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**MINUTES MEETING
Town of Halfmoon Planning Board
August 8, 2022**

Those present at the August 8, 2022, Planning Board meeting were:

Planning Board Members:

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

Planning Board Alternates:

Brendan Nielsen- absent
Chuck Lucia

Coordinator- Building, Planning and Development:

Richard Harris

Senior Planner / Stormwater Management Technician:

Paul Marlow

Town Attorney:

Lyn Murphy

Deputy Town Attorney:

Cathy Drobny - absent

Town Board Liaison(s):

John Wasielewski
Eric Catricala

Town Engineers:

Joel Bianchi

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.

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Mike Ziobrowski: I second.

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

New Business:

22.102 Hidalgo Tacos & Produce – 1503 Rt. 9 – Sign

Don Roberts: Anyone here for that? (no one Present) Alright we will come back to that one

22.115 Care Access Sign, 9 Parkford Drive – Sign

Shawn White: Good afternoon, Im Shawn with Fast Signs of Colonie New York representing Care Access at 9 Parkford Drive.

Lyn Murphy: Im sorry your last name?

Shawn White: White. So, the sign is 2 ft. tall by 12 ft wide, its about 18 feet from the ground. Internally illuminated channel letters on a raceway.

Don Roberts: Thank you, questions by the Board?

Rich Berkowitz: I make a motion to approve the sign

Mike Ziobrowski: I second

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

Shawn White: Alright, that was easy.

Care Access Sign– Sign

APPROVED. Board approved new signage for the approved tenant at 9 Parkford Drive.

22.113 J. Dunn Group Sign, 518 Hudson River Road – Sign

Richard Hunt: Good evening, guys, Richard Hunt here on behalf of J. Dunn Group and we're putting a 4 x 6 ft sign about 40 inches high off of the ground. There was an existing sign there, I was working with Paul and if was in the DOT right of way and we had it moved back onto the property so.

Don Roberts: Is it going to be lit, or no?

Richard Hunt: Nope

Don Roberts: No, any questions by the Board?

Rich Berkowitz: I make a motion to approve

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Tom Werner: Ill second it.

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

Richard Hunt: Thank you.

J. Dunn Group Sign– Sign

APPROVED. Board approved new signage for the approved tenant at 518 Hudson River Road.

22.102 Hidalgo Tacos & Produce Sign – 1503 Rt. 9 – Sign

Don Roberts: Your name please

Jamie Martinez: Jamie Martinez

Don Roberts: Okay and what do you want to do?

Jamie Martinez: I want to, well today Im coming here to get the sign approved, and that’s why Im here and that’s you have the sign right here.

Don Roberts: Now I’ve got to ask you what’s that say?

Jamie Martinez: That says my Mexico cute store and tacos.

Tom Koval: That’s what I thought

Don Roberts: Okay, I hope it works for you, questions by the Board?

Rich Berkowitz: I make a motion to approve the sign

Mike Ziobrowski: Ill second

Don Roberts: All in favor aye? (All in favor) Opposed? (None were opposed) Motion carried, good luck.

Jamie Martinez: Alright, thank you.

Hidalgo Tacos & Produce – Sign

APPROVED. Board approved a new plaza sign for the approved tenant at the 1503 Route 9 plaza.

22.111/ 22.125 Gepetto’s Pizzeria, 1408 Rt. 9- Change of Use/Tenant & Sign

Billy Pettis: Billy Pettis on behalf , moved from Cohoes to the 1408 US 9. Looking to expand I don’t really know much to say.

Don Roberts: Okay, now I notice your saying take out only?

Billy Pettis: Yea, take out and pick up

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Don Roberts: Okay, because it's been our experience a lot of times that doesn't work, are you sure you don't want any tables or anything?

Billy Pettis: No, we are kind of small

Don Roberts: Okay, okay questions by the Board?

Rich Berkowitz: Do you need a Department of Health approval?

Billy Pettis: We were waiting for this I have to come by tomorrow and get the code enforcements name and a couple of other things for the application, but I've already spoke to them.

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

Tom Werner: Ill second it.

Don Roberts: All in favor aye? (All in favor) Opposed? (None were opposed) Motion carried, we have a sign also

Billy Pettis: Its 2 ft x 4 ft it will be above the main front door approximately 9 ft. off the ground.

Rich Berkowitz: I make a motion to approve the sign

Marcel Nadeau: Ill second

Don Roberts: All in favor aye? (All in favor) Opposed? (None were opposed) Motion carried, good luck

Billy Pettis: Thank you.

Tom Koval: Where were you in Cohoes prior?

Billy Pettis: Right off of Remsen at 20 White Street.

Tom Koval: Remsen and White, alright

Don Roberts: And please advertise and you'll advertise Halfmoon right?

Billy Pettis: Yes

Don Roberts: Thank you.

Gepetto's Pizzeria – Change of Use/Tenant & Sign

APPROVED. Board approved Change of Use/Tenant and Sign applications to operate a pizzeria in the vacant space at 1408 Route 9.

22.112/22.122 Tech Property Management Accessory Structure, 570 Hudson River Road Site Plan & Special Use Permit.

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Nick Costa: Good evening, Nick Costa from Advanced Engineering, and we're here on behalf of Tech Property to request the approval of the site plan and the special use permit. Mike Verdile is the applicant and what he would like to do is put up this new garage warehouse building. To store equipment, inventory, and equipment.

Don Roberts: Questions by the Board?

Rich Berkowitz: I make a motion to set a public hearing on August 22nd

Tom Koval: Ill second

Don Roberts: All in favor aye? (All in favor) Opposed? (None were opposed) Motion carried, see you August 22nd

Nick Costa: Yes, thank you.

Don Roberts: Thank you.

Tech Property Management Accessory Structure- Site Plan & Special Use Permit

PUBLIC HEARING SET. Board set a Public Hearing for August 22, 2022, for a proposed accessory building.

22.117 113 Tabor Road Flex Space Warehouse- Site Plan Amendment

Jason Dell: Good evening, Jason Dell, and engineer with Lansing Engineering here on behalf of the applicant for the Tabor Road site plan amendment. The Planning Board approved this project last year and the approved plan called for a 43,250 sq ft building. The applicant requests some modifications to that plan and to increase the building size to 50,000 sq ft. Access into the facility, the configuration of the parking, the configuration of the loading dock, septic system, burns, everything that was proposed before is all, or what is proposed now is all consistent with what was previously approved. So, we are here this evening to answer any questions that you may have with the hopes that the Board will advance this project forward.

Don Roberts: Okay first we are going to refer it to our Town Engineer, and to the fire department. Okay, Town engineer and fire department they have to review this first of all, that being said questions by the Board?

Tom Werner: Is there any update on the traffic study, number of trucks, any of that known yet?

Jason Dell: No, no they haven't done anything out there yet as far as this building but everything that was done previously still stands. I believe there is an application immediately to the west of us and north for another project but for what we did here that all stands.

Tom Werner: Do you have a total number of trucks in and out in a day based upon your studies, I know you did the peak hour flows, but I was looking for something for total vehicles per day?

Jason Dell: I don't have that with me but next time we are back I will.

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Tom Werner: That would be I would like to see the trucks separate from the passenger vehicles, see that number total.

Jason Dell: Okay

Tom Koval: What's the reason for the expansion do you have a , I know you can't say who the potential tenant would be but is there somebody that's requiring a little more space?

Jason Dell: That is correct

Tom Koval: So, its going to be hopefully one tenant?

Jason Dell: Yes, there has been multiple inquiries, but they do have a strong possibility of a tenant that's looking for a larger building.

Richard Harris: And as the Board discussed when they approved the original you have to come back for the tenant approval and at that time the Board will need to know all of the information that they requested when they approved it contingent on when you know the tenant, before they'll approve it or vote on it, all of the traffic information will determine if road improvements, further road improvements are necessary.

Jason Dell: If you recall we had to put a note, a couple of notes on the plan limiting the size of the truck that could access the facility until the road improvements were made.

Richard Harris: So that determination will be an important part of the Boards consideration of that tenant.

Jason Dell: That's correct

Richard Harris: Okay.

Don Roberts: Any other questions?

John Higgins: Is the expansion going to affect the, because you had to do a study for the emergency access for the State, because of the size of the building, correct? No?

Jason Dell: No

John Higgins: No, not this one ?

Jason Dell: Nope

John Higgins: Okay, Im sorry Im confused, thank you.

Don Roberts: Okay so we will review it and get back to you alright.

Jason Dell: Thank you

Don Roberts: Okay, thank you.

113 Tabor Road Flex Space Warehouse – Site Plan Amendment

TABLED/REFERRED TO AGENCIES. Board received a presentation for a proposed 6,750 SF addition and referred it to the Town Engineer and other agencies for review.

22.123 Brookwood Farms Phase II, Brookwood Rd- Revised Final Subdivision Approval

Chris Marchand: Good evening, Chris Marchand Jr. Back on March 14, this Board approved a 17-lot subdivision off of Brookwood Road, Brookwood Estates Phase II, and at that time there was two conditions of approval. There was New York State Department of Health and there was National Grid. Department of Health we have that sign off, but the ongoing saga has been with National Grid. I tried summarizing in a narrative that I submitted, Im not sure if you guys had a chance to read the narrative of correspondence that has gone on, but the problem seems to be in my summary is that National Grid has changed the rules along the way. Everybody I have talked to our engineer, EDP, our attorneys say that a simple easement crossing used to be a very simple straight forward process, maybe take a month, 30 days, very simple straight forward. We seem to be one of the first ones that has come across a situation where National Grid is calling it a section 70 I believe, where they are saying it takes up to a year to get an easement approved, so we submitted this project back to them in I think 2015 or 2016, we spoke to someone who said, yea not a big deal you guys have 50 foot of crossing rights, it shouldn't be a problem. We focused on phase I, came back for phase II and ended up talking to somebody different and this Pamela Aspinall is supposedly the new sheriff in town and is saying that there is a process to be followed. So, the reason we are here tonight is to see part of me feels that we've satisfied the National Grid approval because the Board, this Boards approval said National Grid approval. Which we have, we have, National Grid has said we are okay with it, they've done their review engineering has signed off on it, legal has signed off on it, they've issued us a purchase and sale agreement, we've mailed that in, we've mailed it in a check. What they are now saying is that the Public Service Commission has to sign off on it. So, at the time in March when the Board approved our project, it said National Grid approval which I guess Im arguing we have. None of us knew at the time it was going to be subject now to Public Service Commission review, and they're saying it could be another 6 months from now. The problem with that is National Grid doesn't care but its our livelihood, it could be 3 or 4 potential new homes that are lost, we've got customers, the potential client sitting in the audience tonight that have mortgage rates that are locked in and all these things that can't wait another 6 months to a year. I mean we're seeing interest rates are going up, they're locked in ready to build because we were told one thing by National Grid, they changed the rules on us, so we are at the risk of losing, losing these potential houses. These people that are signed on to build with us are now going to be out of luck because here it is its August and if we don't hear back for 6 more months, we lose the whole building season. I understand that there has been, I've heard some concern that some of the Board members are concerned about setting a precedent and my argument to that would be that this is something that is going to happen. We've got 50 foot of crossing rights, we've been told by National Grid I have it in writing, we have a legal right to access our property, problem is this formality, this technicality lets call it of Public Service Commission have to sign off on the easement. You know in terms of setting a precedent my argument continues this isn't a SEQR issue you know somebody had said well if this Board approves us tonight what prevents another developer from coming in and arguing that they don't have Army Corps or DEC and my argument is those are SEQR issues those are environmental issues, this isn't a wetland issue, its not archeological, its not a SHPPO, not a Health Department Environmental issue, this is a National Grid technicality that unfortunately has cost us a year and a half of delays and now potentially 6 more months so my agreement is to have the Board remove either say the condition is satisfied or remove the National Grid Approval condition that would allow us to get our road in build our road get our infrastructure in, we understand the Board wouldn't give any building permits until

the i's are dotted and the t's are crossed but at least we could salvage some of this building season to get our Town road built.

Don Roberts: Okay now just so you know this has to go and get reviewed by the Saratoga County Planning Board so we can't take action tonight no matter what okay, that being said comments by the Board members?

Tom Werner: Yea this intersects Brookwood Road is that correct, that's where your crossing National Grid and Brookwood Road is right there its existing already

Chris Marchand Sr.: That is correct, Chris Marchand Sr. yes so again a little small piece as soon as you come off of Brookwood impacts no one. This should be a walk in the park it always has been with National Grid until the new sheriff came into Town who's got to be a Liberal so in any case pretty frustrating, we've just about had it we've done everything we can to accelerate it, we called the Public Service Commission who normally responds phenomenally to a problem where National Grid delays, they told us they have to jump through this hoop, so we don't want to put the Town, there's no liability on the Town we're traveling at our own risk to put this project in or in or to get started if you'll allow us to but that's our goal, and we have customers that wanted to come, we said we have no approvals yet, that said we want to be in Halfmoon, we love the spot, they were the ones that pursued it, we were more than willing to accommodate obviously great people and we're just looking to move because they have mortgage locks, we want to make this happen for them, at least if we can get this thing started with the road we can, they are paying for interest locks so you can imagine what they are going through. So again, we're not looking for the Town any liability we're here to do the job that we have to do, we feel we have that approval, we just want to make it happen now.

Rich Berkowitz: Are you willing to Bond it ?

Chris Marchand Sr.: What's Bonding? What do you want to Bond? And why would Bonding be required by you, we're the ones suffering, you have no liability.

Rich Berkowitz: Well unless you build it

Tom Koval: Abandon it

Rich Berkowitz: Yea, I mean in this business-friendly state who knows what could happen

Rich Berkowitz: So, what's your point, what are we bonding?

Tom Koval: Bonding the cost of removal of the road if it all went south

Chris Marchand Sr.: I guess if we have to, we have to, I'm not looking to go there, we obviously don't feel, I'm not going to take this risk if I didn't feel it would be a done deal.

Rich Berkowitz: I understand that but as a worse case scenario, this is a way you can do this

Chris Marchand Sr.: What if we give you a letter, we will give you legal paperwork saying we will remove it.

Tom Koval: At the end of the day its still your property

Chris Marchand Sr.: No doubt about it. if it doesn't happen, we remove what we put in

Tom Koval: Its his driveway, his road on his property

Don Roberts: Now if this does happen, you're agreeing to the fact that its all on you, you can't come back at us at all.

Chris Marchand Sr.: The Town of Halfmoon has no liability here, we're the ones taking all the risks and believe me we don't want to be a risk taker in this.

Lyn Murphy: We have gone down this road on totally different types of situations this is very unique and I understand where the applicant is coming from, this Board cant act tonight because we have to wait on County approval but what I would like the Board to request if you are so willing is to have the engineer look at the possible cost to the Town, obviously we don't want infrastructure out there that isn't completed, just based on a liability standpoint, most of it is on your own property but that portion that is not ,they may come back to us and say you allowed it, you got to get it out of here.

Chris Marchand Sr.: Well then, we will guarantee that anything that was on that would influence you we will give you any documentation that you need that we will remove that.

Tom Koval: In Town Right of Way, you're talking about, right along side

Chris Marchand Sr.: By all means, like I said we're not looking to complicate your lives, we understand we are the risk takers we're just so frustrated by this, this used to be a 30-day ordeal a year into it, and we still have nothing, other than they took our money and gave us some paperwork

Don Roberts: Joel you'll do that for us? Thank you. Anyone else

Richard Harris: I just want to clarify you said you agree that this Board would not issue building permits, I just want to be clear on that point, our Town Code set by our Town Board will grant you the rights in the Town Code, to up to 5 building permits before the Town takes over the road, I would ask and I think you said this but in a different way, you agree not to seek or obtain any building permits until this issue is finalized to the Town attorney's satisfaction

Chris Marchand Sr. : Sure, undoubtedly, until this is resolved

Richard Harris: Okay that you agree not to get building permits, because we certainly don't want to get into a spot where we always look like the bad guy

Chris Marchand Sr.: No not like that do we really want to build a house if it didn't go through that we were sitting on a house out in the field that we have to tear down

Richard Harris: That's logical and I get that, but sometimes we've got to think illogical.

Marcel Nadeau: Don Im looking at the SWPPP don't they have National Grids

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Joel Bianchi: The building code actually prohibits you from issuing a building permit without public water being available. That's in the commercial code, it may also be in the residential code.

Marcel Nadeau: Alright so looking at Chris's letter here stating National Grid basically gave them approval

Don Roberts: But its beyond them, its beyond them.

Marcel Nadeau: So, doesn't that satisfy our approval?

Lyn Murphy: So, we just want to have some safeguards in place from a legal standpoint, because this is a unique animal, we've never seen them refer it to the commission before, so we need to have the County again refer it, but they technically don't have the approval until the Commissioner says you have the approval but yea seeing these documents makes me much more comfortable with what they are proposing.

Don Roberts: Okay so we will get County approval and hopeful have you on next meeting, right?

Chris Marchand Sr.: Great

Don Roberts: Rich, Paul, right hopefully next meeting, Okay

Paul Marlow: Yes

Chris Marchand Jr. : Timeline do you have a timeline do you think, how long do they usually take to review?

Don Roberts: You should be on the next meeting hopefully.

Lyn Murphy: We meet on the 18th of August, we meet on the 22nd.

Chris Marchand Sr.: Appreciate it, by the way this girl that took over this position when we sent the maps from EDP had no idea what a wing gutter was much less blacktop or anything else so you could imagine, so you could imagine what we are up against, so when my fever pitches up here.

Don Roberts: Good Luck

***Brookwood Farms Phase II, Brookwood Rd – Revised Final Subdivision Approval
TABLED. Board tabled the application to amend the final subdivision approval until the Saratoga County Planning Board has acted on the application.***

22.106 M and C Electrical Solutions, 13 Morris Lane – Sign

Michael Skidmore: Hi, good evening, Michael Skidmore, I'm the owner of M and C Electric Solutions. We're just looking to the building we lease from Mabey's. We're just looking to coverup their existing sign that's 3' tall by 10'wide I'm sorry 10' wide, about 8' off the grounds with a sign of our own that we submitted to you guys.

Donald Roberts: Questions by the Board?

Tom Koval: I make a motion to approve the new sign.

Rich Berkowitz: I'll second.

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

Michael Skidmore: Thank you.

Don Roberts: You're welcome.

M and C Electrical Solutions– Sign

APPROVED. Board approved a new building sign for the approved tenant at 13 Morris Lane.

22.009 Tribley Residential PDD, 315 Farm to Market Road – PDD Recommendation

Don Roberts: Before we start, Rich, since the last meeting we got additional letters, we have to add to the record, correct?

Rich Harris: That's correct. Since the last meeting, I received several emails and letters from residents. I have since forward all of them by email to the Board members, and I have hard copies of every letter and email I received us for the Board that people requested be forwarded to Board members since the project was proposed as a single family.

Don Roberts: Ok. Thank you. And also, Tom Werner recused himself and Charlie is sitting in. Ok? Go ahead

Jason Dell: Jason Dell, Engineer with Lansing Engineering here on behalf of the applicant for the Tribley Residential PDD. We were before the Board at last meeting for the public informational meeting. We did hear the comments from the public. It was requested of us to provide a conventional subdivision plan. We did provide that, however, we're still seeking the PDD plan and we're here this evening to answer any final questions you folks may have in the hope of obtaining a recommendation back to the Town Board for the PDD.

Marcel Nadeau: Jason, on the conventional subdivision those are flag lots on those first two lots?

Jason Dell: Yes, there are two there one, four flag lots there, yes.

Tom Koval: The, so what's this bring the average lot size up to?

Jason Dell: Well, the conventional plan we yielded 20 lots.

Mike Ziobrowski: 20,000 sq. ft.

Jason Dell: That's correct.

Tom Koval: And you're maintaining the same green space, well, I certainly like this a lot better. I'm not a fan of cluster housing. I don't think it's in character with neighborhood with that whole road and it does alleviate some of the traffic concerns and then not all of them, but it, it's gonna reduce the number of cars tremendously and, like I said, it does fit more in character with some of the other developments up in that area.

Mike Ziobrowski: Personally, I'm not a fan of the flag lots and think that the reduction is significant. I think that ya know, we're somewhere in between with just the layout. I'm just not a fan of the flag lots, but I'm really don't think that the, ya know, it has to be a full, full reduction like it is, ya know, maybe we're somewhere in between.

Jason Dell: Just for clarity purposes, we are still proposing the 42 lots. We were just asked to prepare that first.

Mickael : Yeah, understood.

Tom Koval: I thought you reduced it to 30 something at one point. No?

Jason Dell: We reduced down to 42.

Tom Koval: Big difference.

Marcel Nadeau: I do like the conventional, I think as Tom said we can't really control a lot of the traffic issues but, but the lesser amount of buildings controls

Tom Koval: It reduces it by half, conventional to a cluster, at this density that you're proposing for the cluster, now I'd be probably open to cluster if it wasn't as dense if you wanted to try that, but I personally can't support this current proposal this PDD that you have in front of us.

Don Roberts: See I think we have to keep in mind here what is before us is the PDD

Tom Koval: I know

Don Roberts: We can't act on a conventional because it's not before us

Tom Koval: I'm trying to give him feedback. What I would feel better with and I'm just one person

Mike Ziobrowski: I mean my thoughts are somewhere where you're going is that I like the roadway less homes. That way you're not stuck with the flag lot situation so

Tom Koval: And once again the flag lots that's the homebuilders, the homeowners to say decision, they don't have to buy it if they don't like it and a lot of people do like them because of the privacy.

Mike Ziobrowski: I know we've got a couple flag lots in my neighborhood, I just

Tom Koval: You see a lot of them here, how many come in front of us for a sub, a minor subdivision

Mike Ziobrowski: Probably every other meeting.

Tom Koval: I know obviously somebody likes them.

Don Roberts: So, Mike are you saying that you would like to see the PDD with fewer lots

Mike Ziobrowski: Yea, that simple, yea

Don Roberts: That would be a simple solution

Jason Dell: One other point to just bring up that if you're following the PDD Code itself we would be allowed 51 lots under the PDD Code because your allowed 3 units per acre, for single family residential.

Tom Koval: Right, that's why everybody asks for PDD so they can jam a lot more onto a piece of property than is realistic, so I mean Im not in favor of PDD's in general. The whole system gets abused tremendously in my opinion. I've seen it several times since I've been on this Board, that's one of the reasons Im on this Board.

Don Roberts: So, I guess what the Board is saying is they would like to see the PDD is okay but with fewer lots, alright is that what Im hearing?

Tom Koval: That's what Im saying my feelings are.

Mike Ziobrowski: Agree

Lyn Murphy: I want to clarify for the record that allowed for a PDD its not allowed by right, in the legislation you can fit it in but its not like allowed by right like normal, conventional, but understand that the Board is saying just a smaller number.

Bruce Tanski: Bruce Tanski from Clifton Park. In all due respect to the Board I think when I first started this I heard what the general public wanted, I spent a lot of money to put a senior building there and (3)11-plex buildings, we had a public meeting with the people from that development and I in turn secured another piece of property to put the senior building on because as the Board said it's a nice piece of property but in the wrong place. So, I acquiesce to what everybody said I spent a ton of money doing it and we followed all of the rules that were presented to us by the Planning Board number one, and number two if we don't maximize the potential on this piece of property there is no way we can build it, number one. Number two just to give you a little history, last year a piece of rebar number four was a dollar fifty a stick, now its ten dollars. Ductal iron was twenty-seven a foot now it's over fifty and if anybody knows the cost of things and the delay Im Mr. Koval can vouch for that. We can't get materials, by building up on 67 they wanted 46 weeks for windows. I secured them from somebody else it took eighteen weeks but cost me 20,000 dollars more. To put a road in two years ago was seven hundred and fifty dollars a foot, now its eleven hundred dollars. Liquid asphalt just went up three times its totally impossible to build something affordable, we have to spend a lot of money to build these homes and I have a hundred and fifty-two employees, I have to keep working to make sure they have a job, and this is all part of what I do, and I respectfully ask the Board to vote in favor of what we submitted. Thank you.

Tom Koval: Bruce I do feel for your financial situation and the current costs, however they are coming down, this month tremendously, lumber is down as you know, copper is down, oil is down, so asphalt will be down.

Bruce Tanski: We can't get it that's the problem

Tom Koval: They just signed a big deal for us today in Congress, or Senate so everything is going to be better next week. Unfortunately, I can't make my decision based on your financial situation.

Bruce Tanski: Understand

Tom Koval: I wouldn't ask you to do that for me

Bruce Tanski: No, but if I may interrupt would you please make your decision on what we've done and we've acquiesced to the Town Code to do what we're allowed to do. I would like you to make your decision on.

Tom Koval: Yes I do agree with that under a PDD which your allowed to do, but as I stated one of the reasons Im here on this Board is not to saturate the Town to keep the Town from getting saturated with house on top of house on top of house like Colonie, Loudonville some of our surrounding communities and I feel that this is doing that, and these types of subdivisions, these cluster subdivisions are doing that. They are creating a very congested town, yes you have a big green space on one side but then when you go into these developments and they're piled on top of one another its just is, if you go down Maxwell Road in Colonie or Old Niskayuna in that area and go into those developments off of Sand Creek Road, that's exactly what these were, they were all clusters and now you look at them and its just not the Halfmoon look it's the Colonie look. Halfmoon is a farm town, we like our open space. Residents bought into these other developments which are kind of tight on some of them, but the majority of them have a nice big yards. That's the feeling I think people want in the Town of Halfmoon, that's why they moved to Halfmoon and little by little we keep chipping away at it and taking up every little inch we can because it costs so much and to maximize our profits which that's why you're in business, that's why im in business but that doesn't make it right.

Bruce Tanski: No, but let's look at what Chris Abele did on Cemetery Road, that property they bought from Scott Earl, that place is sold out before it was done, them houses are all in the four hundred plus thousand range and the people can't wait to move in.

Tom Koval: And but now they are all complaining about the houses going in behind them.

Bruce Tanski: Some of them are complaining, but they all bought, they're all sold.

Tom Koval: Excuse me, in Halfmoon people like what we have but we are losing it very quickly, is my point.

Don Roberts: John you have any comments?

John Higgins: I agree with Tom and Marcel and Mike as far as I think we have to go somewhere in between Bruce. I do have one question regarding the public benefit. The building that you're going to build or propose to build for the Town who is going to design that?

Bruce Tanksi: I'd rather not discuss that because it's a Town Board issue, no disrespect, but we haven't got to that point yet, whatever they tell me, whatever the Town Board tells me to do that's what I'll do. I just don't know the answer to that question.

John Higgins: Okay so in other words there really hasn't been any discussion with the Town Board as far as the building itself?

Bruce Tanksi: Correct.

Lyn Murphy: My understanding that, that public benefit has been discussed being changed because of the issue with the Town of Halfmoon

Tom Koval: Open ended-Ness

Lyn Murphy: Correct

Bruce Tanksi: Correct

Tom Koval: That's my, and I know its not my decision I have nothing to do with it, that's my only concern as a resident is the open ended-ness of that public benefit.

Bruce Tanksi: I just don't know yet because

Tom Koval: I know, I get it, but its just every other public benefit we get a definite point, a definite price point, and this we don't.

Lyn Murphy: So in order for this to go before the County which it has to do before it can proceed through the Town Board, I wrote the legislation with a public benefit just so everybody is clear in case they FOIL it with five hundred per EDU public benefit, because that was my understanding, I may have been mistaken, I wrote draft all over it but just so your aware.

Tom Koval: So, there is a price point?

Lyn Murphy: That was how I wrote it, I could've again made an error

Tom Koval: Okay I get it.

Don Roberts: So, Bruce just for clarification just so we all know what's going on here. You want us to rule on the initial PDD for the cluster without any changes, no reduction in units?

Bruce Tanksi: Mr. Roberts I've made a lot of changes in that project from day one

Don Roberts: I know but Im just stating so everyone's clear what we are doing here.

Bruce Tanski: Where do we draw the line, I mean and the way I've been treated by this, not by the Board but by the people that live there, is unconscionable, so I'm where I'm at and I'm not going to move

Don Roberts: No, it's just we're all clear what we're doing here, because you know make sure we're doing the right vote on the right thing here, anyone else?

Jason Dell: One more point as Bruce reminded me, I did do a quick analysis that way we're comparing apples to apples. Using scanned plans as well as tax maps for Arlington Heights a quick analysis would yield a conventional plan on the Arlington Heights property would have yielded about 47 conventional lots to which there are 70 so you know, if we're comparing apples to apples there was a significant density increase for the folks next door as well as the property to the north because we are surrounded on three sides by PDD's

Tom Koval: But isn't Arlington Heights lots larger than these lots that your proposing?

Jason Dell: They are, on average, on average

Tom Koval: So that's the point I'm putting out there, I'm not saying no cluster, I'm not saying you have to, I'm not recommending you do a conventional subdivision, I'm saying I'd be willing to meet halfway at some point. Tonight, I'm not willing to agree to this.

Bruce Tanski: We have 42 lots up there right now, okay this is, I'll drop it down to 40 I think that's

Tom Koval: That's not, it's not, I think your missing my point a little bit. Two lots is not going to change a thing

Mike Ziobrowski: So, what if we went with like a fifteen thousand square foot lot.

Lyn Murphy: That's bigger than any of the subdivisions

Mike Ziobrowski: So, what we have right now is if you took this map right here is twenty thousand square foot okay, and then you have this map right here you're at eight thousand is the minimum lot size is there anywhere in between

Tom Koval: I think Arlington Heights is what ten thousand? Not that I'm crazy about that lot size either but we, prior to my being here.

Bruce Tanski: A couple of the residents have mentioned we should drop down to thirty-six okay, I will drop down to thirty-eight lots, I mean

Tom Koval: It's like let's make a deal, that's the way life is isn't it Bruce, let's say thirty-seven

Bruce Tanski: I'll drop it down to thirty-eight lots from the forty-two.

Tom Koval: I think does everything have to be re-written to do that?

Mike Ziobrowski: Im okay with that, its meeting us halfway.

Lyn Murphy: We are still just at the recommendation spot, but yes, we will have to submit the amounts, I'll have to change the language.

Tom Koval: Then when it goes to the Town Board say we agree to thirty-eight then the Town Board could overrule us and go back to forty something?

Lyn Murphy: They tell you fifty-four they want to do,

Tom Koval: If we agree to a PDD that's what we're agreeing to ?

Lyn Murphy: No because you're just making positive recommendation the Town Board is the only Board here that can determine if a PDD is a yes or a no; so you're making a recommendation at thirty-eight.

Don Roberts: Charlie do you have any input on this?

Charlie Lucia: No, its , we all know it's a good discussion and I think everybody here has made a valid point in that forty-two, forty-two really looks like a cluster, and again just talking Arlington Heights those lots on average are larger than the cluster lots we are looking at. So, I think that there is compromise in there somewhere and that's respectfully to you Mr. Tanski that there is something there that we can find that makes that still doable for you but also achieves some of the things that the Boards Talking about tonight.

Bruce Tanski: And also, too

Tom Koval: Four is a minimal number to drop really, I don't think anybody is going to notice a big difference other than a couple of cars

Rich Berkowitz: Well, the residents mentioned six at the public hearing so

Tom Koval: Dropping six

Rich Berkowitz: Dropping thirty-six to thirty-eight I don't see what the difference is

Tom Koval: No, no, that's my point too.

Richard Harris: Can I just add in addition to the common theme of thirty-six it was minimum lot size ten thousand square feet was a common statement that has come up so I would suggest that the Board consider if you are going to go to a new number you also consider a new minimum lot size whether its ten thousand or not, as guidance to the Town Board

Tom Koval: That's a very good suggestion, minimum lot size of ten thousand square feet.

Don Roberts: Could you do that with the thirty-eight?

Rich Berkowitz: Is that average or is that minimum?

Bruce Tanski: I don't want to get close to thirty-six, he says we're getting close to thirty-six, I want to get thirty-six number one, thirty-eight im sorry, number two if this is gonna come to fruition the Town Board has got to change their rules and regulations so that we don't go through this again because if we're allowed to do something with the zoning

Lyn Murphy: You're not though.

Richard Harris: You're requesting a zone change, that's been explained.

Tom Koval: You're asking for special permission its not your God given right

Richard Harris: For your own zoning tailored to your project, you have no rights to the Town Board having to approve any of that, if it was conventional that's different, there have been many applicants here with forty thousand square foot lots which is double the minimum on a convention but the Board felt it was too dense but they also reasoned , I don't want to speak for everybody but that their well meeting the minimum, we don't have rights to tell them no, as Lyn explained your in the opposite your asking for your own tailored zoning so fifty two is not an as of right.

Bruce Tanski: My mistake I apologize

Don Roberts: Could you do the thirty-eight with a ten thousand square feet minimum?

Bruce Tanski: I don't know we would have to go back and redo it

Tom Koval: Do you want to get on the next meeting for it.

Don Roberts: We could recommend

Lyn Murphy: Part of it would be a recommendation that it would be a maximum of thirty-eight ten thousand square foot lots and then they can do what they can do.

Bruce Tanski: But what if it comes back at thirty-five or thirty-six, then its up to the Town Board at that point?

Lyn Murphy: It might , I mean you have a lot that's nine thousand instead of ten thousand I mean I don't think that's going to make or break, the number thirty-eight, try to get to ten, do what you can do but this is just a recommendation

Tom Koval: But don't do it on every single lot, don't come back with thirty-eight lots at nine thousand square feet.

Lyn Murphy: I think the Boards been very clear

Don Roberts: You know what we mean right?

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Bruce Tanski: Just so we are all on the same page, we'll try and get to ten thousand square feet with the maximum of thirty-eight lots, okay

Don Roberts: Okay everyone agreeing with that

Rich Berkowitz: Ill make a positive recommendation to the Town Board for the PDD with a maximum thirty-eight lots and a minimum of ten thousand square feet per lot.

Mike Ziobrowski: Ill second

Don Roberts: Before we vote on this okay, we have a motion and a second and based on our past conversations here our Town engineer, our Town Highway Superintendent and our fire Chief all recommended that the connecting road be full two-lane access, Id like to make that part of the recommendation, just for reinforcement, make that part of our recommendation as well.

Lyn Murphy: Mr. Berkowitz is that part of your recommendation?

Rich Berkowitz: That's part of my recommendation

Don Roberts: Okay we have a recommendation for a positive recommendation, : All in favor aye? (All in favor) Opposed? (None were opposed) Motion carried, positive recommendation to the Town Board

Bruce Tanski: Thank you.

Don Roberts: Thank you, take care

Tribley Residential PDD– PDD Recommendation

POSITIVE RECOMMENDATION. Board made a Positive Recommendation to the Town Board for the proposed PDD with the following conditions: (1) maximum 38 units/homes; (2) maximize the number of lots at 10,000 SF or greater; and (3) the connecting road to Saville Row shall be a full, two-way access Town road.

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

John Higgins: Ill second it.

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