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**Town of Halfmoon Planning Board
June 12, 2023**

Those present at the June 12 2023, Planning Board meeting were:

Planning Board Members:

Don Roberts –Chairman
Marcel Nadeau- Vice Chairman
Tom Koval- absent
Rich Berkowitz-absent
Thomas Werner
Mike Ziobrowski-absent
Charlie Lucia

Planning Board Alternates:

Alison Pingelski
Laurie Barton

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 Engineers:

Joel Bianchi

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

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

Tom Koval: I make a motion to approve

Tom Werner: I'll second it.

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

Public Hearing(s):

Pearl Landscaping, LLC, 556 Hudson River Rd – Site Plan & Special Use Permit (23.026 & 23.027)

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

Dom Arico: Dominic Arico representing Pearl Landscaping. Do you want me to run through the project?

Don Roberts: Just quickly you know.

Dominic Arico: It's on 556 Hudson River Road, I don't know if you have a picture over there, okay

Richard Harris: Sorry I had the wrong picture.

Dominic Arico: That's okay. Proposing a 6,000 square foot garage in a sense, we call it an it's a garage for equipment and things like that, it's more of a processing area. Then we have a material storage unit in the back that's not fenced in. There's existing access already off of Route 4 or Route 32, we are gonna install a leach field, a small leach field for a single bathroom inside, there is really no plans to have offices there but there might be somebody there, basically its just a garage for maintaining some of the equipment he has stored and some of the equipment, and then using it as a crossover there for his employees to come pick up equipment, materials and bring it to other job sites. So there is no work being done down there except for really storing materials.

Don Roberts: Those that would be coming in and out that's all?

Dominic Arico: Just coming in and out right.

Don Roberts: That's it?

Dominic Arico: That's pretty much it.

Don Roberts: Okay, thank you. At this time we will open the public hearing, would anyone from the public wish to speak? (No comments) Once again would anyone from the public wish to speak? (No comments) Anyone online wish to speak? (No comments) Anyone online wish to speak? (No comments) Okay we'll close the public hearing, comments by the Board members?

Marcel Nadeau: I make a negative dec on SEQR

Tom Koval: I'll second.

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

Marcel Nadeau: I'll make a motion to approve the special use permit, site plan.

Tom Koval: I'll second.

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

Dominic Arico: Alright thank you very much.

Don Roberts: Your welcome, good luck.

Pearl Landscaping, LLC– Site Plan & Special Use Permit

APPROVED. A Public Hearing was held and the Board approved the application to construct a new 6,000 SF warehouse at 556 Hudson River Road.

MJ Properties Lot Line Adjustment, 113 Tabor Rd – Minor Subdivision (23.088)

Don Roberts: Laurie is going to recluse herself. Would anyone like the notice read? (No comments) Okay, go ahead.

John Lapper: Good evening everyone, for the record John Lapper with Luigi Paleshi. We were here last month, this is hopefully reviewed as a simple lot line adjustment to move about a ¼ acre from 113 where it's not needed so it can be used for the larger subdivision next door which we just started the process on for additional warehouse buildings. We are going to be hooking up this building to the sewer district. We sent Rich a letter from the Saratoga County that's all set for the sewer. We did see that there was a letter from the neighbors but that really addressed is the subdivision next door not this building.

Richard Harris: Yea I just want to mention, I distributed copies of the letter we received this afternoon, two old Board members and the applicant at the meeting concerning this item, so it will be part of the record and most of the comment relate to the development as Mr. Lapper said so that will be considered included in the record for the development of this lot number 1 which is currently pending before the Board.

John Lapper: Thank you.

Don Roberts: Okay, at this time we will open the public hearing, as Rich said first item is going to enter the letter into the record, okay would anyone from the public wish to speak we'll open the public hearing now please come up.

Robert Zack: Good evening Robert Zack, my wife who's sitting back here and I live at 45 Tabor, so we live up the way. We understand there is a pending application for additional property our concern now looking at this property is they changed the geography of it. Is number 1 the curb cut has changed from maybe 25 feet to 125 feet at the front of it, so we're watching the egress onto the road quadruple at this point. I'm not sure how that affects the lot line and what they're trying to do bringing in vehicles. The concern would be if they're cutting pieces off to add to another property where the egress-ingress would be for that property as it doesn't have any road access, as I know this committee has discussed and looked at the additional pending applications its looking like it's turning into an industrial park. Especially now as I said the ingress into it has gone from 22 feet to maybe 160 feet.

Don Roberts: Lyn correct me if I'm wrong, would, this is just a lot line adjustment, any of these comments would be addressed at a later time, correct?

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Lyn Murphy: That is correct. I mean if the applicant wishes to, has it changed?

Jon Lapper: No, the curb cut has not changed at all, as part of the other project we're proposing shared access that the truck traffic and car traffic would be to the west and minimizing this curb cut so that everybody could use the other curb cut, because that's a better curb cut. But this is exactly as it was already approved by the other Board, the existing curb cut thank you.

Richard Harris: Yea so the access for 113, which is under construction now is staying the same and just to paraphrase what you said, your development of the other parcel is going to become the main ingress-egress further to the west.

John Lapper: Correct

Richard Harris: And this will be more of a secondary use, I remember you explained it that way a few months back

John Lapper: Thank you, yes that's better.

Don Roberts: And again as I said tonight is just a lot line adjustment that's all.

John Lapper: Correct

Don Roberts: Okay, okay thank you, anything else Sir?

John Lapper: And as I said I understand it's a lot line adjustment, as those lot lines change, it provides more space for different properties which would be my objection

Don Roberts: Sure

John Lapper: You know as we look forward into other projects you're really changing the dynamic of the road.

Don Roberts: Okay

John Lapper: I appreciate your time.

Don Roberts: Okay, thank you. Anyone else wish to speak?

Ryan Case: Good evening Ryan Case. So as a follow up to this question, I understand this is a small lot line adjustment but I think it speaks to the further long term impact of the property and to the use. So I guess that curb cut has expanded dramatically and it looks like the adjustment is to move further I guess to the left and what we're looking at here to the screen is that correct?

Richard Harris: No they're moving the line, currently the lot is here, this dashed line and they're moving the line to make the 113 which has the building going up now a smaller lot.

Ryan Case: So, but I guess the current egress, the access

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Richard Harris: It's staying the same

Ryan Case: But that seems like it falls right in the middle of those two lines, right where that line is being moved.

Richard Harris: No, it's still on, it will be on the 113 parcel, and right around here I believe?

John Lapper: A little further to the east

Richard Harris: So a little bit here?

John Lapper: Yea some where in there yes.

Richard Harris: Yea, this is not, they're not changing the current ingress -egress you see there.

Ryan Case: Okay, so then I guess that's good to clarify and then I think the other piece is that it does continue to I guess raise the concerns of to the previous gentleman's point of the use of that road, the amount of trucks that are going to be coming through there, the traffic and then the wetlands in the back and making sure that it's being redeveloped responsibly and so this seems like a small ask but I think it's a bigger piece to a bigger puzzle obviously of a larger redevelopment.

Don Roberts: Okay thank you.

Yifan Gao: Yifan Gao, 45 Tabor Road. So two years ago when this project was being approved they said the application of this property is not disclosed and for any applicants that try to use this property need Board approval for all the utilities right? So at that time the owner of this property or the company that is behind this to run this construction. They say we agree with them going to have to be Board approval to bring any applicants to use this property. To my understanding from the Board Supervisor meeting in Saratoga, in April this area being pending offered to be sold to another LLC or whatever, will that rule apply to this so we will have all the applicants ran through this Board to be approved for whatever usage they are using.

Richard Harris: Correct it will stay with the approval of this Board regardless of who buys it and owns it so that new owner will have to come back when they are ready to have tenants move in or they are negotiating with they will still have to come to this Board for approval just like you heard 2 years ago when MJ Properties was the owner, is the owner they were told if you got tenants you still have to come back to this Board, that will still apply to the new owners.

Yifan Gao: Okay, yea because

Richard Harris: They haven't presented that yet to this Board no application for occupancy

Yifan Gao: Okay so as far as that package carries; it's a big risk for whoever is buying it so, thank you.

Richard Harris: And the same conditions this Board had two years ago, I had another neighbor ask me this same question so it's like totally understand why that would come up, another neighbor asked will the

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approvals from two years ago which for 113 Tabor that said, “When you know your tenant, we need to know the trucks and the hours of operation. You are going to have to disclose that to this Board because they want/ might require some road improvements depending upon the size of the trucks”, so that all still applies to any future tenant and any future owner.

Yifan Gao: Okay, so thank you.

Don Roberts: Thank you, anyone else in the room wish to speak? (No comments) anyone online wish to speak? (No comments) no, okay at this time we will close the public hearing, comments by the Board members?

Marcel Nadeau: Ill make a motion for a neg dec on SEQR

Alison Pingelski: Ill second it.

Don Roberts: Okay, I have a motion and a second for a negative declaration on SEQR, all in favor Aye? (All were in favor) Opposed? (None were opposed) Motion carried.

Marcel Nadeau: I make a motion to approve the lot line adjustment

Alison Pingelski: I’ll second it.

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

John Lapper: Thanks everybody

Don Roberts: You’re welcome.

***MJ Properties Lot Line Adjustment, 113 Tabor Rd – Minor Subdivision
APPROVED. A Public Hearing was held and the Board approved a Minor Subdivision (lot-line adjustment) request to amend the existing parcel lines at 113 Tabor Road and an adjacent parcel.
New Business:***

Clifton Park/Halfmoon VFW Post 1498, 1605A Rt 9 - Sign (23.097)

Jamie Colaruotolo: How are you doing, I’m Jamie Colaruotolo with Vital Sign. Yea so it’s an illuminated sign, two sided, internally lit. 4 x 4 steel poles in the ground, I just got clearance from U-Dig, from everyone except National Grid to dig so I’m waiting on them.

Tom Koval: Smaller than the other one and its out of the State right of way, I make a motion to approve the change of the sign.

Don Roberts: It’s on private property right?

Jamie Colaruotolo: Yes

Don Roberts: And is it lit?

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Jamie Colaruotolo: Yes it is

Tom Koval: Internally lit

Jamie Colaruotolo: Yup, internally lit

Don Roberts: Okay

Marcel Nadeau: Ill second

Don Roberts: We have a motion and a second all in favor Aye? (All were in favor) Opposed? (None were opposed) Motion carried.

Richard Harris: You know you need a building permit from us next right?

Jamie Colaruotolo: Sorry?

Richard Harris: You know you need a building permit from the same office next right?

Jamie Colaruotolo: Yup, yes absolutely

Richard Harris: Thank you for keeping it out of the right of way, everybody on route 9 wants to put it in the State right of way, this Board can't approve things on State property.

Jamie Colaruotolo: Understandable

Richard Harris: Some people it takes a year to figure it out.

Jamie Colaruotolo: I get it thanks

Don Roberts: Okay, you're all set

Clifton Park/Halfmoon VFW Post 1498 - Sign

APPROVED. Board approved a new free-standing/monument sign for the existing VFW Post 1498.

T-Mobile/American Tower Generator, Boston & Maine Railroad, Elizabeth Street Ext. – Site Plan (23.086)

Don Roberts: I believe your online right?

Rachel Kaur: Rachel Kaur, and then this project installs a diesel back up generator on a concrete pad in an existing telecom, electrical compound.

Don Roberts: Okay and a question came up, how do you plan on controlling the noise?

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Rachel Kaur: The noise, we haven't had many complaints about the noise but if you wanted to have a study we would be willing to provide one.

Tom Koval: So all generators come with spec sheets, we would like to see the, we have it in our town code for generators, we have a maximum decibel level, we would like to see the cut sheets for the generator showing what the decibel levels are, if they're too high we may require you go to a tier one enclosure to quiet that generator down, especially a diesel generator tends to be a lot louder.

Rachel Kaur: Okay that's fine

Don Roberts: Okay, so any approval would be contingent on that, on supplying that information to us

Richard Harris: And we also have, this is Rich Harris I oversee the Planning side of things but also the code enforcement and building permits and we have, I realize you may not be aware of this but we have 2 outstanding building permits at this tower where other operators have not closed out their building permits they've expired anywhere from 3 to 6 months ago, and there is another one from T-Mobile at 15 Route 236 that's expired and we know the works done we just need to close out the building permit, so I am asking the Board to condition, if they are going to condition the vote on this and vote to approve that a condition that the property owner also close out the 2 remaining permits at this site and that T-Mobile closes out with my office the open T-Mobile permit at 15 Route 236. I realize it's probable not you and you probably had nothing to do with it but we have been trying for months to get through with various contacts we have listed and before we take it further with Code Enforcement, your item came up on the agenda and I'm going to ask wearing my Code Enforcement hat that the Board also condition approval on closing out those other permits in Town.

Rachel Kaur: If you give me any general information you can about those, Route 15 T-Mobile permits I can try on my end, I can reach out to my T-Mobile Clients and see if we can get more information about that for you.

Tom Koval: Well they are both American Tower correct?

Richard Harris: I believe so

Tom Koval: Hold tight

Richard Harris: One is a permit for T-Mobile down on 15, 236, and this site is American Tower but there with other communication companies.

Tom Koval: Right the towers are generally owned by one company and then they have leaser's'

Richard Harris: Yea

Tom Koval: T-Mobile is probably a leaser, do you own the 230

Rachel Kaur: I'm specifically with American Tower, but I can take a look at this because I do know some older people.

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Tom Koval: I make a motion to approve the generator with the condition that you provide us with the cut sheets with the decibel levels for the generator and that the outstanding building permits at this site and at the Route 236 site, a total of three permits are closed out prior to construction of this generator.

Don Roberts: And also with the understanding that we may require a sound barrier.

Tom Koval: Correct we may require to sound attenuate it, a generator housing depends on what you come back with for a cut sheet on the generator.

Richard Harris: Yea, you would have to get it below 85 decibels, that's in our Town Code.

Don Roberts: We have a motion and a

Rachel Kaur: You have my contact information and my email right.

Richard Harris: Yup, I'll get you everything tomorrow, this is Rich talking.

Don Roberts: We have a motion we need a second.

Marcel Nadeau: I'll second that.

Don Roberts: We have a motion and a second all in favor Aye? (All were in favor) Opposed? (None were opposed) Motion carried. Okay so if you can submit that information to us then we'll move from there alright.

Rachel Kaur: Okay, very good, thank you.

Don Roberts: Okay, thank you, good luck.

T-Mobile/American Tower Generator, Boston & Maine Railroad. – Site Plan

APPROVED. Board approved an application to install a new generator for T-Mobile at the existing cell tower site, with conditions related to providing specifications for the generator and closing outstanding permits at this site and another T-Mobile site.

Old Business:

Three Jones Road Subdivision, 3 Jones Rd – Minor Subdivision (23.028)

Don Roberts: Tom Koval reclused himself, go ahead.

Kit Bast: I'm back. I was back here in February and I asked to do a lot line adjustment from the present configuration to that configuration. That was the original configuration of the two properties. 1 and 3 Jones Road when we, I'm Kit Bast, also Christopher Bast, Kit Bast.

Rich Harris: We only know you as Kit.

Kit Bast: Ok. Never mind then, with the Rexford Group and we were, we want to redraw the property lines to look like that which was the original configuration back in 2002 when we purchased the properties. The problem was when we

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did that, I believe both properties got below 35,000 sq. ft., which was less than the minimum required for a C-1 commercial and, I believe the, this one lot, one we weren't given the proper setback. So, went to ZBA and got a ZBA approval last week and I'm looking to go back to my original request to redraw the lines.

Don Roberts: Ok. Thank you, questions by the Board?

Rich Harris: Kit, just a reminder for the record, the ZBA condition you're approval on no development of this piece that's on the corner of Rexford and Vischer Ferry.

Kit Bast: Right, sorry about that little detail.

Rich Harris: No I just, I wanted to get it in the minutes.

Kit Bast: I mean, if I could building something on there it'd be the size of (unintelligible)

Rich Harris: Yeah, there's the building envelope, just so the Board sees, this is, if he was to be able to building something, the ZBA be restricted this little triangular, when you factor in all the setbacks it's what he's got left.

Kit Bast: They don't do photo mats anymore, right?

Marcel Nadeau: I make a motion to set a Public Hearing for June 26.

Tom Werner: I'll second it.

Don Roberts: Ok, we have a motion to second for a Public Hearing on June 26. All in favor aye? (All were in favor) opposed? (None were opposed) motion carried. See you on the 26th.

Kit Bast: Ok. Thank you very much.

Three Jones Road Subdivision– Minor Subdivision

PUBLIC HEARING SET. Board set a Public Hearing for June 26, 2023 for a two lot Minor Subdivision (lot line adjustment) at 3 Jones Road.

Trenchless Today, 19 Solar Dr – Change of Use/Tenant (23.087)

Whitney Lopez: Hello, my name's Whitney Lopez. I'm the Director of Operations for Trenchless Today.

Don Roberts: Can you explain what you want to do, please.

Whitney Lopez: So, we are a utilities specialty pipe rehabilitation company. We were previously in Latham but we outgrew our office so what first came available that we could find on the market was 19 Solar Drive. It provides sufficient lot space for our equipment and warehouse space and office space for our operations. We're only a company of 10 people locally. We operate up and down the East Coast. So, on any given day there's normally only 3 people at the building and we operate from 6:00 a.m. to 6:00 p.m.

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

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Tom Koval: Do you have to have parking for all of your equipment?

Whitney Lopez: Oh, yes.

Rich Harris: Yes, this was the final piece, it gained more approval.

Tom Koval: I make a motion to approve the Change of Tenant.

Marcel Nadeau: I'll second it.

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

Whitney Lopez: Alright. Thank you.

Tom Koval: The change of use as well.

Trenchless Today – Change of Use/Tenant

APPROVED. Board approved the use of vacant space at 19 Solar Drive for a plumbing business.

Rich Harris: Before you guys close out, I just wanted to remind everyone, probably not as much of you guys we're used to having an early July meeting. Last year, I think it was the first year, we'll only be doing one July meeting. It's July 24th. So, there's no July 10th.

Don Roberts: We'll remind the on June 26.

Rich Harris: Yeah. I'll remind you again. Some people mentioned it to me, about having to change your plans that were in July.

Marcel Nadeau: I made a motion to adjourn.

Tom Koval: I'll second.

Don Roberts: We have a motion to second. All in favor aye? (All were in favor) opposed? (None were opposed) motion carried. Good evening, be safe.