jason Dell: Sure

Don Roberts: Anyone else that would like to speak? (No comments) Since no one else wants to speak we will close the public hearing, Board members any more comments?

Mike Ziobrowski: I'll make a motion for the negative declaration

Rich Berkowitz: Ill second.

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

Mike Ziobrowski: Ill also make a motion for the lot line adjustment and minor subdivision

Rich Berkowitz: Ill second

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

Jason Dell: Thank you.

Don Roberts: Again please do what you can alright.

Richard Harris: I just want to clarify was that for both the site plan and the subdivision?

Mike Ziobrowski: I said site plan and minor subdivision

Don Roberts: He said both

Richard Harris: He did say both ok.

421 Halfmoon Flex Park- Minor Subdivision & Site Plan

APPROVED. A Public Hearing was held regarding a two-lot subdivision and lot line adjustment, along with a Site Plan request for the construction of a 50,000 SF building. The Board approved the requests.

New Business:

19.132 Church of Christ, 250 Pruyn Hill Road – Sign

Bev Gerard: Hi Im Bev Gerard representing the Halfmoon Church of Christ, Im here to request a free standing 4 x 6 sign to be placed on our new property.

Don Roberts: Ok, it meets the code any questions by the Board?

Rich Berkowitz: I make a motion to approve the sign

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Tom Koval: Ill second

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

Bev Gerard: Okay, thank you.

Don Roberts: Good Job.

Church of Christ– Sign (19.132)

APPROVED. Board approved the installation of a free-standing monument sign.

19.134 Hometown Healthcare, 26 Corporate Drive – Sign

Emma VanVorst: Hi there Im Emma VanVorst from AJ Sign Company representing Hometown Healthcare. We are asking to fabricate a 3 foot high by 7 foot wide wall sign.

Don Roberts: Is it going to be lit?

Emma VanVorst: No, nope

Don Roberts: Okay, questions by the Board?

Tom Koval: I make a motion to approve

Marcel Nadeau: Ill second

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

Emma VanVorst: thank you

Don Roberts: You're welcome

Hometown Healthcare- Sign

APPROVED. Board approved the installation of a new wall-mounted sign.

19.136 Koval Contracting LLC, 110 Button Road – Sign

Tom Koval recused himself

Don Roberts: Tom Koval recuses himself.

Calvin Koval: Good Evening Calvin Koval, Koval Contracting, looking for approval to install said sign.

Don Roberts: Questions by the Board?

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

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Mike Ziobrowski: Ill second

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

Calvin Koval: Thank you.

Koval Contracting LLC- Sign

APPROVED. Board approved the installation of a new wall-mounted sign.

19.139 Rugani Family Chiropractic, 2 Hayner Heights/ 1515 Route 9 – Change of Tenant/Use

Silvio Rugani: Good evening , Silvio Rugani , currently practicing in Clifton Park and Im looking to purchase this building and I was looking for the Boards approval to practice Chiropractic at this location.

Don Roberts: Just you, any other employees?

Silvio Rugani: Just myself and my office manager

Don Roberts: Ok, questions by the Board?

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

Tom Koval: I second

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

Silvio Rugani: Thank you

Rugani Family Chiropractic – Change of Use/Tenant

APPROVED. Board approved the use of the approx. 1,680 SF building for a chiropractic office.

19.135 Mother Teresa Academy, 1 Executive Park Dr. – Change of Use/Tenant

Debbie Kenyon: Hi Im Debbie Kenyon, representing Mother Teresa Academy. What we would like to do is just to expand where we are, we want to go across the street to open where the old Saratoga Academy was, we'll be adding hours will from 7 to 6 ages 3 to 10, 8 more staff members and 3 o'clock will be 3 busses, between 3 and 4 we will have 3 busses for drop off, across the parking lot.

Paul Marlow: Yes, we looked at the previous tenants approval and they were approved for about 50 more students than they are asking for, based off conversations with you I think everything is scheduled, bus drop off and pick up type things so in the last few years we haven't had any real issues, Saratoga Academy had a couple when they first opened and we got that squared away and since then we really haven't had any issues.

Don Roberts: thanks Paul, questions by the Board?

Rich Berkowitz: Do you have any plans to expand the number of students in the school?

Debbie Kenyon: We will be excepting probably another 60 students in that building

Rich Berkowitz: So you will have a total of about 140?

Debbie Kenyon: Yes

Tom Koval: I make a motion to approve

Tom Werner: I've got a question here, just a minute. Do you expect any pedestrian traffic between the two buildings during the day and if you do do you have a defined cross walk or side walk rather than running through the parking lot?

Debbie Kenyon: Where they would cross is above where the people park so no the children would not be crossing where the cars park

Tom Werner: So that each building will be, they will be staying in that building, no need to go back and forth, ok thank you.

Tom Koval: I make a motion to approve.

Tom Werner: Ill second

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

Debbie Kenyon: Thank you

Don Roberts: You're Welcome, oh and remember don't park on the main road going in there, please don't park on there, ok thank you.

Mother Teresa Academy- Change of Use/Tenant

APPROVED. Board approved the use of approx. 5,000 SF at 1524 Rt. 9 for a private school.

Old Business:

19.126

GT Toyz LLC, 1537 Route 9- Site Plan Amendment

Joe Granich: Good evening members of the Board, Joe Granich on behalf of GT Toyz. So we are back obviously a couple weeks ago I believe, I'll be happy to answer any questions that come up but I think we have made some proposals and Im looking for the Board approval on three of the issues that I think we addressed last time, so I think the first one would be the awning, the removal of the awning from what was the original site plan, I don't know if anybody has any questions regarding that?

Don Roberts: Any comments on the awning? I don't see a problem with it , ok so we are ok with that, before we go any further , Rich, Paul we received some correspondence from one of the neighbors that's part of the record right?

Richard Harris: Yes we received , well since the last meeting we sent a site plan notification letter to the neighbors bordering the property we did receive since that time, three emails, from Mr. Case who was discussed at the last meeting that we had not heard from him and the applicant had not heard from him, the applicants attorney had also sent a certified letter that he can fill you in on that he sent to Mr. Case regarding the proposed changes to the plan , Mr. Case brought up a couple of issues in his emails related to his position regarding the fact that the approved sound barrier wall should remain in his position. He has concerns about sights and sounds coming from the property and also impacts on the creek drainage area on the north side of his property that does lead to his property and he indicated that he had had some issues in the past with a prior tenant there, filling and doing work in that ditch and had concerns about that so largely site and sounds coming from the use of the property, the sound barrier which is now proposed as a fence and impacts on the proposed creek drainage area.

Lyn Murphy: Just for clarification this was the gentleman that can't have a fence or a sound barrier because of the ravine behind his house?

Richard Harris: Yes that is correct it was discussed at the last meeting that the fence and short of his property due to the ravine and I believe the applicant discussed that point

Don Roberts: Ok I guess before we go much further , the wish to escrow the landscaping I mean we do that on occasion so I don't see any problem with that either and then any Board members have a concern with that because we do do that

Rich Berkowitz: The only concern I have is if we decide to landscape behind Mr. Case's house just to hide the project from his view?

Mike Ziobrowski: In lieu of the chain link fence is it possible for you to but arborvitaes in?

Rich Berkowitz: Some sort of screening for him

Joe Granich: Absolutely so here is what I and again

Tom Koval: There was already trees proposed with the fence

Rich Berkowitz: not on his property not that I can remember on his property, not on his property, but behind his property and their property.

Mike Ziobrowski: Along that whole side of where you are proposing the chain link fence to put arborvitaes there to deaden the sound

Richard Harris: Yea I do want to correct a part of the proposed fence does go onto Mr. Cases property you can see it, right there

Richard Berkowitz: Well it can't go on his property it's behind his property

Richard Harris: Im sorry on the applicants property, sorry in terms of the fence itself on the applicants property Does extend perpinducular or I guess parallel to the property line of Mr. Casey

Joe Granich: So if I may just add if you where the pointer is , if the fence is this dashed line that entire line that goes all of the way down and comes all of the way down towards route 9 it's my understanding based on topography and I believe that the half lines show the ravine that Mr. Case has expressed some concern about , due to topography nothing can go over that area so what we proposed was , Mrs. Rosti to address your issue , a ten foot high wooden fence I think would give Mr. Case the best site , it would block the site , his property I think has got to be at least another 100 feet if not further past the property line and obviously the structure that we are proposing is at least 100-200 feet if not closer to 146 I don't think there is any way maybe in the winter time when the foliage is off the trees so a 10 foot high wooden fence is the fence that the adjoining neighbor Mr. Hillenbrand who is present requested , it would be contiguous all the way to where we can no longer put a fence. So that would address his sit e concern and we would be willing to do that, I have proposed either chain link 10 ft. high chain link 10 foot high wood one of the neighbors would like chain link and Mr. Hillenbrand who is Mr. Cases immediate neighbor would want wood so it probably flow better to have the wood go from the wood to chain link vs chain link, wood, chain link, so that may address visual concerns

Rich Berkowitz: But you cannot put it where the hash marks are

Joe Granich: Correct, you can't put anything there, even if we did the sound barrier it wouldn't even be able to go there it can't go there correct I think I found like a 30 foot deep ravine now the other issue to the Boards attention is that Mr. Case who I believe Mr. Harris tell me if I'm correct, I don't think this is the first time that he's responded too, anything with respect to the project

Richard Harris: Yes that is correct in terms of contact with our office

Joe Granich: Even before it was approved

Richard Harris: I've got, that's correct I think its 3 emails one this afternoon as a result of the certified letters either came from me or from you guys , he did acknowledge in his 2nd email that he did receive the certified letter from a couple months ago for the first project but had not responded at that time.

Joe Granich: So he didn't respond to my certified letter, with that being said he did respond to the Town so we kind of have a sense of what his feelings are, he's
Rich Berkowitz: Can I interrupt you for a second

Joe Granich: Absolutely

Rich Berkowitz: You were told not to contact him by one of the neighbors

Joe Granich: I was advised that he was not well I was not told not to contact him, like I said last time I made a...

Rich Berkowitz: Well before you got involved we were told that someone was told not to contact him

Joe Granich: Im not aware of that

Rich Berkowitz: It's in the minutes

Joe Granich: Ok but at your request

Rich Berkowitz: I saw him , I went up to him and I said, do you want to speak to him, the Planning department want to speak to him, I gave him the Planning department number and he got in contact with the Planning department.

Joe Granich: And I appreciate that and

Rich Berkowitz: And then that guy got the ball rolling for all the emails that went out

Joe Granich: Right and per your request I sent him a certified letter , so I was just leaving him alone because I was told he was ill, but none the less based on the email that he sent and the one I believe he sent today that the Board gave me a copy of , the way I distill his concerns are that , that drainage , that ravine , he said in this email that prior tenants were pushing probably landscaping debris in it and whatever else and now I was at the site today , that entire portion of the property line is all being graded as we speak and my client has no , there is nothing that he is going to be manufacturing or doing that would wind up putting any debris in that creek, so his concerns about water I agree with but there is nothing that we are going to be doing with that swale that ravine that creek that should impact it at all, and in fact the other two neighbors that are impacted on the other side when I went on their property they have a very large wet land area, not wetlands in the traditional sense but when it heavy rains their back yards , their way back yards get swamped we put drainage in at the request of the Town that now has alleviated that and I don't know after the heavy rains we had here this week did it work? Ok.

Mike Ziobrowski: So at this time you are proposing a 10 ft. wooden fence correct?

Joe Granich: I don't know what Mr. Case wants even with the email that he just sent he still has not indicated , he said he would want the sound barrier but the sound barrier is a wall he has not indicated if he wants a fence , we are obviously asking that the sound barrier be taken out of the plan , for first of all , so I don't know what he wants and if either Mr. Berkowitz or the Board or myself can contact him again Im willing to offer him any variation of a fence that may aesthetically help him from a visual perspective and or provide him whatever privacy he has concerns about. I would suggest a wooden fence because I think it's a lot nicer than a chain link fence but that's my own personal opinion.

Mike Ziobrowski: I personally would be fine with a wooden fence.

Rich Berkowitz: It's up to him not us

Joe Granich: I agree but I...

Rich Berkowitz: You guys have to agree I can't do it

Joe Granich: But based on the tones of the email coming from me I think he is going to be somewhat suspect I don't know if it's something that

Rich Berkowitz: Because the last thing it says in the email ,” I realize the business is going in and obviously at this point I can't do anything about it, I wish them well and hope they live up to all their promises” that doesn't sound like he is anti- GT Toyz

Tom Koval: Am I the only one that is remembering that this is supposed to be a sound barrier not a fence I mean we have kind of glossed over the fact that , now we are discussing what kind of fence it is going to be I haven't said I am alright with it being a fence yet.

John Higgins: Im 100 percent with you Tom, your client was the one that came to us and proposed a sound barrier, he gave us the specs on it and that's what was approved

Joe Granich: Understood

John Higgins: What happened to the sound barrier?

Joe Granich: Because when I got involved and you weren't here at the last meeting when I got involved and I addressed this issue, I don't believe other than my client offering a sound barrier, it provided any sound mitigation, the majority of the noise that was going to be emanating from the property was mitigated by the fact that the plan was required him to have him conduct any and all operations that would require him making any noise inside the doors closed. Now I think Mr. Case has expressed and other members of the Board have expressed the that the ambient noise coming off route 9 and as Mr. Case points out in his email route 146, which I think is quite a distance from his home, those are not noises that I think my client or any other tenant or property owner on route 9 are going to be able to mitigate those noises have been around since route 9 has gotten to its current state I think it's only going to get worse. The distance between the rear property line of this project and to these residents a 10 ft. high sound wall will not mitigate the ambient noise coming off route 9 , and while it was proposed originally I think as a gesture of my client in an effort to make the neighbors happy it became apparent pretty quickly first of all the significant cost almost 1/10 of the entire project cost is involved in the wall secondly I don't think it was going to result in any significant sound mitigation and the third and most importantly , 2 of the 3 impacted neighbors have already voiced their concerns that they don't want a sound wall they want a fence of their choosing that we are willing to pay.

Tom Koval: Did they have concerns about the sound wall or are they willing to, you're saying they have concerns about a sound wall, what were the concerns about a sound wall? All I've heard is that you just said 2 of the neighbors have voiced their concerns about a sound wall

Joe Granich: Two of the neighbors , one of whom is present , the other one I provided an affidavit at the last meeting have indicated that they don't want a sound wall , they don't have a concern about sound one wants a 10 ft. high chain link metal fence , and the other Gentleman would like a 10 ft. high wooden fence

Tom Koval: Okay so they're not concerned with the actual wall they just want a different type of fence

Joe Granich: They're asking if we are paying to provide them a fence that they would see I guess in their property. Mr. Schimerhorns wants the , he has a 4 ft. high black metal fence on his property line , Mr. Goldstein , GT Toys fence would be approximately off that fence and then 10 feet high, and he wants black rubber coated fence.

Tom Koval: wasn't there originally some type of trees being planted though between that fence I could have sworn there was some vegetation being planted , we are going to go back to the original minutes because I know there was some burm trees or something being put in there.

Joe Granich: And I don't, somebody referenced putting in some arborvitaes, now I

Tom Koval: I want to get back to what we were originally talking about before we throw something else out there

Joe Granich: Understood.

John Higgins: And one other thing your client is the one who came to us about the sound wall if he was concerned about the cost he should have researched that before he presented it to this Board and was approved by this Board, the cost is not something we are controlling it's something that he proposed, we did not say to him that we want this specific sound wall, he and his engineer came here and I was at that meeting and proposed a specific sound wall design and that's what was approved.

Joe Granich: And I acknowledge that and I was not here during that time frame but the realities of building as some of the Board members are intimately aware, change, and when costs get involved and costs get over run its either scrap the entire project and walk away or ask the Board to allow us to modify the plan somewhat that will still make the project still go forward

John Higgins: Well then your client should have done due diligence before he presented something to this Board

Joe Granich: Understood

Richard Harris: I do just want to add we are looking at the plans a little closer here that we could read this is junipers proposed between the fence there Tom?

Tom Koval: Yes

Richard Harris: That's that right along there? Yes that label there it's hard to read blown up but it's a type of juniper.

Tom Koval: So there is plantings between the two fences

Joe Granich: If it's on the plans then absolutely

Richard Harris: They are not proposing to change that?

Joe Granich: No not at all and I was there this afternoon and it's pretty much all woods and grown up vegetation as it exists

Rich Berkowitz: But it is deciduous and the leaves will fall and then we will be seeing the problem

Joe Granich: Correct and im not an expert on this but there is a 10 ft. high wooden fence there with arborvitaes on my clients side of the fence we will do it if it's on the plans im not asking for it to be modified it may just sort of be it may not assist Mr. Cases visual aspect but if that's what we proposed im not asking to modify that at all

Tom Werner: Regarding the stockade fence is it possible behind Mr. Case's property bring it down long parallel to the creek to further cut off that angle?

Joe Granich: Down this way

Tom Werner: Yea that way

Richard Harris: Yea because that is his property, because he had buildings over here, his house is probably up above here

Tom Werner: so if you bring that fence just, exactly and arborvitaes it would further

Joe Granich: I have no problem with that, you would know better than I do I have not seen that ravine or that swale function in the weather we had last week and Im sure we could probably go down the incline maybe 1, 2 even 3, 8 ft. sections but I think if you go much further down, you may actually call into question what Mr. Cases biggest concern is, anything is blocking, impeding or affecting the flow of that ravine

Rich Berkowitz: You're staying up on the flat portion parallel towards route 9.

Mike Ziobrowski: Just to try to prevent some sound from going back

Joe Granich: Again if I believe we could probably fence up that, to that where it starts to dip

Don Roberts: Before we go any farther this is not a public hearing but since one of the neighbors is here Mr. Hillenbrand we are hearing things said about what you are willing to accept, this is true right?

Mr. Hillenbrand: This is true

Don Roberts: Thank you very much, he said this is true, ok thank you very much. My own opinion on this when this first started the applicant proposed a sound barrier , ok then I thought that's the way we were going to go now when you came in and changed it I got a little suspicious in my mind thinking were we sold a bill of goods here with a just done to appease us we approve it, as this goes on further hearing all of this , I could be wrong to the best of my knowledge we've never required anyone to put a sound barrier up anywhere in Town I don't believe, I could be wrong I don't believe we ever have, if two of the three neighbors are willing to go with this substitute fence

Jim Hillenbrand: Jim Hillenbrand, I live at 18 Plant road my house is directly right at the back of this the reason why I want a wood fence my wife and I is because we have a tree line that we put in there 45 years ago at the property line because we want to block route 9 we don't want to look at another plastic fence , we would rather have, and a sound barrier its nonexistent, I mean with Lyndsey's in the they had a landscaping company in there at 4 or 5 o'clock in the morning making more noise than these people are going to make all day long, I just think a wood fence, I want to see a wood fence, now Larry he has a hundred foot of woods between his house and the back of their property this culvert, is actually a ravine its good sized and what his problem was I know Larry for many years is because this landscape company kept dumping stuff down in this culvert and this is where Larry has a problem with it and I don't blame him, but it did alleviate a lot of the problems with when they put in Hunters run, if you put retention ponds in it will alleviate a lot of water problems on our side. So that's all I have to say but I would like a wood fence, it really doesn't matter about a sound barrier I mean I think it is a little overkill. Thank you.

Don Roberts: Thank you Sir, as I was saying myself I've changed my mind here I don't see a problem with what's being proposed that's just me.

Tom Koval: I guess if the neighbors are fine with a wooden fence I can accept it I just don't like being told one thing and then changing once we come to an agreement, it's a huge waste of our time

Don Roberts: That's what I said Tom I thought we were being a bill of goods myself but after all that's going on here

Tom Koval: I felt it was misrepresented

Don Roberts: Yea and that's what I said also but seeing what's going on here I don't see an issue with it.

Rich Berkowitz: One problem I had is Mr. Hershberg kept on promising that sound barrier was going to work, we all said it wasn't cause sound is circular it goes up and it goes over and that's why you presented the sound barrier am I correct

Joe Granich: But then I think we, again before I got involved I believe that's one of the ways we addressed it was to keep them inside and keep the doors down

Rich Berkowitz: Right we were concerned about noise

Joe Granich: Understood

Rich Berkowitz: So we went round and round with Mr. Hershberg and he is the one who proposed the sound fence, the sound barrier and I personally did not believe that 10 ft. sound barrier was going to work but, with the way the building is constructed I don't think a whole lot of sound is going to come out the back end of the building but it's Mr. Goldstein's responsibility to keep those doors closed when they are working on engines, just to buffer that sound, what you can do to help Larry out Mr. Case is buffering and by putting more of a fence down that swale on top of that swale because you can't go in the swale you can't disrupt everything.

Joe Granich: Do you have a suggestion as to how I can solicit his feelings on a fence without offending him?

Rich Berkowitz: I don't think you're going to offend him by asking his opinion he will give you his opinion in his email he wished you good luck he hopes you do well he hoped your business prospers but I think he wants to be protected while he is living in that house

Joe Granich: Understood, so Ill email him and we will work with the Planning Board the staff

Rich Berkowitz: He is a great guy he is a reasonable person he just I think he just wants to be protected from seeing it

Joe Granich: Understood and I'll do everything I can to accommodate him

Rich Berkowitz: Okay

Don Roberts: So at this point what do we feel about the wooden fence, anyone else?

Joe Granich: On neighbor by the way just for purposes he wants he is down on the right side of the project

Rich Berkowitz: Is there a reason he wants a chain link over his wooden fence?

Joe Granich: It matches his existing metal fence but he wants a black rubber coated or black chain link not a galvanized stainless steel it's all woods so it will flow better with the aesthetics I believe and that's what he asked for.

Don Roberts: Okay so before we get to there I believe, we will come back to this also but the request for the temporary RV on the new site is being withdrawn right?

Joe Granich: Assuming that the Board is willing, yes we talked about letting temporary occupancy and I know members have issues with the current temporary occupancy but if the Board is willing to consider the temporary occupancy on a short term basis on the existing site then we would actually withdraw the request that he be allowed to have temporary occupancy in an RV and limited parking at the proposed site.

Don Roberts: Okay than you. So at this point I guess we will need a motion on these changes. The changes are.

Richard Harris: Did you want to discuss though the other site?

Don Roberts: That's next isn't it?

Richard Harris: Well we grouped them together because the elimination of the temporary sales trailer is somewhat related to how many units we may allow, I suggest you discuss that with this

Don Roberts: Do it now, alright okay so everyone can go ahead so moving on to the next

GT Toyz LLC- Site Plan Amendment

APPROVED. Board approved the revised plan, with conditions related to review by the Town/Town Engineer of proposed landscaping and the extension of a fence along the northeastern portion of the site.

19.110 GT Toyz LLC, 1516 Route 9 – Change of Use/Tenant

Joe Granich: So what we had proposed as I let the Board know last time I was here the current owner of Mr. Goldstein's existing facility has signed on with a new tenant it's a florist im not sure the Town is aware of that my client has sought a 90 day extension from the last meeting to complete the project as proposed and the tenant , the landlord at the current site is allowing and with the consent of the new tenant for them to co-occupy the property for the next hopefully less than 90 days but up to 90 days. The issues that proposes I believe the Board is concerned with is the current parking now I believe under a temporary, he was given a temporary permit to operate with 50 cars, I believe until September 1st. We had asked that some variation of that amount of parking be allowed to continue for the 90 day window and I believe the proposal was that the florist would be given approximately 15 spots directly in front of where the retail center would be and Mr. Goldstein would be given the balance of the spots in and around the parking lot. I also note from the pre meeting that Mr. Koval has concerns about the number of vehicles that were currently on the spot and I was there before I came here today so I witnessed what you saw , the current tenant , excuse me the new tenant that is moving in has had trucks there for a couple of days moving stuff , refrigerators , and florist related products in the back which forced Mr. Goldstein to move 6 of those pontoon boats that you see so visually from route 9 so prominently displayed on route 9 up to the front, I spoke to Mr. Goldstein based on some of the concerns and asking you guys to give us a temporary co-occupancy so we can

move this project forward the majority of those votes and the cars we would put them in the back or at least the boats towards the back so it's not as packed as I believe was your concern. Right now when I counted before we came here and I know there is a distinction between cars and units and spaces there were 25 cars not including mine and 6 boats , the problem is they were all right up to the front so it makes it look like your putting 10 pounds in a 5 pound bag so I understand if that's the concern I would have them put the majority of the boats in the back and one or two on route 9 and for obviously for advertising and then again this is a temporary request I will note that my client has brought in the services of BBL to drive this project home , they have given us a tentative 8 week window now obviously things change weather and so forth , im asking for 90 days from the last meeting , but hopefully with their involvement in the project they can drive this thing home much quicker and we can all be a non -issue. In addition to that request I would also ask for some temporary modified signage there is a his sign is up there now, the florist would obviously occupy Mr. Goldstein's GT so that sign now I would ask that , that be moved to just right below it attached to the stanches again on a temporary basis.

Don Roberts: Now also it's a good point by when the time comes for a new site hopefully those boats are not going to be like they are now. They are going to be more obscure you might say right a little bit back. That is very unsightly there right now.

Richard Harris: He does have a couple display like platform areas closer to the road, that were approved to rotate on

Joe Granich: I also believe it was Mr. Werner's concern last time about softening some of the landscaping in the front along route 9 which obviously we would work with the Town Board to add whether it would be trees, ya know arborvitaes or stuff of that nature to soften the look. There are platforms that, just so there is no misunderstanding he will be displaying vehicles on platforms on that route 9 frontage obviously that's the reason to be on route 9 but as it appears now with 6 or 7 of those pontoon boats stacked so close where they are now I don't think that is going to be an issue at all.

Don Roberts: And Joe you will work with the landscaping plan right?

Joe Romano: Yes

Don Roberts: Alright thank you.

Tom Werner: Yea just as long as there is some three or four foot high shrubs to soften the feel but don't completely obscure what he is trying to display just soften it so it just doesn't look like a sea of vehicles. How many of the platforms do you, I thought there was the one in the one corner? Three

Greg Goldstein: Greg Goldstein GT Toyz, I believe that's the north , the far north of the property is a raised car platform that's approximately 2 feet off of the ground it would be black top with landscaping around it. Where your pointing out that is a sign, and then the little markings there are motor sports ATV type displays if you go back to, just to the right there is parking,

Rich Berkowitz: This is all out of the right of way also?

Greg Goldstein: It's all out of the right of way yes, just a little farther left right to the right of that parking area that's a display spot that will hold either two or three cars or one boat, one north of that, right there,

Joe Granich: So up to two vehicles, a boat or two other vehicles possibly a smaller motorcycle, or ATV will possibly be displayed on the route 9 frontage and obviously off the right of way all landscaped.

Tom Werner: Correct ok, thank you.

Don Roberts: Ok so let's act on the

Rich Berkowitz: Can I ask just one question, you know there is this piece of paper with the monitor and controls of the toxic gases in the building

Joe Granich: That was your concern last time we provided, I thought it was your concern or maybe it was Mr. Koval's concern, regarding the ventilation of that back bay because obviously with the doors down during the maintenance of the vehicles, so I provided to the Board with the engineers provided to me it's to mitigate to remediate that issue,.

Tom Koval: It's tied right into the fire system, security system? Throughout the whole building

Joe Granich: I believe so, excuse me?

Tom Koval: Its ties in with the system that's controlling the whole building

Joe Granich: My understanding is that there is a manual control and then there is a control that goes on if the co2 level or the gas detection controller were to get to a certain level there is an electronic module that goes with it, it would automatically open up and fire to vent the building if the co2, obviously co2 is odorless so if it got to a level that was a concern it would automatically trip and it would come on.

Rich Berkowitz: So I know how you vent the cars how do you vent the boats and motorcycles?

Joe Granich: So I believe with well motorcycles would obviously be vented in the ambient air boats are vented if they have to dry run them they do it in large tubs of water I believe? Tubs of water just to fire the engine, and I do

Rich Berkowitz: Is there exhaust associated with them?

Joe Granich: Absolutely which is the reason why we put in, well it was already designed but Mr. Koval asked for some more information so our engineer came up with this Honeywell system that is designed to do just that.

Rich Berkowitz: So when the decibels reach this certain and unsafe level what happens?

Joe Granich: This system turns on and automatically exhausts the building, and also you can vent a motorcycle like the way you do with cars with tailpipe extenders that go out to the door

Rich Berkowitz: So what's the consequences of low dose carbon monoxide inhalation?

Joe Granich: I don't know what the consequence of low dose is I can tell you what the consequence of high dose is

Rich Berkowitz: I know high dose what's the consequence of, is there any OSHA regulations, because I know with x rays there is a monitoring with radiation levels, there is a certain amount you can reach per year, is there a certain amount you can reach with carbon monoxide?

Joe Granich: I do not know I can look into it I know that this system is no different than any other automobile dealership in the Capital District, his family is in the automobile dealership so I don't think there is any standards we are aware of

Tom Koval: The difference between this and an automotive dealership is the motorsports, that's the difference and being in that every other motor sport dealer for the most part operates outside when they are test running these there is no good sound way to capture these exhaust gases from recreational vehicles. Automotive is very much different, you throw a hose on the tail pipe

Joe Granich: Correct

Tom Koval: You can't do that with motor sports, I am reading the specs on this it turns on something, I don't see a spec on the ventilation system, this is the initiating device it's supposed to turn something on, might tie into your, it should tie into your buildings alarm system first off so if this device gets initiated you evacuate the building, just like a fire alarm it would initiate your fire alarm, clear people out because if you have customers in the show room and the c/o levels get high you want them out just like you have a fire, so as well as turning the fans out it should also initiate a fire alarm.

Joe Granich: I will definitely look into that it's probably correct that it's tied in direct

Rich Berkowitz: But what dose carbon monoxide do to somebody day after day after day after day, is it like playing football where you get a head hit a head hit a head hit until finally that one concusses you?

Joe Granich: I don't know.

Allen Goldstein: Allen Goldstein, I'm Gregg's dad I'm the owner of Goldstein Auto Group. Just to try to answer the Co2 problem, our stores are huge so the cars create Co2 just driving in these sensors I believe are adjustable on what levels that is required by certain federal standards and your standards for employees, so to kind of answer that question, soon as that hits a certain level the fans turn on they'll empty everything that's, they have a volume turnover but Gregg's building is smaller than ours so when he creates that Co2 it will still do the same difference but to answer what you said, in our large stores there is so much traffic these turn on almost instantly nothing goes in a showroom its...

Tom Koval: So you have an adjust a fresh air makeup?

Allen Goldstein: Yup, it vacates it, to give a real answer it throws the heat right out in the winter time

Rich Berkowitz: So can these be constantly while someone is working in that area can the fans be constantly be on so that level isn't reached to a toxic level?

Allen Goldstein: You would not leave them on in the winter time, in the summer you might leave them on just for ventilation when the doors are closed, but Gregg's place is also AC and Heat so

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Rich Berkowitz: So there is a constant flow of air in that area.

Allen Goldstein: Yes, thank you.

Don Roberts: You want to say something Marcel?

Marcel Nadeau: Yea I just question that this is a Planning Board issue I think it's more of a health issue that they would have to meet not the Planning Board controlling their facility.

Tom Koval: We are here to protect the safety of the public so

Don Roberts: Now I believe we should act on the change of use and tenant first, the second one first okay and if its, if I'm reading it right here I think any motion for the change of use and tenant at 1516 route 9 should include 40 parking spaces for GT Toyz and an expiration date of 12/ 1 /19 right, 90n days right?

Tom Koval: Correct, so we are giving 40 units for GT Toyz because a boat takes up 2 parking spots?

Richard Harris: It's your vote it's your choice, do you want to put a maximum number of boats do you want to Something like that

Tom Koval: You know what its temporary, here's my suggestion don't block your fellow tenants, nobody will care what happens try to keep the boats out back, its past boat buying season for the most part so try to keep the boats out back show your one or two boats be cognizant of your neighbors needs I mean they are working with you on this so

Don Roberts: Okay so we need a motion for a change of use

John Higgins: I have a question Don, how is the building going to be split up between Garden Gate Florist and GT Toyz? Are you taking half the building and their taking half the building?

Joe Granich: So the current layout of the building there is a garage and a back bay to the building if you divided the building in half front to back from route 9 back Greg obviously had the whole building , the florist is occupying what I would consider the vast majority of the entire project, the entire back and half of the front , so Greggs got basically 2 desks on the right side when you walk in the front door and its again it's their getting along famously and they are co-habiting so that's the plan

Don Roberts: Ok so you're going to need a motion for the change of use and tenant at 1516 route 9

Tom Koval: I'll make a motion for a change of use and tenant at 1516 Route 9 with a maximum of 40 spaces being allotted to GT Toyz and the remaining 15 for Condor Trading and Garden Gate Florist, and including the temporary sign replacement at the bottom of the existing sign and this is to expire December 1st 2019.

Mike Ziobrowski: Ill second

Don Roberts: All in favor? (All were in favor) Opposed? (None were opposed) Motion Carried, now moving back to the previous one since the action we just took you are now going to withdraw the request for the temporary RV at this site now we are going to need a motion to accept the removal of the previously approved service awning the

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substitution of the sound barrier with a 10 ft. tall wood fence and 10 ft. tall chain link fence in the areas proposed and to escrow the landscaping until Spring that is what we need a motion for

Joe Granich: And the removal of the awning

Rich Berkowitz: What are we going to do about the fences?

Mike Ziobrowski: We should probably put 3 foot extensions 8 foot extensions off the end of that existing

Joe Granich: I will work with your field reps to design it as practical as possible with that topography of that hill

Rich Berkowitz: I would just make one suggestion if you can't reach Mr. Case , the part of the fence that is going to parallel that ravine, I would put the plantings or arborvitaes on the back side of the fence so he is looking more green than the wood

Joe Granich: I understand that do you understand that Gregg, you sure? Ok

Don Roberts: And the landscaping is contingent on final approval by Clough Harbor Associates. That's the motion we are going to need.

Mike Ziobrowski: I second it

Don Roberts: All in favor? (All were in favor) Opposed? (None were opposed) Motion Carried, thank you for everyone's help

Joe Granich: I would like to thank the Board, thank you very much I really appreciate all your help with this and hopefully everything will work out really good.

Don Roberts: And hopefully no more changes

GT Toyz, LLC – Change of Use/Tenant

APPROVED. Board approved revisions to the prior approval to allow up to 40 units through 12/1/19 and installation of a temporary sign.

Mike Ziobrowski: I would like to make a motion to adjourn the meeting.

John Higgins: I second

Don Roberts: All in favor? (All were in favor) Opposed? (None were opposed) Motion Carried, thank you for coming.

