

8/9/21

**MINUTES MEETING  
Town of Halfmoon Planning Board  
August 9, 2021**

**Those present at the August 9, 2021 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:**

Charlie Lucia  
Brendan Nielsen-absent

**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(s):**

John Wasielewski  
Eric Catricala

**Town Engineer:**

Walt Lippman (MJ Engineers)

---

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

**Don Roberts:** Good evening, I would like to call our Planning Board 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.

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

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

**Public Hearing:**

**21.118                      Dorrough Subdivision, 93 Cemetery Rd – Minor Subdivision**

**Don Roberts:** Would anyone like the notice read? (No comments) Please come up and explain in short detail what you're proposing. Now I know Mark you are a substitute tonight so we're not going to

**Marc Jacobson:** I appreciate that Mr. Roberts, yup pinch hitting for John Romeo. Marc Jacobson Insite Northeast. It's pretty simply , we've got a three lot minor about 12 acres , 6 acres on the bigger lot , 3 acres on the other one and 2.7 on the other one. We're looking to come off of Cemetery road for lot 3 and then the other 2 off of the main road and as everybody heard early on there are some wetland issues that we are dealing with, so we are working with Christine Deloria , we are in close contact with her and once we get that stuff buttoned up we'll be back with you guys and that's not in weeks that's in a couple days., so the applicant is being very diligent about getting all of this stuff done so we've got everything else done. I think your satisfied with everything, I just want to hear from Christine and see where we are at.

**Don Roberts:** So you know you heard in the pre-meeting, we're going to have the public hearing but we are not going to take any action tonight okay?

**Marc Jacobson:** I was here

**Don Roberts:** As long as you are aware of that, okay anything else?

**Marc Jacobson:** Im happy to answer any questions that anybody has technical or otherwise, again it's pretty it's kind of a middle-ground, it's a three lot minor with public water and sewer.

**Don Roberts:** Okay at this time we will have the public hearing and then we will have to leave it open and adjourn it but then any questions we will ask you after that okay.

**Marc Jacobson:** Thank you

**Don Roberts:** Thank you, okay at this time we are going to open up the public hearing would anyone from the public, but before we start we have a written correspondence from a neighbor, its lengthy in nature so, excuse me we have a written correspondence from a neighbor who has concerns it's a lengthy letter so Im not going to read it in its entirety we are going to make it part of the record though right? Okay thank you. Okay we'll open the public hearing, anyone like to speak? Come up say your name, address and any comment you may have. Wait a minute, this gentleman is going to speak first.

**Lyn Murphy:** Mr. Dorrough I understand that your attorney sent a letter, I'm very well familiar with the law, bottom line is this letter is not being entered for the truth of the matter stated its being entered because it is a public comment and they have an absolute constitutional right to comment at a public hearing, if your attorney wants to take that up with me have at it.

**Don Roberts:** Thank you, go ahead sir.

**Thomas Shohfi:** Thank you for holding this public hearing my name is Thomas Schoffee, and I want to say thank you to Richard Harris, I've been living in Halfmoon for 6 years. I am the one that wrote this letter, I apologize for submitting it so late, I did submit it to the neighbors surrounding the property on Thursday so I was encouraging them to attend this hearing and to understand the facts of this letter. The main issue of contention is that when I spoke to Christine Delore last week she had indicated and the USAC's website indicates that if you are going to be working in a property with this pervasive level of wetlands you need to receive approval from US Army Corps of Engineers before you do that. We live in a neighborhood that has a lot of those wetlands and I've spoken to my neighbor's about increasing the size of useable property and what do they do, they have to contact the US Army Corps. Of Engineers. Mr. Dorrough failed to do that, if fact blew a large hole off of Brantwood that you can clearly see the wetlands on each side of the bridge. In March he worked at a very fast pace including very late at night to demolish a large portion of these wetlands. He wanted to get them done so he could start building his property as soon as possible. So it showed a lot of disregard for Federal authorities. In the following days I contacted Richard Harris to let him know that there was a potential problem with this. Richard asked for the applicant to be a better neighbor and then they looked into the permits we had and there was a stop work order issued. Now when he resumed work on May 5<sup>th</sup> he was still filling and disturbing the wetlands directly behind my property. So I saw this and I contacted your office and I spoke to Richard, I spoke to Paul and they said well if he's doing this you need to document it with evidence and I did and I sent that evidence to this office. On the 6<sup>th</sup> when the applicant saw me taking pictures of the property he uttered many profanities at me he threatened my directly, he threatened to paint the trees that were in the wetlands that were facing my property pink and he said I had cost him \$30,000 dollars which I could not only assume was for not satisfying the necessary regulations and then having to pay for them. On the 7<sup>th</sup> the EPA arrived and my discussions with Christine Delore the EPA works with the Army Corps of Engineers to enforce their policies so Mr. Dorrough was very upset about this, called me, made additional threats to me and said that we would build a land bridge from his property to my property directly over the wetlands which he cannot do because he has not filed a restoration and corrective actions plan. I do find ironic that he did that at 4: 30 today before this public hearing. So construction began I think on June 14<sup>th</sup> and the permit was issued for lot 3, I just didn't think anything of it, I thought he had met the necessary requirements I spoke with Christine Deloria ahead of this public hearing on the second and there were a lot of discrepancies between what Mr. Dorrough was proposing and what Mrs. Deloria had heard from the applicant and his engineer. He said that he would be building one house on this property, he is proposing to build three. He also , what is entirely not a falsehood failed to mention that the house he was building was three times the size of a typical house in our neighborhood. Why does it matter because one of Mrs. Deliria's major concerns was that travel across the bridge on Brantwood would create further damage to the wetlands? So Belleard trucks, large cranes are crossing this all of the time, doing further damage. So that's an issue and the USAC is aware of it and I want the Town to be aware of it. The other issue was Mrs. Deloria said well why does the entrance to your property have to be through the wetlands, why can't it be through Cemetery road and the applicants explanation for that was that he has small children so he could not have the entrance to Cemetery road, I have a small child too so I can understand this but the property he is proposing is far off Cemetery road and there are lots of people in our community who have young children who have properties on Cemetery road. It's also entirely inconsistent with the fact that he is asking for a subdivision that has access to Cemetery road, it is dangerous and a safety issue for his children shouldn't it be dangerous and a safety issue for whoever he is going to be selling this house to. So these are out two major issues that were quite deceptive to the USACE that need to be addressed, and I hope that in the submission of that plan at 4:30 today these were addressed. Now why does this matter am I some type of EPA tree hugger, no not exactly it's because my useable property is shrunk by these wetlands, our neighbor next door wanted to put a pool in for his two daughters, it takes up half of his back yard because he cannot use half of the property because it has Federal wetlands, and he contacted USAC to make a small increase in his property line because that is what you're supposed to do. We are not new to construction in our neighborhood , we had a house

built two houses down from me at 37 Devonshire , perfectly fine, the neighbors were very considerate they worked during specific hours , they communicated their actions, I haven't heard anything from the applicant , except for the threats that he has made to me so , he has made no effort to say look Im coming into the neighborhood , Im going to be doing construction, Im going to be bringing in large vehicles in I would appreciate it if you would be compassionate to this and I will work around those hours because I respect the families that are in Devonshire way and Brantwood dr. So another thing that I would like to mention I think this is a strong economic argument is I know many of you know Dean Campbell he built Timberwick II, and the applicant bought the property from Dean Campbell, it's very interesting that price paid for acre of that property is about 1/3 the average price of a lot purchased over the past 12 months in 12065. Mr. Campbell is a very smart man he didn't develop that property, he knew that there would be severe regulatory costs for constructing something on that property. If you bought that property and you didn't realize that you would have to pay those regulatory costs or you could just ignore them, but there are consequences if you ignore them. SO the market says that, that property was cheap because it required regulatory compliance that was expensive. So the Board is going to make its own decision okay I have two last things I'd like to add and I apologize for the length of my discussion. The first thing that I would recommend is that they would deny the permits on lot one and two. Why because he said he was only going to build one house, so why is he requiring three in this case? And I know this seems severe but if the applicant cannot demonstrate that access to Cemetery road is safe which he should be able to do he is a professional developer and there is no wetlands issue there, as Mr. Deloria indicated, and he can address the concerns of the USCC on Brantwood then there is no access to the property. So how can you do construction on it, now if he makes a good faith effort to address these issues and I appreciate him sending something to the USAC at 4:30 today then you know suspension would be warranted until these issues are addressed. So that's my recommendations but of course you guys will make the decision you have a lot more experience with this. My recommendation for the applicant is to restore the faith of him and the community he's building and doing that would be halt the construction, satisfy the requirements of the Army Corps of Engineers. Respect your neighbors who have respected the Army Corps of Engineers. I would say get Cemetery road as your primary access if you cannot do that, and there is a really good compromise for this, I know the applicant wants access to Brantwood it is a desirable place to go for a walk, go for a bike ride okay, set up a walking path on Brantwood that will have far less of an impact on the wetlands so we can access that with this family and have the driveways accessible through Cemetery for the one property or however many properties you want to grant. So that's what I have to say, I just one last time would like to thank Richard and Paul because I was looking at all the emails that I exchanged with them for a really long time and I asked them to review this letter to see if there were any factual inaccuracies because I want to be truthful about what I am, trying to communicate about this situation. Okay I thank you for your time I know this is late thank you.

**Don Roberts:** Very good thank you Sir. Would anyone else in the room like to speak? (No comments) would anyone online like to speak on this matter? (No comments) once again is there anybody online that wants to speak on this matter? (No comments) Okay we are going to adjourn the public hearing comments by the Board?

**Tom Koval:** Now as we spoke in the pre-meeting we need to adjourn this until we have more information from the Army Corps and their determination before we should act on anything with this.

**Don Roberts:** Yes right yes.

**Tom Koval:** Im not sure about the construction hats going on at that site right now whether or not that should continue until we've issued permits, we've issued building permits for that?

**Richard Harris:** Yes , so I just want to let the Board know that the property , whether its subdivided or not is entitled under our zoning to get a building permit for a single family home. When the permit was received we were in close contact with Christine from the Army Corps of Engineers and let her know that the building permit meets our Town Code requirements , building requirements, under the building code and wanted her opinion regarding on the Town issuance and she did not object, in writing, to us of the Town issuing the permit. It's not to say we were deferring our authority, as a separate agency to her, but we want a level of comfort that she was satisfied in talking to the applicant's engineer and she was at that time, we then issued the building permit, we conducted site visits, on the code side of things, building construction, the SWPPP was prepared, documents were submitted to the Town for Soil Disturbance and we are comfortable from a Town level that the construction continued per building code, per Town Code. In terms of Army Corps they have been waiting for some documentation for some time and they received it this afternoon, we haven't had a chance to review it not that we have a say in whether the Army Corps is comfortable with it, again, we want that level of comfort from them, not deferring any authority to them but wanting to get an understanding, the applicant is working with them and there is a good faith effort , there was when we issued the building permit, so the building permit sits there for the larger house here on lot 3 , that's under construction , the subdivision as proposed meets Town Zoning in terms of area and frontage, however we again want that level of comfort from another agency to get an understanding, I honestly I don't see your reason for stop work order on a valid building permit that we have , he has followed the code requirements so far.

**Tom Koval:** We are going to withhold any c/o or anything until we have an Army Corps determination on this?

**Richard Harris:** Well if we got to that point we would probably also withhold the CO pending resolution of those items , this is not close to that, I don't know exactly where it stands with everything but we definitely would want a level of comfort with Army Corps related to the driveway onto Brantwood which is through the wetlands and we would want that resolved , like we do when a curb cut is on a County highway or a State highway, a State permit, we need a level of comfort that permits been issued. We need a level of comfort with a CO being issued for the house and in terms of your discussion, this Boards jurisdiction with subdivision, a level of comfort. It's a common practice we do when there is other agencies involved, it's kind of, to this Board its similar to how on a larger major subdivision you grant preliminary, the applicant then goes with that large subdivision to the Department of Health, DEC, gets those informal approvals and then they come back. It's a level of comfort that we are respecting another agencies authority in the process and understand where they are. Thus far for the building permit, we were comfortable in our discussions with Army Corps. Right now for this subdivision before 4:30 today we were less comfortable, we are a little more comfortable on a staff level that the documents were provided. Again, don't know the content, don't know Army Corps is, but we would like to hear from them about the content and where they stand.

**Tom Koval:** Okay at this point we are going to, I know there is others that probably want to speak but we are going to adjourn it and keep the public hearing open

**Don Roberts:** Im going to adjourn the public hearing open until we get a satisfactory response from Army Corps of Engineers.

**Tom Koval:** Correct

**Marcel Nadeau:** Rich you said the house was being built on lot 3, but isn't this one continuous lot at this point.

**Richard Harris:** Yes correct, so it's one house on one lot as of today August 9<sup>th</sup>. I said lot 3, sorry, proposed lot 3 on this plan, this is one large lot this, I drew the yellow lines to show where it would be on this plan...

**Marcel Nadeau:** The house being build appears to be on lot 1?

**Richard Harris:** Nope, the house being built is on lot 3, the larger rectangular one at the bottom. That doesn't show a roof line.

**Marcel Nadeau:** Okay.

**Don Roberts:** Anyone else on the Board?

**Richard Harris:** We will get an update for the Board and go over putting it back on the schedule.

**Don Roberts:** Okay so this is adjourned until we get a satisfactory response from the Army Corps of Engineers, thank you.

*Dorrough Subdivision – Minor Subdivision  
ADJOURNED. Board held a Public Hearing, heard comments regarding the proposed  
Minor Subdivision, and tabled the application pending receipt of comments from Army  
Corps of Engineers (ACOE).*

**New Business:**

**21.142                    PVA, 6 Corporate Drive – Sign**

**Tom Wheeler:** Hello Im Tom Wheeler with AJ Sign Company. This is the old Sportplex building in Halfmoon, basically we are looking to just install this internally illuminated sign, it going to have a black opaque background so at night just the letters will illuminate. It fits into the surroundings and fits on the building. Well just puts their logo on their so people will know it's in the building.

**Don Roberts:** Meets Town Code, any comments by the Board?

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

**Rich Berkowitz:** Ill second.

**Don Roberts:** We have a motion and a second, all in favor aye? (All in favor) Opposed? (None were opposed) Motion carried, all set

**Tom Wheeler:** Thank you.

**Don Roberts:** You're Welcome

*PVA– Sign  
APPROVED. Board approved new wall-mounted signage to reflect the recently-approved  
tenant name.*

**21.143                      Popeye's Louisiana Chicken, 1701 Rt. 9 (Shops of Halfmoon) – Sign**

**Tom Wheeler:** This is a new Popeye's restaurant that's going in, typical fast food restaurant with a drive thru. It's the full sign package for the restaurant, we have the Popeye's letters on the front of the building we also have there's two round type medallion type 3 ft. diameter Popeye's logos. On the other elevations we have 3 directional signs to help people navigate the property , get where they need to go and we have the drive thru which has clearance bars and canopies I don't know if that's considered a sign or not, it's in the package and then we have the pole sign.

**Don Roberts:** First of all the 16 ft. free standing sign is not going to work.

**Tom Wheeler:** You guys like 12 right?

**Don Roberts:** 12 right, can you go at that?

**Tom Wheeler:** Hang on I've got one of those.

**Rich Berkowitz:** Is that sign out of the right of way also?

**Richard Harris:** Yes, sorry it was on the first page, shows the location of the, yea right here.

**Rich Berkowitz:** Yea I see it

**Don Roberts:** Okay so Popeye's can live with 12 ft.?

**Tom Wheeler:** I knew you guys liked 12 ft. so today I went back to these guys and said let's have a 12 ft. sign to pass our so we took care of that.

**Don Roberts:** Okay, very good, and I'll let someone else handle this one and there's other concerns about the chicken with the drive thru.

**Tom Koval:** You're going to have to cut the heads off the chickens on the drive thru.

**Richard Harris:** What would be a total height that you would be comfortable with?

**Tom Koval:** I'm fine with drive thru' s, nobody really cares about them, it's not out front of the building, it's more of a directional sign than anything. I don't have a problem with that, I don't think anybody will call us out on allowing a chicken to be 13 feet.

**Marcel Nadeau:** That's a big chicken.

**Tom Koval:** It is a big chicken.

**Don Roberts:** Anyone else want to comment on this one?

8/9/21

**Tom Werner:** Yes, the directional signs could you point those out on the map, one of our previous.

**Tom Wheeler:** I've got a map to pass out too, I told them you guys want maps. I think a previous question was patrons entering from route 146 over there, to get them through so they aren't wandering through Walgreens or the Auto Zone, there will be positive guidance over to Popeye's.

**Tom Wheeler:** So coming off 146, Old 146 or Route 146?

**Tom Warner:** Route 146 there is another entry there.

**Tom Wheeler:** Yup, they'd go in and there is a , if you go in , I don't know if the maps made it down to you but there's a #3 there is a directional sign right there.

**Richard Harris:** It would be right here on the overhead where I am pointing

**Tom Wheeler:** Yup exactly

**Tom Werner:** Isn't that route 9?

**Tom Koval:** No we are several buildings away from route 9

**Rich Berkowitz:** Hey what's the purpose of this sign right here with the chicken on top?

**Tom Wheeler:** That's the drive thru canopy

**Rich Berkowitz:** I mean you're already in line, do you really have to have a chicken on top because they know where they are?

**Tom Wheeler:** You see that speaker box that's where you pull up and give the orders

**Rich Berkowitz:** Are you talking to the chicken?

**Tom Wheeler:** The chicken's way over your head

**Rich Berkowitz:** So what's the purpose of it?

**Tom Wheeler:** It's a clearance bar also

**Rich Berkowitz:** I can see the directional sign but what's the purpose of the chicken on top?

**Tom Wheeler:** It's branding

**Rich Berkowitz:** You know you're at Popeye's already if your there, your ordering

**Tom Werner:** Let me correct my question , I meant from Route 9 that entry, coming in from route 9 have positive guidance so they aren't wandering through Walgreens or the Auto Zone.



8/9/21

**Tom Koval:** You almost have to from route 9, there is no way around it you'd be , nobody's going to go to Popeye's from route 9 , I can't imagine you would have to , first know it's there , that would be an awful trek

**Tom Werner:** But you could

**Tom Koval:** Yea you could, but you'd be insane, to get Popeye's

**Tom Werner:** Im just thinking there would be one sign pointing so they aren't making a right turn into Auto Zone or Walgreen's.

**Tom Koval:** I think at that point your seeing the Popeye's , there is a kind of a road through there , but I think anybody that's going to come in there is going to come in 146A, Old 146 I should say or 146 I can't imagine anybody making , going all of the way through there.

**Tom Werner:** traffic will take the route of least resistance.

**Tom Koval:** I mean they are already wandering around at that point, they will see the giant chicken on top of the tractor.

**Mike Ziobrowski:** Listen, excuse the pun on words but I have beef with the chicken, I honestly Tom think that this, I don't know how many people have actually hit these kinds of signs before but I have, yea if people have a van, with a ladder rack on top or a bicycle on top of their cars, they walk right into these things at 10 ft.

**Tom Wheeler:** Sure that's what they are for.

**Tom Koval:** Yea but it's not a 400 lb. chicken its aluminum, I hit the McDonalds one once, they get hit all of the time, and the golden arches haven't killed anybody yet.

**Mike Ziobrowski:** Yea, so I just think it's a liability, that's my

**Tom Koval:** From heart attacks yes, but not the arch itself.

**Mike Ziobrowski:** Listen I'll be honest I've actually bent one of these things 90 degrees

**Don Roberts:** So you want the chicken gone?

**Mike Ziobrowski:** I don't want the chicken gone,

**Don Roberts:** It seems like you want the chicken gone.

**Tom Wheeler:** They are actually re-branding obviously this is the old Popeye's, Its Popeye's Louisiana Kitchen now, we are doing like 14 of these across New York State. They all have the chicken, they are all identical so it's just part of their brand, it's like the golden arches, and they are trying to brand this.

**Don Roberts:** This is not a public hearing just so you know okay.

8/9/21

**Tom Wheeler:** The new brand isn't out yet, he is showing the old one. If that's what we've got to do then that's what we've got to do it doesn't seem like we are getting the chicken

**Don Roberts:** 12 foot sign, free standing sign, 12 foot free standing sign and the chicken is gone from the drive thru.

**Lyn Murphy:** What about the arrow?

**Don Roberts:** The arrow's fine right?

**Lyn Murphy:** The arrow on top of the 9ft 6 pole?

**Tom Koval:** You can leave the arrow.

**Don Roberts:** Okay, so you're okay with the 12 ft. freestanding sign, getting rid of the chicken

**Tom Wheeler:** Sure if that's what we've got to do

**Don Roberts:** That's a lot of conversation about a chicken.

**John Higgins:** How many drive thru's are there just one?

**Tom Wheeler:** Just one drive thru.

Marcel Nadeau: Toms comment on coming in from route 9, are you familiar with the way that's working out?

**Don Roberts:** I know what he means

**Marcel Nadeau:** I do see it now, he's got it on his phone where they may try to route down Rite Aid and their parking lot to get to this

**Don Roberts:** But again I think they should go 146 if they are going to go that way

*(Chatter)*

**Don Roberts:** If they do it one time they probably won't do it again, you know.

**Tom Werner:** We don't want them going through the parking lot

**Lyn Murphy:** They have to go through the parking lot

**Don Roberts:** Anyways

**Tom Werner:** No they don't.

**Lyn Murphy:** If they come down to 9 they absolutely can go through

8/9/21

**Rich Berkowitz:** They come through where Snyder's is, sorry the wrong one , 146 , if they come through Auto Zone, Sushi Tai they are going to come through route 9 , or Old Plant Road , no Old 146, or 146 there are 3 ways into there. And they are going to go the path of least resistance.

**Richard Harris:** Yes , just so you are aware this is not subdivided out so it's not part, so we have to get permission from the owner who may still be the same person that owns this parcel but that would be a different parcel off site from , I don't know that they are going to agree to that.

**Tom Koval:** It certainly wouldn't be lit because they are not going to take power from one of the other

**Don Roberts:** And Auto Zone's already there I mean we have no issues with that, you know. I mean there is no issue with those stores.

**Richard Harris:** So what they are saying is this perimeter road right up here.

**Tom Koval:** So you come in there, come down and over and out

**Richard Harris:** Out, up and out to route 9, as you can see, so they're saying rather that someone come around (chatter)

**Tom Koval:** Because when you come in that road you are looking right at Popeye's why would you turn down and go, when you are looking at the back side of their restaurant.

**Don Roberts:** Yea this is about signage anyways.

**Rich Berkowitz:** I'll make a motion to approve having the main signs on 146 at 12ft. removing the chicken from the directional sign at the back of the drive thru. And anything else?

**Don Roberts:** We have a motion and a second, all in favor aye? (All in favor) Opposed? (None were opposed) Motion carried, all set

**Tom Wheeler:** Thank you.

*Popeye's Louisiana Chicken (Shops of Halfmoon) – Sign  
APPROVED. Board approved new signage with conditions related to limiting the height of the free-standing/monument road sign to 12' and eliminating the top portion of the drive-thru canopy sign.*

**21.145 & 21.146    35 Woodin Road Subdivision & Duplex, 35 Woodin Rd – Minor Subdivision & Special Use Permit**

**Chris Longo:** Good evening Christopher Longo Empire Engineering here representing the applicant Ghirardelli Construction and Development. They are the contract vendee for the property. So we are talking about 35 Woodin road , it currently exists as a Duplex Building in the center of that lot , that lots a little bit under 2 acres . 1.84 To be exact or actually or oddly enough just larger than 80,000 sq. ft. The proposal is to split the lot essentially in half with a little bit of a jog to that center proposed property line , which would make 2 just about 40,000 sq. ft. parcels

8/9/21

each for the existing duplex and the proposed duplex which would be permitted by a special use permit here if allowed by your Board. The application does include one requested variance which would be for lot frontage. Which the current parcel has about 360 lineal feet of frontage, however the way that that existing duplex is situated and the way that the area is on the kind of southeast on that site to make the two parcels work and the frontage work for the two access points it would require a front yard, or a front width variance.

**Don Roberts:** So you know we have to deny this application, you know that?

**Chris Longo:** Yes I do and I guess I , if I could just ask one question of the Board if there was an interest to , if they felt this was straightforward enough that there was an interest to schedule a hearing for after a

**Don Roberts:** No, we can't do that no.

**Chris Longo:** You cannot?

**Don Roberts:** No

**Chris Longo:** So I guess if there is any more that you need from me for initial presentation or if you have any questions on the applications or the way that this proposal is orientated I could answer those?

**Marcel Nadeau:** I have a question.

**Don Roberts:** First , but as you know in the end you know we've got to deny this application because lot 2 will not meet the minimum road frontage, that being said go ahead Marcel.

**Marcel Nadeau:** The question I have is how many other Duplexes are in that area?

**Chris Longo:** I don't know how many others I can get that for you by the time we come back, but this current parcel does have the duplex on it, but I can get that answer for ya.

**Rich Berkowitz:** I'll make a motion to deny the application due to needing a variance for not enough frontage.

**Don Roberts:** Lot 2 okay.

**Mike Ziobrowski:** Ill second.

**Don Roberts:** We have a motion to deny, all in favor aye? (All in favor) Opposed? (None were opposed) Motion carried.

**Chris Longo:** Thank you.

**Don Roberts:** Okay, good luck.

***35 Woodin Road Subdivision & Duplex– Minor Subdivision & Special Use Permit  
DENIED. The Board received a presentation requesting a Minor Subdivision and Special  
Use Permit to allow a two-family/duplex structure. The Board denied the application due***

*to the fact that one of the proposed lots would fail to meet the minimum lot frontage/front yard setback.*

**21.152                      Robert Subdivision & Lot Line Adjustment, 2 & 4 Lower Newtown Rd – Minor Subdivision**

*Robert Subdivision/Lot Line Adjustment – Minor Subdivision  
Applicant failed to appear.*

**21.139                      Creekview Estates – Phasing Plan, Upper Newtown Rd – Site Plan**

**Scott Price:** Good evening my name is Scott Price Im with MJ Engineering we're here tonight presenting a phasing plan for Creekview Estates. The project is currently being constructed out in the field, so the area that's being constructed is what we're showing right now as Phase I in the red shade. The green shaded area is Phase II, and the blue shaded area would be Phase III. So phase I consists of 31 lots, 28 residential lots , 2 HMA lots and stormwater lots , and then one lot for the sanitary sewer pump station and then that consists of portions of Sally Street, Jack Drive and Lester Lane. Phase II consists of 22 lots, 19 residential lots and 3 homeowner association/ stormwater lots. That phase includes portions of Jack Drive and Sally Street. And the third phase the blue area consists of 24 lots, 23 are residential lots and one is HMA/ Stormwater lot that consists of portions of Sally Street and Janelle Court. Again we're pushing for phase I at this point because that's what they are working on now out in the field.

**Don Roberts:** Okay, questions by the Board?

**John Higgins:** So if phase I is approved you're only going to have a single access point correct?

**Scott Price:** Correct.

**John Higgins:** And all of the stormwater and sewer and water and everything will be completed within that one phase.

**Scott Price:** Yup so in an earlier meeting we were discussing that they've constructed two different stormwater basins.

**John Higgins:** Correct, and where is the pump station going to be?

**Scott Price:** The pump station is right in this little point right there.

**John Higgins:** Okay

**Scott Price:** So there is a stormwater pond right here and then there is a larger one right over here so, the flows from this road all come down into here and then down this road come down into that one that's right there.

8/9/21

**John Higgins:** Has fire department looked at this Rich to see if a single access with that number of lots is acceptable to them?

**Richard Harris:** I don't believe he sent this to fire no.

**John Higgins:** I'm just concerned that if something happens and they can't, if people can't get in there with emergency vehicles.

**Don Roberts:** We should probably send it to fire

**Richard Harris:** We do send all the Fire Chiefs the agenda, this one we did not send this plan to them specifically.

**John Higgins:** I'm just concerned with the single access that's all

**Don Roberts:** That's a good concern, probably should.

**Tom Werner:** Yea there is new State codes that have passed recently that speak to this issue

**Don Roberts:** Yea they can let us know right?

**Richard Harris:** Yes.

**Don Roberts:** Anyone else? (No comments) The County has to see it and we also need a public hearing. We can refer it to Saratoga County right?

**Richard Harris:** Yes

**Don Roberts:** So we will get back to you once we hear back from the County alright.

**Scott Price:** Yup

**Don Roberts:** And fire.

**Scott Price:** Yup, okay thank you.

**Don Roberts:** Okay thank you.

*Creekview Estates – Phasing Plan – Site Plan*

***TABLED. Board tabled the request to establish a phasing plan for the previously-approved Creekview Estates subdivision pending review by the Saratoga County Planning Board and fire department.***

21.148

**Hoffman Car Wash, 1589 Rt. 9 - Amendment to Site Plan**

**Don Roberts:** Hoffman Car Wash has been removed?

**Richard Harris:** Correct, they requested to be removed from the agenda.

*Hoffman Car Wash- Amendment to Site Plan  
Removed from the agenda at the request of the applicant.*

**Old Business:**

**21.092                      Twin Bridges Parking Expansion, 1626 Rt. 9 & 4 Oakhill Blvd. – Site Plan**

**Richard Harris:** This revised edition was submitted this afternoon it's not the version in your packet, this is the latest version right here, this is a burm by the addition.

**Jason Dell:** Good evening my name is Jason Dell with Lansing Engineering Im here on behalf of the applicant for the 1626 Route 9 parking expansion. As indicated in the last meeting the applicant is in need of additional employee parking for the Twin Bridges operation, so on the northern portion of the property we are looking to construct 92 parking stalls, these parking stalls will all be covered as indicated on the plan as well as in the pre-meeting. We are proposing a large 8 to 10 foot high landscape burm along Oak Hill dr. immediately to the east of that we're also proposing an emergency access from the parking area over onto Oak Hill. We did submit the detailed plans to MJ for review we also submitted the stormwater pollution prevention plan to MJ for review, we have addressed all of their technical comments to date pertaining to the project so we are here this evening to request an approval for it.

**Don Roberts:** Now on this for the record, a neighbor has some concerns please explain them, how you addressed the concerns.

**Jason Dell:** I apologize for sending the plan late today but we felt it was important to incorporate her concerns. We originally on the plan that you have in your packet was just the burm along the frontage of Oakhill and what was requested by the neighbor was to hook the burm along the western property line toward the south to further obstruct the view from Oakhill, so we were able to accommodate that, the berm will be a little bit lower on this side, it will be about 6 to 8 feet height but that is due to the spacing of the property line versus the edge of the parking lot. It will still be a very substantial burm however it won't be as high as the burm immediately between the parking area and Oakhill, however we were able to accommodate her and we're also showing additional landscaping along the top of that. The question about the lighting as well, we are showing on the lighting plan that was included all down facing fixtures.

**Don Roberts:** And about the garbage trucks?

**Jason Dell:** No garbage trucks will be able to fit underneath these canopies.

**Scott Earl:** That's a burm, Scott Earl Im the applicant. That is a burm , you typically see a Scott Earl burm as large , this thing is , I call it a 17 acre burm , this is 10 feet high , it's got a toe footprint on it unbelievable. There is a setback off of Oakhill road so it sets back, it consumes a very large amount of property, the neighbors concern across the way actually she lives in a 40 foot surrounded greenery. This is worth a field trip if typically the Board will send somebody out there but oh boy this is something to see the trees , so there's all kinds of protection there ,

8/9/21

there is natural protection on my side we've got a 10 foot berm and 8 foot trees and down lighting and a 9 foot canopy. 16 feet of cover and a 9 foot canopy, and the lights are under the canopy so you're half of where you need to be. And then the berm in the back that was to accommodate her request the property adjoining that is owned by Wilscott, and then there is a house about 200 feet west of that, that's for sale right now.

**Mike Ziobrowski:** So Scott you've confirmed Maryellen is satisfied with this additional berm?

**Scott Earl:** Two and a quarter hours yesterday with an hour and a half follow up and an hour today, yes.

**Mike Ziobrowski:** Okay

**Richard Harris:** We did receive a follow up email from her it's not in your packets, expressing her satisfaction of Mr. Earl's explanation.

**Mike Ziobrowski:** Alright

**Richard Harris:** I do want to let the Board know , per our Town Code, which we obviously follow for this we did send out letters to all adjacent neighbors , when there is a residential use for zone surrounding a nonresidential use we send out letters to all the neighbors and Mr. Boyajan was one, we did not receive any comments or letters from other neighbors, I'm not diminishing what she said but just so you are aware we did send to each of the residents of Oakhill Drive and others that border this property.

**Don Roberts:** Okay, thank you Rich.

**Tom Werner:** This parking in interim until availability and development of the NPPM station?

**Scott Earl:** Approximately 30 months, my estimation for NPPM if everything goes well with NPPM, with DOT with the acceleration and deceleration lanes on route 9, with the main construction and the ground construction, we would love to be in NPPM in three months, reality is it's probably 5 to 7 months approval process and then construction, a year.

**Tom Werner:** And then this site will be sold?

**Scott Earl:** That site will be sold, that's correct and I have an opportunity obviously to break it up at that point we just acquired both pieces on route 9 as well, so now it's a complete block.

**John Higgins:** Scott is there going to be sufficient parking for your trucks on the remaining site?

**Scott Earl:** Yes the way we apparently utilize the site , Mr. Higgins is , an employee will come in the morning they will start their truck pull the truck out of its respective and slide their car in where their truck was parked so basically our ground cover is covered 24/7 which is not usual in any business , usually you'll have an employee parking in a work area , they check in and then they'll go and get a vehicle an employee , a company vehicle but our parking spaces are covered 24/7 if the truck isn't there then the employee's car is on top of that , but with your growth do you have sufficient truck parking ?

**Scott Earl:** We do , we can always use more truck parking but we've got trucks that are in transition , some that are being sold , some that are coming so .



8/9/21

**John Higgins:** I happen to be up there today and I noticed you had a couple trucks parked on the other side of the road,

**Scott Earl:** Yes I have 5 trucks parked, three of them are leaving them are so old. So as you know we keep a new fleet so there will be trucks in and trucks out on a regular and we still have 4 bays in the garage that there is nothing inside, there's enough room for another 7 or 8 trucks there.

**John Higgins:** Well during the next 24 to 30 months before you get the site on route 9 done, I just want to make, I have concerns that you are going to outgrow this site that's all.

**Scott Earl:** We have another site, in development in the Town of Queensbury right now, Big Boom road that will probably pull six trucks off of that site, we have another company in Lake George region called Elite Hauling. We also are in the process of another company in the Rotterdam area that will pull 4 trucks out of there and go to Rotterdam so.

**John Higgins:** So until the other site is available for you this is going to be your main site?

**Scott Earl:** that's a big site.

**John Higgins:** Okay thank you.

**Scott Earl:** thank you

**Don Roberts:** Walt has the applicant addressed all of MJ's concerns?

**Walt Littmann:** MJ has a reviewed the latest submission by the applicant and they have successfully addressed all of our engineering comments , the only thing I would add is if the Board does act tonight to condition that the applicant provide a copy of the Army Corps Permit once obtained and then also with the habitat assessment if there is any regulatory response or if there's any permitting to just include that as part of the SWPPP just so it meet that aspect of the general stormwater permit.

**Scott Earl:** Is he talking about the 7000 mice that are behind me in Wilscoff Enterprises, habitat? They are eating the wires in my trucks.

**Rich Berkowitz:** I'll make a negative declaration for SEQR

**Tom Koval:** Ill Second

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

**Rich Berkowitz:** I will make a motion to approve the site plan based on an Army Corps approval and the habitat assessment.

**Marcel Nadeau:** Ill second

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

**Scott Earl:** Thank you

**Don Roberts:** Welcome

**Jason Dell:** Thank you.

***Twin Bridges Parking Expansion – Site Plan***

***APPROVED. Board approved an application for a parking lot expansion conditioned on the applicant providing the necessary ACOE permit and habitat assessment documentation.***

**21.136                      Dr. Detail Auto Spa, 12 Roger Lane – Home Occupation**

**Nick Carnivale:** So Im Nick I own Dr. Detail Auto Spa , car detailing, we recently moved to the area , we used to live in Colonie and that's where I had the business , out of the house , we're now at 12 Roger Lane in Halfmoon and it's a very small operation , I only do one car a day , in and out , Im usually working from 9 to 2 pm Monday through Friday and then I have the weekends off and in the Winter I don't work , but I guess the problem is my neighbors complain that my driveway has soapy water so that's why Im here.

**Richard Harris:** It's a little more than that we have observed as recently as this afternoon, 4 or 5 cars parked out front.

**Nick Carnivale:** Those are family member cars today, we have family over, I have rover, and you know the BMW is family and then her sister is here and then the BMW today was a client. Usually it's our two cars and then a client's car that's it, and mostly I pretty much keep them in the driveway , there is never , I hate on street parking just so it's like a very inconvenience for other people and I wouldn't like that either so most of the time the car that Im doing for the day , it stays in the garage until the client picks it up and then once that client comes in the next client goes right into the garage and I keep my garage door down when Im working even when it is 85 , 90 degrees outside just to keep everybody happy. But yea that's what I do.

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

**Marcel Nadeau:** So what was the complaint the neighbor had?

**Nick Carnivale:** So one of his things was he took a picture saying that the driveway had soap on it so that was in the complaint that I saw, I didn't see anything about, and you guys were saying something

**Richard Harris:** There were numbers of cars and that you were running a home occupation without approval from the Town.

**Nick Carnivale:** Right, correct

**Richard Harris:** Once you start accepting customers, clients at a home that's in general where we have to draw the line. If you're just working on computers and they are delivering packages relative to operating it's when physical elements are coming to the property which I think your business thrives on.

8/9/21

**Nick Carnivale:** Yes, correct.

**Tom Werner:** Is there any noise concern, a buffing machine

**Nick Carnivale:** No we are very quiet , I mean there would be a vacuum , I have tested it out at the end of my driveway and you could barely hear because the garage door is , I mean I keep a little gap just for air flow But it's very minimal if anything, and then my polisher you can't hear that, nothing is very loud.

**John Higgins:** Do the cars ever get dropped off the night before?

**Nick Carnivale:** Yea so usually that's what happens so a client usually like today they will come and pick up the car at 5 and then the next client will come at 6,7,8 whatever the evening is to drop off the night before but then it goes right in the driveway , into the garage.

**John Higgins:** If for some reason the client is late picking up and the other client is early dropping off then there might be a car in the front, like in the front of the house on the side of the road but it is very rare for that to happen.

**John Higgins:** But you have enough room in the driveway that you're not parking in the road

**Nick Carnivale:** Oh yea so our driveway can fit easily 4 cars, you know in the driveway alone

**John Higgins:** Thank you.

**Don Roberts:** Well we will need a public hearing on this one so

**Marcel Nadeau:** I'll make a motion to set a public hearing for September 13

**Tom Koval:** Do you own this house or do you rent?

**Nick Carnivale:** Own.

**Don Roberts:** I have a motion for a public hearing on September 13<sup>th</sup> can I have a second?

**Mike Ziobrowski:** Ill second

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

***Dr. Detail Auto Spa – Home Occupation  
PUBLIC HEARING SET. Board received a presentation requesting an In-Home  
Occupation for an auto-detailing business and set a Public Hearing for September 13,  
2021.***

**Nick Carnivale:** thank you.

**Don Roberts:** Welcome,

8/9/21

**Rich Berkowitz:** Are we going to have extended notice?

**Don Roberts:** Yea I think we probably should, yea we will have extended notice, yea we will figure it out, thank you, Rich, thanks. I don't think they are here but going to back , Roberts Subdivision , Lot line adjustment , 2 & 4 Lower Newtown road Minor Subdivision anyone here for that? (No one in attendance) no, okay we tried.

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

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

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