

7/22/19

**MINUTES MEETING
Town of Halfmoon Planning Board
July 22, 2019**

Those present at the July 22, 2019 Planning Board meeting were:

Planning Board Members:

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

Planning Board Alternates:

Charlie Lucia
Brendan Nielsen

Coordinator- Building, Planning and Development:

Richard Harris

Senior Planner / Stormwater Management Technician:

Paul Marlow

Town Attorney:

Lyn Murphy

Deputy Town Attorney:

Cathy Drobny

Town Board Liaison:

John Wasielewski-absent
Jeremy Connors

Town Engineer / CHA:

Joe Romano

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

Don Roberts: Good evening, I would like to call the meeting to order, have the Board members had a chance to review the minutes from the last meeting?

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

Don Roberts: Can I have a second?

7/22/19

Mike Ziobrowski: Ill second it

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

Public Hearings:

19.108 Curto Subdivision, 1 Nadeau Road- Minor Subdivision

Don Roberts: Would anyone like the notice read? (No comments) Come up and please describe what you want to do.

Bob Wilklow: Hello my name is Bob Wilklow from VanGuilder Surveying Im here tonight representing Deborah Curto before the Board for a 4 lot single family residential subdivision located at 1 Nadeau road at the northeast corner of Plant and Nadeau. The proposal is to subdivide a 2.2 acre parcel of land into 4 lots, one of the lots, lot B will consist of the existing house and improvements and the remaining three lots will be for single family houses that will tie into public water and public sewer. With the lot configuration that we have right now it meets all of the special requirements in the R-1 zone and that is what we have in front of you tonight.

Don Roberts: Thank you, at this time we will open the public hearing and if anyone from the public wishes to speak please come up and say your name and address and any comment you may have, would anyone like to speak? (No comments) Since no one wishes to speak we will close the public hearing, comments by the Board members? (No comments)

Rich Berkowitz: I make a motion to have a negative declaration for SEQR

Marcel Nadeau: I second

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

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

Tom Werner: I second

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

Bob Wilklow: Thank you very much.

*Curto Subdivision- Minor Subdivision
PUBLIC HEARING HELD/APPROVED. Board held a Public Hearing and approved the application for a four-lot Minor Subdivision of 1 Nadeau Road.*

New Business:

19.114/ 19.115 BIGG’S Sweet Spot & Chocolate Bar, 1602 Route 9 – (Shamrock Plaza) Change of Use/Tenant

7/22/19

Regina Falco: Regina Falco, I live at 17 Rolling Brook Drive in Clifton Park and I am considering opening up a sweet spot for chocolate delights supplied and provided by Uncle Sam's Chocolates, who've been around for 90 years, and now that Saratoga Sweets and Lindsey's is no longer in town I thought it would be a good time to bring some chocolate in.

Don Roberts: And how many employees will you have?

Regina Falco: 2 to 5

Don Roberts: And hours of operation?

Regina Falco: Im looking at 10 to 8

Don Roberts: 6 days a week, 7 days a week?

Regina Falco: 7 days a week

Don Roberts: And no, any cooking onsite?

Regina Falco: Im not going to be cooking no, there is no ovens or anything like that

Don Roberts: Ok, comments by the Board members? (No comments)

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

Mike Ziobrowski: I second

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

Tom Koval: I make a motion to approve the sign

Tom Werner: I second

Don Roberts: All in favor? (All were in favor) Opposed? (None were opposed) Motion Carried good luck, remember for advertising you're in the Town of Halfmoon.

Regina Falco: Thank you Sir, ok thank you very much.

BIG G'S Sweet Spot & Chocolate Bar, (Shamrock Plaza) – Change of Use/Tenant & Sign, APPROVED. Board approved the request to occupy 1602 Route 9 for a chocolate/candy retail business and related signage.

19.120 Church of Christ, 250 Pruyn Hill Road- Change of Use/Tenant

Jim Walton: Yes ,Jim Walton Im with the Clifton Park Church of Christ soon to be called the Halfmoon Church of Christ, very good , yes at 250 Pruyn Hill road so definitely got to make that Halfmoon, we are in the process of constructing the building we do have volunteers coming to us called the Sojourners they will be here for a period

7/22/19

of approximately 10 days to assist in a little light construction basically painting inside of the building to assist us , they have their 2 motor homes and one 5th wheel trailer they would like to park in that area where the parking lot will be for that period only they only need electricity and some water to the facility, we have already put in electrical outlets in the building as we were approved in the building plan so they can connect and that will be there if there are any other church related activities we have made arrangements off site so that the only time that they're at that facility is for the purpose of some light construction like I said painting and putting up trim as we try to get close to the finishing operations in the building.

Don Roberts: I see on your plan you show three

Jim Walton: Yea 2 motor homes and 1- 5th wheel trailer

Don Roberts: So that will be the maximum there will be no more than 3 units?

Jim Walton: Maximum, no more, that is correct, and we have scheduled them, talked to them about a year ago had to schedule it and 6 people, 3 vehicles that's it.

Don Roberts: Ok, and time wise, timeframe?

Jim Walton: August 18th for a period of 10 days, or 10 nights.

Don Roberts: So August 18 though 28th?

Jim Walton: 29th, they leave on the morning of the 29th

Don Roberts: So August 18th through the 29th

Jim Walton: That is correct

Mike Ziobrowski: Is there any reason why not make it longer just in case?

Jim Walton: Their schedule, they came out of Texas and what they do is they travel and they have schedules for blocks of time for different churches and the maximum that we could get was a 10 day period

Mike Ziobrowski: Ok

Don Roberts: Anyone else?

Tom Koval: I make a motion to approve the addition to change of tenant for three recreational vehicles to be onsite from a period of August 15 through September 5th to allow you a little time if something goes wrong

Jim Walton: Thank you.

Marcel Nadeau: I'll second that

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

Jim Walton: Thank you very much.

Don Roberts: Good luck.

Church of Christ- Change of Use/Tenant

APPROVED. Board approved the request to allow up to three (3) motorhomes (RVs) to temporarily locate and remain overnight onsite for church-related activities from August 15, 2019- September 5, 2019.

19.105 Hoffman's Carwash, 1672 Route 9-Addition to Site Plan

Gavin Vuillaume: Back again Gavin Vuillaume with Environmental Design Im here with Marty Andrews from Hoffman Car Wash, the Boards very familiar with this site plan it was recently approved I think over the Winter or last Fall , subsequently the new parking spaces were installed recently , they also added a queuing lane in back of the car wash which is really worked out great, Marty can tell you a little bit about how things are operating now with the additional queuing lane , but the primary focus of that original approval was gaining some additional property and installing parking spaces for many of the employees that work at the car wash, however we would like to just make a small modification to that original approval and that would be to construct a very small narrow one way out driveway at the I guess it would be the northwest corner of the property, it would not affect any of the things that we have already approved it just would allow some of the employees to exit the site without interfering with some of the queuing that's occurring immediately behind the car wash, we've looked at it as far as from a storm water management area regards and it looks like the storm water management area is large enough to make a small modification and try to get it to everything work out the way it is now there is one pipe that needs to be modified an extended in order to put in the driveway but other than that one pipe modification there really is no change to the original site plan.

Don Roberts: Comments by the Board

Tom Kaval: You're adding how many light poles or none?

Gavin Vuillaume: I don't think we're adding any light poles, no

Tom Koval: I saw in your notations in your lighting schedule and the culvert your adding or the addition to the storm water, Joe we need to do anything to that

Joe Romano: Paul and I can look at that

Tom Koval: How much are you disturbing?

Gavin Vuillaume: I would say it's probably no more than maybe a couple hundred square feet, cubic feet really it's a very small amount as a matter of fact Marty was even thinking of putting a retaining wall along that edge so if they put a retaining wall along that edge it's really not going to affect anything.

Tom Koval: And you're doing 2 exit signs, or you're doing 2 do not enter signs

Marty Andrews: Yea that's the only way they will exit out, the problem we ran into because of the queuing is now all of these employees are back there they were getting, trying to get out with all of our customers coming through the car wash on those real busy days they were getting jammed up for their lunch hour for about 15 minutes just to get off the site sometimes when it is really busy

Tom Koval: Yea I have noticed it myself when Im there.

Tom Werner: Would you consider supplementing those signs with some arrows some painted arrows coming down that would further reinforce

Gavin Vuillaume: We can do both we can do the signs and the painted arrows sure

Mike Ziobrowski: I mean the biggest concern is that someone is backed up on Hoffman crossing, they are like I know about that little road Im going to sneak in, so whatever we can do without the spikes I guess that's the last resort but ok, arrows and signs

Gavin Vuillaume: Fortunately this driveway is quite a ways from the other driveway so hopefully they will think even going to the Lowes parking lot which never gets used, Home Depot I'm sorry.

John Higgins: Are you going to put some kind of guard rail alongside the...

Gavin Vuillaume: Yea if we do the retaining wall there would be a guiderail there

Marty Andrews: It would match the one that we installed along the bowling alley

Gavin Vuillaume: For the queuing

Marty Andrews: For the queuing and the back and we would put the same guard rail in there

John Higgins: Now when I asked you about modifying that stormwater retention basin when you originally came here you told us you couldn't because your contract with Home Depot how now are you modifying it?

Gavin Vuillaume: If the base of the stormwater basin is the same and it operates as it was before we did anything of our improvement they still have an easement to get to only for maintenance but it will not affect their stormwater

John Higgins: So the capacity is going to stay the same?

Gavin Vuillaume: Right yup

Marty Andrews: With all this water we have had this thing is really big and its really holding a ton of water in there and actually we are the one that maintains it, because it's on our property we are the one that looks at it all of the time and we are the one that cleans the garbage out of it that comes from Home Depot and we are the ones that maintain it

John Higgins: Well who physically owns it?

Gavin Vuillaume: They own it now , before it was owned by Solar Associates , it wasn't owned by the Home Depot, they just have an easement to get there to clean out to make sure it works.

Marty Andrews: They never owned that property

7/22/19

Don Roberts: Anyone else?

Mike Ziobrowski: I would like to make a motion to approve the site plan application

Rich Berkowitz: I second

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

Gavin Vuillaume: Ok, great thanks

Hoffman's Carwash - Addition to Site Plan

APPROVED. Board approved the request to install a one-way exit only driveway from the recently constructed employee parking lot on to Halfmoon Crossing Blvd.

19.117 Yaroz Subdivision, 72 Smith Road- Minor Subdivision

Bob Davis: Hello I am Bob Davis with Advance Engineering and surveying, we are proposing a 2 lot subdivision along Smith road. There is municipal water available so we held the minimum of 30,000 sq. ft. on the lots we have the frontage necessary I believe for code.

Don Roberts: Questions by the Board?

Rich Berkowitz: I make a motion to set a public hearing on August 12th.

Mike Ziobrowski: Second

Don Roberts: We have a motion and a second for a public hearing on August 12th, all in favor? (All were in favor) Opposed? (None were opposed) Motion Carried, see you August 12th.

Bob Davis: Thank you.

Yarosz Subdivision- Minor Subdivision

PUBLIC HEARING SET. Board set a Public Hearing for August 12, 2019 for a proposed two-lot residential subdivision.

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

Greg Goldstein: Hi Greg Goldstein of GT Toyz, 1516 US 9 Halfmoon NY, we currently have approval for 30 cars which is the page before or after this on the chart, I am proposing using the rest of the parking lot for a temporary period of time not to exceed September 1st because that's when we will be moving to our new location.

Don Roberts: Any questions by the Board?

Tom Koval: What's going to happen if your facilities not up and ready for September 1st where are all of these cars going to go?

Greg Goldstein: They will have to go there because there is a tenant moving into this property on September 1st

Tom Koval: Im sorry Im curious most places when they are under construction they downsize their inventory for an easy move and im curious why your increasing your inventory?

Greg Goldstein: We are having a hard time maintaining 30 because between sold cars waiting to get delivered and purchased getting processed we were constantly balancing just below, just over, my first load of boats did arrive and they are currently down in Latham in a parking lot, there is a lot of inventory floating around town right now that is mine.

John Higgins: What happens if you don't get a C/O for September 1st?

Greg Goldstein: We are doing everything in our power to do that

Tom Kaval: That's the problem, I have two problems with this, your lot isn't equipped for that many vehicles, I can see where your saying you're putting all of these, looking at a picture, these boats take up a lot more room your saying you've got your first order of boats, boats take up a lot more room than a car,

Greg Goldstein: There were 4 boats that arrived, one got sold and delivered there are three boats currently there are 4 more in bound and until we move and occupy the new location there will be 7 total boats.

Tom Koval: Your saying that you want to more than double, your saying that the issue is delivery

Greg Goldstein: The thirty units are very, very hard to maintain.

Tom Koval: But you're asking for 72 now, I could see a little overlap between 30, 40, 20, going back and forth with delivery and pick up but double?

Greg Goldstein: If there is a different number that would work for you I just I decided to figure out how many cars would fit in this parking lot comfortably and that's what it came out to if the numbers 69, 64 or whatever the number is you're comfortable with I'm ok with that.

Tom Koval: Yea I go by your place and the lot already looks jammed.

Greg Goldstein: If you drive in the lot you'll see that if you go to the first map that was included in here also we, I think we have done a good job merchandising it, making it look like a proper display but it is all very forward 2/3 of the parking lot are empty if you drive in the parking lot.

Tom Koval: And do you lease the entire property here?

Greg Goldstein: the little building next door is a wholesaler that is there about 3 hours a week and has 0 cars on the property

Tom Koval: I think we approved that for 5 vehicles

Greg Goldstein: 5 Cars but he does not retail so he has no particular use for space

7/22/19

Tom Koval: So we have to take his 5 vehicles out of what we can allow you because regardless of what he is doing he's got approval for that so

Greg Goldstein: This is temporary also

Tom Koval: No I understand that I'm just, the numbers don't jive in my head for what you're asking for from what you are telling me the reason is

Greg Goldstein: Of cars in process right now I own more than 50 cars, they are not on site and I have 7 boats that are either here or coming at different locations right now, right now I am pushing 60 vehicles just not on the site, the processing time because I don't have a shop currently is excessive because I'm relying on subletting all of the work we do and somebody else schedule.

Tom Koval: So I don't see on your app where you proposed to give the guy out back any spaces?

Greg Goldstein: He has the spots behind the building which I didn't allocate them to me but there is space behind the building for his 5 cars.

Tom Koval: Then back to my original question you lease this entire property?

Greg Goldstein: I lease other than 5 parking spots and the little building I lease the entire property

Tom Werner: When are you supposed to be in the new place?

Greg Goldstein: September 1st

Tom Werner: So you are going to do that whole shop in one month?

Greg Goldstein: We're sheet rocking right now and the pavement guy has been working 7 days a week because he knows he needs pavement on the ground by August 26th

Don Roberts: I guess the big concern is what happens if it's not ready by September 1st that's a big issue

Tom Koval: Where will these vehicles go?

Greg Goldstein: Well in the event the building is not done I guess I would ask for the ability to park the cars in the parking lot and use the construction trailer as an office until I can occupy but right now everybody is on the program of the contractor has us moving in on September 1st

Don Roberts: Now Rich you can't get a C/O in that instance can you?

Richard Harris: Well if he is not ready for Building he would not have a C/O to operate the site barring I think , my opinion Lynn feel free to chime in I think you would need to amend his approval because I think your approval is he runs his business out of the building there were a lot of comments and concerns about noise and appearance and storage outside you could possibly discuss that tonight we could have some guidance of what the applicant or Lyn might need some time to look at the approval and the minutes to kind of weigh in on whether it covers it or

7/22/19

not but my gut would be that for him to operate out of a construction trailer and run the business that he approved that would be a violation of the site plan approved for this building barring you changing it

Greg Goldstein: Do you have a process for a temporary C/O?

Lyn Murphy: No

Richard Harris: No actually we haven't issued them in years and a month ago took the last reference we found in our code out that allowed temporary C/O's we don't allow them in the Town.

Lyn Murphy: No the problem becomes specifically with this site the Planning Board was quite particular as it relates to the barriers the modifications to be made to protect the surrounding residents as it relates to sound etc.. and if the building isn't done none of that is going to be in play so without coming in and getting an amendment to the site plan you wouldn't be able to, so hopefully you will be on track for September 1st but if you're not you won't be open

Tom Koval: How is your dealership license doing with the change of address and everything?

Greg Goldstein: It happened too fast I had to unwind it, it happened and we had to actually back out and unwind it, DMV was very fast

Tom Koval: So you are already approved for a new site, your official address

Greg Goldstein: Yes, no I had to change it because my official address became the new site three weeks ago so we had to back it up.

Don Roberts: So I guess now that we know that if it's not ready by September 1st you won't get a C/O where will those cars go?

Greg Goldstein: They would have to get stored where the boats are currently stored which is at Goldstein Mitsubishi

Rich Berkowitz: So why don't you store everything there right now, because we are only talking what 5 weeks

Greg Goldstein: Well no because its, we have an approval for 30 I own more than 50 cars, when you have your cars on the shelf you sell them it's like going in the store, if they are not on the shelf you are not selling them and so if the approval is for 60 I just I need to occupy more of the space to get my vehicles there to get my boats there, nobody knows we have boats for sale

Rich Berkowitz: But how long have you been selling boats for?

Greg Goldstein: First boat showed up Friday morning three days ago

Rich Berkowitz: So and one month is going to break you not to have a boat on that lot, seeing you haven't been doing it since you opened up?

Greg Goldstein: One month is one month I own the boats are sitting there and Im paying interest on them

7/22/19

Rich Berkowitz: But it is not our hardship we are not creating the hardship

Greg Goldstein: I understand I have a parking lot that is 2/3 empty

Rich Berkowitz: That was originally approved for 30 so we are not creating a hardship

Greg Goldstein: Correct

Rich Berkowitz: And I understand what you are trying to do

Greg Goldstein: In that original approval there was conversation about going to occupy and do a good job and you can always come back and ask for more

Rich Berkowitz: But you are leaving that site for a new site

Greg Goldstein: Correct

Rich Berkowitz: So I don't see the point

Don Roberts: Would the Board feel comfortable picking a lower number we can live with

Tom Koval: He does have a lot of room in the back, you're approved for what 30 right now

Greg Goldstein: 30 yes

Tom Koval: Personally I would be ok with 20 more but not 72 vehicles or 80 vehicles or whatever you are asking for, your crowding out the other guy and the next thing you know he comes in and starts screaming at us, I'm taking your word on the least I don't know if that's actually your lease, then we are getting into an issue with landlord an issue with neighbors, yea I'm going to go 20 more that's all I would be willing to approve

Don Roberts: How does the rest of the Board feel about that?

Mike Ziobrowski: Im fine with that

Rich Berkowitz: Ok

Tom Koval: Can you work with that number?

Greg Goldstein: If that's my option then I have to

Tom Werner: That would include the boats

Greg Goldstein: Yes

Rich Berkowitz: We are talking units

7/22/19

Tom Koval: So now you can bring your 5 boats in, stop ordering boats until you are in your new dealership its almost full you are not going to sell a million boats and your overlapped with cars, yea you bought more cars from wherever or took in on trade than you were approved to have so we are being flexible here but you're asking us to bend over backwards to accommodate for something you created.

Greg Goldstein: I understand

Don Roberts: So you're ok with 20 units?

Greg Goldstein: Additional yes

Don Roberts: Additional units, ok can I have a motion for modifying

Rich Berkowitz: Is this for until September 1st?

Greg Goldstein: It's until September 1st I have to be out they are moving in

Tom Koval: I make a motion to approve an additional 20 units to the 30 previously approved units, temporarily with an expiration date of September 1st 2019.

Marcel Nadeau: I second

Don Roberts: Ok we have a motion and a second all in favor? (All were in favor) Opposed? (None were opposed)
Motion Carried

Greg Goldstein: Thank you.

Don Roberts: You're welcome

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

APPROVED. Board approved the request to add additional inventory (units) for sale and display at the site until 9/1/19 with a maximum total number of units of 50.

19.119 Lissmac Sign, 17 Route 146 – Sign

Tom Pratico: Yes Hi, I'm Tom Pratico with Bast Hatfield, this is Emma, Emma is with AJ Signs. The proposal for the new signs for the Lissmac facility are 54 sq. ft. substantially less than what would be allowed for the building but that's all the owner would like to have they are a stainless steel brushed finished letter and they are back lit.

Don Roberts: Thank you, questions by the Board? (No questions)

Rich Berkowitz: I make a motion to approve the sign

Tom Werner: I'll second it

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

7/22/19

Tom Pratico: Thanks guys

Lissmac Sign, - Sign

APPROVED. *Board approved a new wall-mounted sign, approx. 40"x 196"= 54.44 SF, that will read "Lissmac".*

Mike Ziobrowski: I make a motion to adjourn the meeting

Rich Berkowitz: Ill second it.

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