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**MINUTES MEETING
Town of Halfmoon Planning Board
June 28, 2021**

Those present at the June 28, 2021 Planning Board meeting were:

Planning Board Members:

Don Roberts –Chairman
Marcel Nadeau- Vice Chairman
John Higgins
Tom Koval- absent
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- absent

Deputy Town Attorney:

Cathy Drobny-absent

Town Board Liaison(s):

John Wasielewski
Eric Catricala

Town Engineer:

Joel Bianchi

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

Don Roberts: Good evening, welcome to our Planning Board Meeting, have the Board members had a chance to review the minutes from the last meeting?

Mike Ziobrowski: I make a motion to approve the minutes.

Rich Berkowitz: I'll second it.

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

Public Hearing(s)

21.067 & 21. 074 Oakhill Drive Lot Line Adjustment, 14 & 16 Oakhill Dr. – Minor Subdivision & Special Use permit

Don Roberts: Would anyone like the notice read?

Duane Rabideau: Duane Rabideau from VanGuilder & Associates tonight representing Carol Schnitzer before the Board for a proposed lot line adjustment and special use permit for parcels located at 14 & 16 Oakhill Drive. The proposal is to adjust the lot lines between lines 14 and 16, basically lot 14 is this L shaped piece right here, that's lot 14, and lot 16 is this piece here. The proposal is to annex the portion of 14 that is behind 16 to lot 16 so basically the areas will go from one acre on 16 to 2 acres , or from 1.3 to 2.3 and lot 14 will not be just this here it will go from 2 acres down to one acre. We are also requesting to be granted a special use permit to allow pre-existing residential use in the C-1 zone, we did obtain the necessary area variances so that the lots are zoning compliant, and that is our proposal before the Board tonight.

Don Roberts: Thank you Duane, at this time we will open the public hearing, would anyone in the room like to speak? (No comments) Would anyone online like to speak? (No comments) Rich did we receive any written correspondence for this?

Richard Harris: We mailed out certified letters to adjacent property owners as required in the Town Code , posted it in the newspaper and Town Hall , we have not received any comments , either email or written.

Don Roberts: Okay we'll close the public hearing, comments from the Board members?

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

Tom Werner: Ill second that.

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

Rich Berkowitz: I make a motion to approve the minor subdivision and the special use permit.

Tom Werner: Ill second that.

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

Duane Rabideau: Thank you.

*Oakhill Drive Lot Line Adjustment. – Minor Subdivision & Special Use Permit
APPROVED. The Board held a Public Hearing and approved a lot line adjustment to convey approx. 0.98 ac.
from 14 Oakhill Drive to 16 Oakhill Drive.*

New Business:

21.115 Upstate Canine Academy, 24 Corporate Dr. Sign

Adam: Good evening I'm Adam from Adirondack Sign Company on behalf of Upstate Canine Academy. We are doing a very simple face swap, the existing sign is there just pulling out the existing face and putting a new one in. The face is 32" x 234 ". No changes to the cabinet, no changes to the electric just a swap.

Don Roberts: Just a straight swap is all it is, okay comments by the Board?

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

Marcel Nadeau: I second it.

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

Adam: Thank you.

Don Roberts: You're welcome.

Upstate Canine Academy, 24 Corporate Dr. – Sign (21.115)

APPROVED. Board approved a new wall-mounted signage related to the recently-approved tenant.

21.103 Lamar Advertising Digital Sign, Route 9 / 155 Stone Quarry Rd – Sign

David Levitt: My name is David Levitt I'm here representing Lamar Advertising and we are seeking to get approval from the Town for a digital billboard , we currently have a billboard in place it would be the same size, it's in the same location , we are just looking to make it digital. We would also be replacing the pole right not it has some eye beams that are holding it up and we would put a monopole in, the structure would be staying the same.

Don Roberts: Now as you know David, you're proposing to have the various messages change sooner than what the Town code reads so for that reason we have to deny this application at this time and you can go to the ZBA and try and get relief from there.

David Levitt: Yes that's correct.

Don Roberts: That being said any comments from the Board?

John Higgins: Is the height going to remain the same?

David Levitt: It is

John Higgins: Okay they are not going to be any higher than they are now?

David Levitt: No everything is going to remain the same except there are eye beams there and we are going to replace it with a mono-pole and actually aesthetically it looks better.

John Higgins: Thank you.

Richard Harris: John there was a bunch of information submitted with the application about standards around the country and Dave explained that to Paul and I when we got it a couple of months ago, of course we don't have the ability to say that's okay; he understood at the time that its related to the 20 second vs the 10 seconds.

Don Roberts: That's the Town Code we can't go against that without the ZBA so

Marcel Nadeau: What about the brightness of the sign?

Don Roberts: That's regulated Dave go ahead and explain the sign

David Levitt: What happens is basically as time goes on as the day goes on its brighter during the day obviously the ambient light, you know the sunlight, as it goes darker it automatically reduces its light so it's done we have a Knox system which is running 24 hours and any problem or any change or whatever, people are there to correct it so it wouldn't be an issue,

Don Roberts: So is we saw a problem we could just call you and you could take care of it no problem?

David Levitt: Absolutely

Richard Harris: I think you explained when we met that it's kind of like a dual system where you know remotely that there is a problem with the dimmer at night, before you would have someone call like us.

David Levitt: Everything is computerized and we're going to know before you call us, so it's on 24 hours a day and you know it doesn't project light it has light you couldn't bring a newspaper up to it and read it or whatever the light is strictly condensed to the sign.

Richard Harris: And these are static messages for 10 seconds it's not rotating

David Levitt: Correct and I k now its 20 seconds and we are looking to do 10 but if you look at your watch you know 10 seconds is a long time you know .

Don Roberts: And there is no moving on the sign?

David Levitt: There's no animation it's just you know it will be, that's what it would look like, that's the, you see the mono-pole there's another photo that shows the I-beams to go the other way, right there you see how they are thin, that's an older structure that you can't even get that anymore, that's why you would go with the mono-pole.

Rich Berkowitz: How many ads do you have rotating through?

David Levitt: 6, advertisers will be on there.

Don Roberts: That will be one a minute

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David Levitt: Also we are open to helping the Town out with functions or whatever they have , like the city of Troy we put one there and they have pig roasts or

Don Roberts: Like public service announcements?

David Levitt: Yes and also Amber alerts, FBI, FEMA,

Don Roberts: So as it rotates it's about one, each customer gets about a minute right?

David Levitt: Well they're on there for about 10 seconds and then the next one but there would be a total of 6

Don Roberts: Yea so it rotates through about almost around once every minute, as we said this has to be denied so.

Rich Berkowitz: I will make a motion to deny

Marcel Nadeau: I second that.

Don Roberts: All in favor aye? (All in favor) Opposed? (None were opposed) Motion carried, and Paul will you instruct them how to go before the ZBA? Okay thank you, good luck.

David Levitt: Thank you very much for your time.

Lamar Advertising Digital Sign – Sign

DENIED. Board denied the changes to a non-conforming sign due to the proposed message rotation schedule less than permitted by Town Code.

21.113 Chelsea's Spa for Beauty and Wellness, 1595 Rt. 9 – Change of Tenant /Use

Kevin Headley: Hello I'm Kevin Headly the land lord for Chelsea's Spa, do you have any questions.

Don Roberts: I think we should start by you telling us what you are proposing

Kevin Headley: It's all in the application, it's just a change of tenant

Don Roberts: Well we need to hear for the record.

Kevin Headley: Change of tenant

Don Roberts: What's going to be done there how many employees, hours of operation? This is all recorded so

Kevin Headley: Well you've got hours of operation Monday, Tuesday , Wednesday, Thursday 9 to 8 , Friday 9 to 5 and Saturday 9 to 5 , no operations on Sunday. Predominately their major hours are peak hours

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are Tuesday and Thursday evenings as well as Saturday, I have a few part time employees so about 4 or 5 employee's tops.

Don Roberts: Okay, questions by the Board?

Rich Berkowitz: How many rooms will they have, how many stations?

Kevin Headley: Well it's a 1000 sq. ft. so I guess she is going to have 4 rooms.

Rich Berkowitz: Are you asking or telling?

Kevin Headley: I think that's kind of obnoxious comment on your part I think it's counted as four rooms.

Don Roberts: Sir I got to say of all the times we meet, most of the applicants are fully prepared it doesn't seem as though you're fully prepared to present it?

Kevin Headley: It's not a question on your thing I don't know how many stalls she has

Don Roberts: Well we need to know because we need to know how many people are there at one time, I mean customers

Kevin Headley: No more than 6 people at a time.

Don Roberts: Okay, no more than 6 people at a time, okay, and you said how many employees?

Kevin Headley: 4

Don Roberts: 4, okay, any other questions? Is there a sign at this time or no?

Kevin Headley: No she will be applying for a separate sign permit.

Don Roberts: Okay she has to come here before the sign goes up

Kevin Headley: She knows that

Don Roberts: Okay

Mike Ziobrowski: I would like to make a motion to approve the change of use / tenant

Don Roberts: Can I have a second?

Tom Werner: Ill second it

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

Chelsea's Spa for Beauty and Wellness– Change of Use/Tenant

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APPROVED. Board approved a Change of Use/Tenant application to use 1,000 SF at 1595 Route 9 for a beauty and wellness spa.

21.114 Magnolia Hair Studio, 1707 Rt 9 (Shops of Halfmoon) – Change of Use/ Tenant

Tamara Sullivan: Hi, Tamara Sullivan for Bruce Tanski Construction and I'm here for a change of use for the Shops of Halfmoon, Maggie Selig who is the owner of Magnolia Hair Studio is looking into occupy 1100 sq. ft. of space, this is where the Red Lotus was previously located and she's going to have 6 employees she has 3 full time and she has 3 part time. Her hours are Monday through Thursday 10am to 8 pm and Friday and Saturday from 10 to 4 and then Sundays are by appointment only. Peak hours will likely be 4 to 7 Monday through Thursday and then 10 to 2 Friday and Saturday.

Don Roberts: Thank you questions by the Board?

Rich Berkowitz: How many rooms are they going to have?

Tamara Sullivan: How many rooms?

Don Roberts: How many treatment rooms?

Tamara Sullivan: I think she is going to have 4 but I would have to double check on that it would be no more than 6 but I don't think it is 6.

Don Roberts: Now for the sign, just changing out what's there?

Tamara Sullivan: She is going to do a sign, she is just not set on her sign and she will come before the Board herself for that.

Don Roberts: Okay, just so you know you'll come back for that.

Tamara Sullivan: Yup

Don Roberts: Any other questions?

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

Mike Ziobrowski: Ill second.

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

Tamara Sullivan: Thank you.

Magnolia Hair Studio (Shops of Halfmoon) – Change of Use/Tenant

APPROVED. Board approved a Change of Use/Tenant application to use 1,100 SF at 1707 Route 9 for a hair salon.

21.110 / 21.111 Comprebr Brazilian Market. 22 Guideboard road – Change of Use/Tenant & Sign

Lenny Costa: Lenny Costa, we are looking for a change of tenant permit, and a change of signs also.

Don Roberts: Can you please just explain what you want to do there?

Lenny Costa: Yes we are an import market, Brazilian, Portuguese products. We are looking to, most of our business 50% is done online but we are hoping that we can bring some actual patrons into the store and patronize the store beside just online.

Don Roberts: Brazilian, Portuguese I'm curious what kind of products?

Lenny Costa: We have olive oils and rice's, beans and cheeses and breads, you know that come imported, fruits, chocolates, bikinis, beauty care, shampoos.

Don Roberts: Really?

Lenny Costa: Yes

Don Roberts: And you will have them right there?

Lenny Costa: Yes we have the market

Don Roberts: Now for deliveries how are you going to get deliveries?

Lenny Costa: When people go on our website people go buy online and they will pay online and we will deliver to them in an hour

Don Roberts: No, I mean how do you get deliveries to your store?

Lenny Costa: We get shipments once a week in New Jersey and we pick it up with our own trucks and bring it in.

Don Roberts: What kind of trucks, I mean because they say that's a confined site there, there is not going to be any tractor trailers or anything coming in?

Lenny Costa: No, no no no we have a 10 foot box truck , that we can once a month delivery is not a, we are hoping to produce more, but we have to introduce the market and see

Don Roberts: How many employees?

Lenny Costa: 2

Don Roberts: Questions by the Board?

John Higgins: As far as unloading on your box truck, we've requested the previous tenants to use the rear of the building as far as unloading is that a problem?

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Lenny Costa: Not a problem, we do use the rear to get deliveries

John Higgins: Yea because you're limited on the front number of parking so we always have a problem there, thank you.

Lenny Costa: Yea, we know our trucks go in the back

John Higgins: Thank you.

Rich Berkowitz: I know the majority of this is going to be online but how much foot traffic do you expect?

Lenny Costa: At this point probably about 25% and you know we are hoping to increase and move to a new location but you know most of our business has been online so this is a new venture to see if it works

Rich Berkowitz: So you have never had a store before?

Lenny Costa: I have a business in Syracuse we have a store in Syracuse where we have everything and we still at 20% so most people prefer it to be online.

Don Roberts: Now for the sign it's just going to replace what was there right?

Lenny Costa: Yea just replace what was there same size same everything.

Mike Ziobrowski: I would like to make a motion to approve the change of use /tenant

Marcel Nadeau: Ill second that

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

Mike Ziobrowski: I would like to make a motion to approve the sign.

Marcel Nadeau: Ill second that

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

Comprebr Brazilian Market – Change of Use/Tenant & Sign

APPROVED. Board approved a Change of Use/Tenant application to use 1,400 SF at 222 Guideboard Road for a specialized Brazilian market.

21.112 St. John Plaza Storage Containers, 1683 Rt. 9 – Site Plan

Tom Pratico: Hi I'm Tom Pratico with Rexford Group and Bast Hatfield Construction, here tonight asking the Board for permission to put 4 storage containers at the back side of the St. John Plaza and 1, 12 x 12 exterior cooler.

Don Roberts: Questions by the Board?

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John Higgins: Are they presently using the rear of the building for deliveries or are all deliveries coming through the front?

Tom Pratico: Probably 50 / 50 there are some smaller vans that deliver in the back and the meat market and dominos has their delivery through the front.

John Higgins: Will those smaller trucks still be able to use the rear

Tom Pratico: Yes

John Higgins: It's big enough that they will have enough room.

Tom Pratico: We don't put pressure on the roadway that's back there everything stays the way that it is.

John Higgins: Okay

Marcel Nadeau: What is being stored in the containers?

Tom Pratico: Because of the pandemic and they've incurred a lot of different furniture and equipment that they have to bring in, bring out and it's just to help these tenants survive here.

Rich Berkowitz: Tom how is the freezer going to be powered?

Tom Pratico: It will be self- contained, it's a cooler not a freezer, and it will be a compressor that will be mounted on the ground next to it

Rich Berkowitz: So electrical or diesel?

Tom Pratico: No electrical, it's all electric

Rich Berkowitz: Where's the outlet? Where's the power going to come from?

Tom Pratico: If we do put it in its questionable but if we could get permission to put it in, it might be in the future we'd go underground.

Rich Berkowitz: Under, okay that's what I was getting at, and there is enough room for maintenance vehicles and fire trucks to get through?

Tom Pratico: Yup

Richard Harris: It looks like it's probably about 20 feet, still got about 20 feet back there, approximately.

Don Roberts: Now there will be no stacking of containers right?

Tom Pratico: No

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Don Roberts: It's just one across

Tom Pratico: Its one across and we are going to color code them, make them as least obvious as we can to match the building.

Mike Ziobrowski: So what's the purpose of the proposed containers versus the storage in the front that they are right up adjacent to the property line, all of these hash marks is this?

Tom Pratico: Well there's 4 containers and then 2 dumpsters that are, 3 dumpsters that are existing.

Mike Ziobrowski: And they are right up next to the property line?

Tom Pratico: There is a retaining wall there, that's the wall between us and Lowe's so we will be right up to that wall

Mike Ziobrowski: Alright I see

Tom Werner: Are these permanent in nature, they're going to be permanent?

Tom Pratico: Well I mean they are movable I mean they can be moved around.

Tom Werner: But for now you see them as essential for the needs of the tenant, so it for all intents and purposes will be permanent as far as we know at this point?

Tom Pratico: Yes.

Richard Harris: So you have no plans to get rid of them in a year or two years?

Tom Pratico: No, no

Rich Berkowitz: There is enough room for garbage trucks to get back there and pick that up?

Tom Pratico: Yup

John Higgins: How high is the retaining wall?

Tom Pratico: It's probably I'm gonna say 7, 8 feet. And the boxes are about the same, you'll see about the top 2 or 3 feet if you were standing in Lowe's parking lot looking over there.

John Higgins: Could we request that, because some of those containers are orange, bright red maybe you could just paint

Tom Pratico: We are we're painting them the beige color of the building the whole thing, we don't want to see the red or the, no.

Don Roberts: Anyone else?

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Rich Berkowitz: I'll make a motion to approve the change of site plan.

Tom Werner: Ill second it

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

Tom Pratico: Thank you

St. John Plaza Storage Containers – Site Plan

APPROVED. Board approved a Site Plan application to allow the placement of storage containers and cooler along the rear of the property, and sidewalk improvements along the front.

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

John Higgins: Ill second it.

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