

**MINUTES MEETING  
Town of Halfmoon Planning Board  
March 22, 2021**

**Those present at the March 22, 2021 Planning Board meeting were:**

**Planning Board Members:**

Don Roberts –Chairman  
Marcel Nadeau- Vice Chairman  
John Higgins  
Tom Koval  
Rich Berkowitz  
Thomas Werner- absent  
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(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 everyone we had a little technical difficulty that's why we are a little bit late getting back on, hope everyone can hear me, I would like to call the planning board meeting to 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?

**Tom Koval:** Ill second.

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

**Public Hearings:**

**21.029                    37 Staniak Road – Amendment to Final Subdivision Plan /Site Plan**

**Duane Rabideau:** Duane Rabideau from VanGuilder and Associates representing the Fairways of Halfmoon LLC before the Board for a land preservation amendment for 37 Staniak road , the proposal is to adjust the location of the LPA line from the one that was approved with the Fairways Meadows subdivision Phase 1 subdivision which was approved down here, so this was the buildable area , all the rest of this was considered LPA area. That total right there was approximately 13.1 acres in size, now we're proposing to move the LPA line from where the yellow line is here to where the blue line is right there , that would only affect basically by moving that line now you are going from 13 acres down to 6 acres of LPA land. Now this is so that the potential buyer will be able to legally keep all of the existing buildings and paddock areas on site and utilize the parcel as a working horse farm. It would also , came up in the title report it would clear the title to this property for the potential buyers, because of the restriction of the LPA they want to be guaranteed that the buildings and improvements can stay. I was listening in on the pre-meet and concerns of the Boards and some of the neighbors about expansion or intensifying use within this expanded, this area that will be taken , proposed to be taken out of the LPA area for the horse farm that any expansion or intense find with the use of the horse farm will need to come back before the Board and if any future activity so we understand that , we understand the concerns of the Board but the reason we are here to move it is to basically clear up title so that the improvements that do exist now can stay , and that is our proposal before the board.

**Don Roberts:** Thank you Duane, at this time we will open the public hearing, is there anyone in the room that would like to speak? If so please come up here say your name and address and any comment you may have.

**Michael Raucci:** Michael Raucci, 23 Staniak road , our property is adjacent, it connects to the horse farm , my wife Marcy and I and we have three babies and we moved to the Town of Halfmoon in 2009 and ever since we've been the neighbors to that farm that connects , you know Carla that had the farm previous it's been kept immaculate, I've read all these comments online and some of the letters that Im sure you've got from the neighbors but , we are the neighbors that directly connect to this farm. Our land you know , unites with the you know the fence and they've kept it immaculate, there has never been any issues , there has never been any manure smell or anything of that kind of nature like some people , we are directly next to it so I would tell you if there was, and you know I have a big problem , if someone is looking to invest and I've got to say to the Town of Halfmoon I run a big business here with Toyota the past 17 years, I love that you guys are pro- business , I love that what you guys have done with the Town , you know people that have invested here like Mr. Tanski, you know like Scott Earl these business guys and you guys have done an amazing job , you see our Town growing when a lot of places around the Country aren't. and it because of you guys good policies I think that you have here to be pro-business and I appreciate that you know, and I just don't see like who are we , like who am I as a neighbor to tell people that want to invest like where they can put their property line or if they can put up a barn or I mean I get these things that are land preservation acts that are ,

but you know things change you know something that you did in 2005 well that might not be good in 2021 guys , I mean I understand that you have to make a decision , like I heard that gentleman say earlier, I understand that but things change and I think that though I would like to see it full of horses or animals or whatever the folks that are potentially buying it want to put there then having it be nothing and just be a nothing , I think that Im , I could say this from my wife and I , we're definitely pro whatever , whoever invests in that property wants to do, if they want to move their line, so they can invest in Halfmoon and pay taxes and put a house and another barn or whatever they want to do , we are directly next to it, so the neighbors that are writing letters there is nobody's that closer than we are to this horse farm and I just don't understand what the objections are or why you would prevent someone from wanting to invest in Halfmoon, like I said you guys have done an awesome job and I commend you for it but I just I don't , the comments Im reading from people and I just don't what the problem is here and I just don't know why some people are so against you know letting them invest and making it beautiful, beautiful because that's what they are going to do Im sure whoever buys the property. So if there is any questions you've got for me , like I've said I've been there for , since 2009 I've been there for 12 years so and there has never been one issue at that property there has never been one issue of cleanliness , smell , they have been excellent neighbors and Im sure whoever invests and buys it next my wife and my kids we would love to see it have something done to it instead of just being nothing there , especially with horses or animals or something so.

**Tom Koval:** The bottom like why we do land preservation areas and I wasn't involved back when this was done

**Michael Raucci:** Sure

**Tom Koval:** But most of these projects we allow for more intensive in one part of the project as long as they give us , the aim of this Board is to keep a sizeable amount of green space in Town, I agree we need to invest in the Town , but we also don't want a Town where there is one house on top of another and Im sure you don't either, so the reason that we do these land preservation areas when a project comes in to get approved is because we allow build outs on the other part of the project a little more intensely than they normally would be so we keep these certain areas to keep our green space we have so we are not clustered built like the Town of Colonie. I have no issues with these people and Im sure a horse farm I have no problem with, more buildings probably, now we are giving up the green space that the builder originally allotted us or promised us to keep this whole project with x amount of green space, x amount of preservation area. So any time we approve a project its 50%, 10% whatever the percentage is of greenspace , in the overall project so if there is a pocket like this left it's a good chance there is a pocket left because the rest of that property was built out to the max so if we allow these land preservation areas afterwards to be built on too , now we've taken away that certain amount of greenspace. I understand you see this part and these people are keeping this part of it great but what about the rest of the area now that it's all maxed out , its , that's why I once again I have no objection to these people , I have no objection to horses I love seeing businesses coming in too but I don't want to see every square inch of our green space built out because somebody has a special case or somebody has a need. I have no, in a perfect Tom world I would say keep the planned preservation area let them keep their horse farm, let them keep their house, nothing has to happen with the horse farm that was approved before us but keep this all as farm, no more farm buildings , no more farms.

**Michael Raucci:** I'll be 50 May 4<sup>th</sup> , I've been in this community my whole life I give I can to support this community, no worries Im just saying to you I used to ride my bike up there when I was a little kid and there was nothing up there okay , I had my friends the McBrides they are sweethearts and all the families up there it was beautiful up there , but there was no houses, in Mechanicville , in Halfmoon had become a different

you know area because we brought a lot of good families here because of those very areas that you are talking about so if we went by like if we keep everything you know I understand you have to have some greenspace.

**Tom Koval:** We have to have some green space, I want to keep that area green , this end of Halfmoon is getting way too developed for my liking, I dread the day that I have all of those developments in my back yard when those properties get sold and that's the reason I'm on this Board, the only reason is to keep things from getting built out. I don't want to live off of Osbourne Road or the back side of Wolf road I don't want a house in my back yard I want to keep green spaces, this is a farming community I know your background in this community , I know you love the community, you do so much for it but its every one of these little three , four , five acre parcels that we take away is more congestion, more housing. Yes okay so now it's going to be a horse farm but five years, ten years from now when they can't make it as a horse farm now they can sub divide it up into something else , yes they have to come back in front of us but it's another Board, it's another ten years down the road and its

**Michael Raucci:** I understand , like I said I'm not here to debate that like you guys have done an awesome job up here I'm not saying that all I'm asking is to open minded for these folks because I think that you know I would like to have some green space too but I still think you have to be open minded to , I'm not saying they are still going to be some green space there but it might have to be moved a little bit to maybe you know to do what these folks are looking to do with it , that's all I'm saying.

**Tom Koval:** We already gave up a lot of green space for this project , for the houses that they already built , we gave up that green space in exchange for this green space now they want this green space where does it stop, you keep chipping away at every little spot of green space pretty soon you have none.

**Mike Ziobrowski:** I think it still remains green space provided nothing is built

**Tom Koval:** But if we take this out of land preservation there is nothing saying this can't become another subdivision

**Mike Ziobrowski:** Down the road

**Tom Koval:** Ten years down the road, the reason we have green space is land preservation

**Mike Ziobrowski:** They have to come in and get approvals

**Don Roberts:** Right that's

**Tom Koval:** But once its off the books land preservation there is no stopping that , because down the road we have no legal right to say no you can't build on that because it used to be land preservation ten years down the road, and in the meantime all of these people have built on the back side once again we're sold a bill of goods, bought those lots thinking that that was preserved land behind them, and no different than you buying , you see land all of the time advertised as backs up to state land.

**Mike Ziobrowski:** Forever wild

**Tom Koval:** So people buy it because they thought it was state land but if then you sell the state land

**Michael Raucci:** We bought our house in the new developments that are going up across I mean to be honest with you like I said Im happy for the development, Im happy for the pro-business , Im happy for the tax revenue that it brings to the Town and Im also happy for the families that what you guys have done to bring in here, because its honestly changed the dynamic of our community.

**Tom Koval:** You just got six houses built or how many houses you got across the street

**Michael Raucci:** Im just saying , and so we have like you said , I don't want to take up all of the time here but I just wanted to come in front of you tonight to just let you guys know Im the neighbor that directly butts up to this farm my whole property line goes to this farm and Im just telling everyone here we do not have any issues if there is any changes to it because I would rather see something beautiful and nice and well-kept and you know and another investment in the Town of Halfmoon that's all Im saying

**Michael Raucci:** I understand

**Tom Koval:** Obviously there are no guarantees that , that's forever, land preservation guarantees that , that's forever.

**Michael Raucci:** Yup

**Don Roberts:** Okay thank you sir for your comments

**Michael Raucci:** Thank you very much

**Don Roberts:** Thank you very much appreciate it, before we go any farther Rich we have received some written correspondence we are not going to read it all but we are going to enter it into the record.

**Richard Harris:** Yes, each one has been distributed to the Board members

**Don Roberts:** Okay enter them into the record if you would.

**Richard Harris:** Yup

**Don Roberts:** Thank you very much, would anyone else in the room like to speak? Is there anybody out there online that would like to speak? Gary are you there? Okay say your name and address and make any comment you want please.

**Gary Frosell:** Gary Frosell and Im at 18 Bent Grass Drive.

**Don Roberts:** And your comment is ?

**Gary Frosell:** Back in 2004 we purchased our property and we chose this particular lot because we were told by the listing agent that directly behind us on Staniak road was going to be divided into two large parcels, on those two parcels with just a single family home could be built, and the rest of that area is forever wild. We too have a bit of forever wild on that property that I would love to use but I can't because that's what we

signed up for. I think if we agree to give someone access to currently un-useable property and give them access to that and have it become now useable property there would be a discrepancy when other people like myself would want to build upon my property for example a garage or a shed or something like that. Again prior to when we bought our property the land was vacant , the previous person that spoke that land was vacant as well as this area on 37 Staniak. So I again we were told in the very beginning that this is land preservation and it will always remain that way and that's why we chose our lot, and I think we are going to have some issues down the road if that is changed because that isn't what we were told in the very beginning.

**Don Roberts:** Okay thank you sir, anyone else out there want to speak? , Just a second sir , anyone else online wish to speak? Okay sir you want to speak?

**Brady Patenaude:** Yup, Hi, my name is Brady Patenaude I am the potential buyer of the property, so the whole reason for doing this whole moving the land preservation line is so that we could legally buy the property with a clean title. As it stands right now since there are buildings and structures built on the land preservation area , the title cannot be considered a clean title, because of that , now the Town did issue building permits for these structures for I don't know what reason it was allowed at the time and there was three separate building permits issued for three separate structures at three different times. So it should have been caught by at least one of those times I would imagine but it was allowed to happen and as a result of that being , you know the building permits being issued and the buildings allowed to be built on the property , now we are stuck in this predicament with you know not being able to sell the property legally. I will say I have no future plans to expand or build any new structures in that area, all Im looking to do is buy the property and keep it functioning as is and know that I can keep the structures there that are there.

**Don Roberts:** So you have no future plans to construct anything on the property?

**Brady Patenaude:** Other than my house that I would like to build in the approved area

**Don Roberts:** Yea , okay

**Brady Patenaude:** Not as of right now , no I do not

**Rich Berkowitz:** I have a question

**Brady Patenaude:** Yes

**Rich Berkowitz:** What's functioning on that property right now , what's happening? Are there horses there now?

**Brady Patenaude:** There are horses there now , Bruce was kind enough since this has dragged on for forever he was kind enough to allow us early access to have our , you know we have our horse there to board.

**Rich Berkowitz:** What was there before you boarded your horses there?

**Brady Patenaude:** There was horses there previously.

**Rich Berkowitz:** So since this is built when?

**Brady Patenaude:** 2005 was the first building permit

**Rich Berkowitz:** So there has always been horses there since 2005?

**Brady Patenaude:** There has always been horses there yes.

**Rich Berkowitz:** How many horses have been there throughout the years?

**Brady Patenaude:** Im not sure , previous, 15

**Rich Berkowitz:** 15 , how many are there now?

**Brady Patenaude:** There are 16 there right now , we just had one born.

**Rich Berkowitz:** How many stalls are there ?

**Brady Patenaude:** There are 21 , they can stall 21 horses there.

**Rich Berkowitz:** So the maximum number of horses is 21 ?

**Brady Patenaude:** Yes

**Rich Berkowitz:** And there's been 15 horses there since 2005 ?

**Brady Patenaude:** Yes

**Rich Berkowitz:** Has anybody used that back piece of property that's in the land preservation area since 2005?

**Richard Harris:** There are paddocks there.

**Brady Patenaude:** There are paddocks there.

**Rich Berkowitz:** Im just looking at the overview right now.

**Brady Patenaude:** Yes , so pretty much where you see the fences on the map are already existing.

**Rich Berkowitz:** In the front part and also in the back part?

**Brady Patenaude:** Yes, yup everything that's already fenced out is there it's been there

**Rich Berkowitz:** And that gravel lot has been there since 2005 also?

**Brady Patenaude:** The gravel lot in the front?

**Rich Berkowitz:** Im just looking on google maps , it looks like there is a driveway that

**Brady Patenaude:** The driveway , yes that goes back to the barn?

**Rich Berkowitz:** So nothing has changed since 2005?

**Brady Patenaude:** I don't believe so, no Bruce is saying no.

**Rich Berkowitz:** And you have no plans on building anything else besides a home possibly?

**Brady Patenaude:** No, if anything maybe a 10 x 10 like run in shed, but again id have to get a building permit and approval for that

**Rich Berkowitz:** Where would your home be placed on the property?

**Brady Patenaude:** My home is to be placed right where its proposed to be right there.

**Rich Berkowitz:** That's already out of the land preservation area?

**Brady Patenaude:** Yea that's an approved building lot

**Don Roberts:** So physically other than the home and the shed there will be no other changes to that property?

**Brady Patenaude:** No , not that I can foresee right now, no

**Rich Berkowitz:** Well is we put restrictions on this you have to abide by those restrictions.

**Brady Patenaude:** Of course

**John Higgins:** At the previous meeting you said you wanted to have up to 35 horses

**Brady Patenaude:** I did not say that.

**John Higgins:** Yes you did, I heard you because I was here.

**Brady Patenaude:** Can we pull up the tapes because I would never say 35 horses.

**Don Roberts:** Either way I mean whatever you say tonight is going to be on the record so , I wouldn't worry about it.

**John Higgins:** That's why I asked the question

**Don Roberts:** What's the total amount of horses you plan on having on site?

**Brady Patenaude:** At maximum capacity 21

**Don Roberts:** Then that's what we will go with if we approve, if we approve.



**Tom Koval:** We are getting ahead of ourselves, way ahead of ourselves.

**Don Roberts:** We've got to have the record straight though that's all.

**Tom Koval:** So first off , we have buildings that were put up with permits on land preservation area.

**Richard Harris:** Just one building

**Brady Patenaude:** They were additions yes , it's one barn right now but

**Tom Koval:** Somebody knew this was land preservation area and just did it anyway, that's the bottom line, it's what happened.

**Don Roberts:** Well we don't know if they knew it or not , I mean we can't say they knew it

**Tom Koval:** Apparently this project was approved and whoever laid this out, whoever developed this and laid it out knew that this was land preservation area and then put a building on it. It's not like it just miraculously appeared.

**Don Roberts:** Oh but I mean people in the Town , they should have been aware but maybe not

**Tom Koval:** The Town may not have known but , whoever laid it out in the first place knew. Lynn is there any way that we could approve this keeping that existing structure with no further structures being added to this property, because once we do this all they need is a building permit to go put another structure on it, they don't need to come in front of planning as far as I know, because it's not a business it's not a change of site plan, agricultural-residential, so we have no further say after tonight.

**Richard Harris:** Unless you put a condition on it.

**Tom Koval:** That's what Im asking Lynn, is there any way to just leave this , allow them to keep the existing structures , the existing building envelope with no further development at all?

**Lynn Murphy:** You can absolutely put that condition and you could also put a condition that the only use allowed there is equestrian , you can do it however you want to word it but like always , any other Board could modify a condition I mean there is , I can't tell you anything different than that and I just pulled into the parking lot so Im going to disconnect and then I'll walk in the room.

**Don Roberts:** But Tom don't forget in the pre-meeting we did say that ,we could put conditions on this.

**Tom Koval:** Yea I mean I don't have a problem with this use , I really don't Im trying to protect our future generations in this area from this getting built out, and Im trying to prevent , protect what once we approve this from something else getting built on this property or more structures to make it more intense , like Mr. Raucci likes it now but will be like it if there are 20 more buildings on this property , maybe not. I also agree with Mr. Frosell's complaint that they bought this property knowing that with the understanding that this was protected property , I have a very sore spot in my memory with a similar thing happening to me, thinking that nothing was going to get built next door , and a commercial building got built. This is the same thing.

**Brady Patenaude:** Gotcha

**Tom Koval:** You paid for this piece of property with this understanding now if he wants to go and put Mr. Frosell wants to go and put a shed on his property and we say no well you just allowed the guy next, behind us to do it because he got away with it for 15, 20 years , it's a real slippery slope.

**Brady Patenaude:** I get that , now my question is also in these land preservation restrictions its very restrictive on no cut no clearing no nothing how many of those neighbors up there already mow that lawn all the way back up right to there?

**Tom Koval:** We go through that every day, we go through it daily and if

**Brady Patenaude:** Technically aren't they in violation of the land preservation area as well?

**Tom Koval:** The whole country , if you call we will do something about it.

**Don Roberts:** Let's keep on the topic

**Brady Patenaude:** Im just saying if we want to get nit- picky about it that's all.

**Don Roberts:** We don't want to

**Brady Patenaude:** Now I went through and did some research about all of the neighbors behind , that directly border the property every one of them bought their house 2009 or later after the horse farm was already there, now Mr. Frosell is down the road a little ways he doesn't directly border my property

**Tom Koval:** I don't think any of these neighbors really have a huge issue from what Im reading with you they have the issue with land preservation area that they can't touch but somebody else can and I get it , I get it a 100% so that's my biggest problem too

**Mike Ziobrowski:** And I think that the reality is that you don't own it yet , you want to buy it prospectively so the thing is that we make a condition that it is used for equestrian use only no buildings and then we establish what the acreage is exactly and that can occur I think it's a defined statement, so we will say that the house will exist only within the yellow area , the other area is , I don't know 7.09 acres of potential equestrian use, that would be the condition.

**Tom Koval:** Yea , we are not causing a hardship for you because you haven't purchased it yet

**Brady Patenaude:** Right

**Tom Koval:** And if you didn't like our conditions there is a lot of other land out there.

**Brady Patenaude:** Right

**Don Roberts:** Very good , thank you for speaking out I appreciate it. Okay now anyone else out in the room like to speak? Yes sir come on up please.

**Bill Herman:** Bill Herman , 15 Clemens Drive and I wasn't going to talk tonight but a few things were said that made me want to speak. First I moved up here about 2 and a half years ago Im in the Marini subdivision but I spent several years on the IDA in Colonie , the Zoning Board in Colonie the Conservation Advisory Council in Colonie , and 18 years on the Planning Board and I think what you are doing here and your comments are great and its important and again from my experience from those years in Colonie, there is reason I moved up here and one thing is the Town is beautiful and my location is beautiful but the emphasis on the conservation districts and focusing on keeping those open spaces are critical and it's a tough battle every week Im sure every meeting you have , I had it too believe me, Colonie didn't become the way it was overnight and Halfmoon hasn't become the way it is overnight so all I say is keep at it it's going to be a battle and it's going to be a balance every step of the way but you guys have done a great job so far , so as far as Im concerned I think the project makes sense given the conditions and the restrictions make sense and it's a compromise and you gotta move forward and deal with case by case but the conservation approach is great because the future generations once its built its gone , once its developed the land is gone forever, I mean it's very rare that anything ever gets put back into a pre-existing use so thank you.

**Don Roberts:** Very well put, thank you sir , anyone else in the room like to speak, one more time anybody online wish to speak, Rich anyone there? (no ) Okay we will close the public hearing, comments by the Board members?

**John Higgins:** Don I would like to hear Lyn's interpretation of Toms question earlier of whether or not it can stay the way it is with and then just give them a clarification that the existing barn and the existing paddocks can remain but that the whole area is still is classified as Land Preservation.

**Lyn Murphy:** You can still do that you can put down an equestrian use or just say whatever is there is there , its proof allows him to fix his title and proceed and what is already there stays there and nothing else further. Again as I tell you all of the time 5 years from now a different Board hearing this matter , you cannot control their behavior, it's impossible.

**Tom Koval:** Even if we denied all of this tonight we can't stop a Board 5 years from reversing our denial or changing the land preservation from 20 years ago or 10 years ago correct?

**Lyn Murphy:** Almost 20

**Marcel Nadeau:** So that being said why doesn't the Town have land preservation areas?

**Lyn Murphy:** **not legible?** they interpreted equestrian as being agricultural and therefor exempt. I don't agree with that interpretation but it's my understanding that's how we got here today.

**Tom Koval:** So we are not going to have this situation happen again in the future?

**Lyn Murphy:** People make mistakes Tom, Im never going to promise you that , but it shouldn't have happened.

**Tom Koval:** We certainly have made some mistakes

**Richard Harris:** I just want to clarify if you are going down that road John , and Tom with conditions clarify what he can do with residential structures being allowed or not he mentioned a shed I believe it was personal use I would ask for future enforcement or clarification that you clarify here

**Tom Koval:** I'll be very clear

**Richard Harris:** Okay

**Don Roberts:** Marcel you've got something to say?

**Marcel Nadeau:** I don't think we should change what we've approved in 2005 its contradictory to what we did , you know as well as I do when we look at this project all this information took us a long time to do and that's what we ended up with.

**Tom Koval:** Marcel what Im thinking, this is what Im going to propose and it just gives everyone something to think about. Im leaning towards approving the , to leave the pre-existing, not pre-existing , the barn that was built , the equestrian use barn that was built as equestrian use on land preservation area keep the existing home site , the same size it is, no future development , no future building of any residential structures on the property no more building of any more equestrian structures on the property. So we are maintaining the land preservation with no future expansion.

**Don Roberts:** So are you saying you want to approve the moving of the line or no?

**Tom Koval:** No, I don't want to move the line at all

**Don Roberts:** That's what Im trying to clarify here.

**Lyn Murphy:** Keep it land preservation with the understanding that those buildings ??????

**Tom Koval:** That's exactly what Im saying , I don't want to move that land. I want the entire parcel to stay land preservation with us approving the use of the existing structure that's been there since we'll say 2005 with no future expansion of any residential properties on it and the existing sectioned off residential structure remain the exact same size.

**Don Roberts:** So in effect we are not approving the application as

**Richard Harris:** So you are not approving his request?

**Tom Koval:** No, Im not

**Richard Harris:** Okay , alright

**Tom Koval:** I am denying his request to move the land preservation area but Im making a motion not to

**Don Roberts:** We can't do that can we Lyn?

**Mike Ziobrowski:** We have to make the adjustments of the building down in front.

**Rich Berkowitz:** We have to vote on what he proposed

**Lyn Murphy:** Vote on what he proposed , what he might want to modify his proposal to be it to get approval for what is already there so that his title will go through.

**Tom Koval:** Okay, so we could table this for tonight and ask them if they would like to modify their application?

**Don Roberts:** Or else we can take a vote on the application as presented, we haven't done that yet

**Tom Koval:** We could deny it tonight or we could ask him to modify it

**Don Roberts:** Or we could approve it tonight, or it could be approved , depends on how the vote goes

**Brady Patenaude:** Are you also saying Tom that there will be a restriction of 21 horses because that is the number of stalls in the barn?

**Tom Koval:** We could certainly put a 21 horse restriction on it , I don't know what agricultural laws are what they are required to have for structures for the horses.

**Brady Patenaude:** I have no idea either.

**Richard Harris:** Our zoning doesn't have a limit on horses just so you know , I've gotten that question in the past our zoning doesn't say you know 10 or less or a number so

**Tom Koval:** Right I mean any good equestrian person wouldn't make the horses sleep out on the ground

**Rich Berkowitz:** Are there legal requirements for how many horses can be stalled in a barn based on the size of the barn and how many stalls according to , is there any agricultural legality to it?

**Lyn Murphy:** I would have to look , but typically if its deemed agricultural we don't have authority that was what was really weird about this because they issued a building permit while saying its agricultural therefore we don't have authority so.

**Tom Koval:** With no expansion to the existing paddocks, how many horses are you going to put in that thing ?

**Rich Berkowitz:** He said 21

**Tom Koval:** Right but Im saying we don't have to worry about 300 horses being there if we don't allow any expansion of the existing paddocks.

**Rich Berkowitz:** Well we are not allowing that anyway, but he is not proposing that , all that he is proposing is changing the yellow line to the blue line with no change of use the whole piece of property, and I know what you're trying to do and I agree with no further expansion of this.

**Tom Koval:** I don't want the neighbors , I don't want everybody else in town coming back to us and saying you did this, you let them expand into this

**Rich Berkowitz:** I understand that but to get clear title to this does he need that line moved?

**Don Roberts:** Now don't forget unless , unless the gentleman agrees to modify the application we have to vote on what's before us, that's the thing, Im sorry go ahead Duane

**Duane Rabideau:** Okay we will agree to modify the proposal as long as the structure and the improvements that includes the paddock areas can stay and that clears the title, that there isn't a restriction that could be based on the fact that the LPA area says that they are not supposed to be there , they are there but the Board basically says they can't stay.

**Don Roberts:** So you are willing to let the LPA line stay where it is, but allow the structures to stay as they are, is that what you are saying?

**Duane Rabideau:** As long as we , basically it's the same thing we're asking except a modified version of it.

**Don Roberts:** Without moving the line?

**Duane Rabideau:** That's correct

**Tom Koval:** That's all im asking for.

**Rich Berkowitz:** Duane if he wants to put a shed in he has to do it within that yellow line there.

**Richard Harris:** Your basically asking to do away with the LPA restriction that is on the approved subdivision plans for this parcel.

**Duane Rabideau:** No, no that stays so basically we'll abide by it except what's there now can stay and not be in violation of the LPA area and any expansion would be within that 200 x200 box.

**Mike Ziobrowski:** It just remains as is, and it becomes his property , he can use his property

**Tom Koval:** He keeps his barn and paddocks and everybody walks away happy.

**Mike Ziobrowski:** It's a win , win .

**John Higgins:** With a maximum of 21 horses on the site.

**Duane Rabideau:** Yes, okay yes

**Don Roberts:** You can , you can

**Lyn Murphy:** Yea I just didn't know if there was a general agricultural law

**Don Roberts:** So just to be clear Duane your client agrees to all of these stipulations?

**Duane Rabideau:** That's correct.

**Don Roberts:** We'll have to stall him out again for , right

**Duane Rabideau:** That's correct 21 ,there is 21 stalls , 21 horses we can't expand , any expansion can only happen within that 200 x 200 box that is already allowed.

**Don Roberts:** We are okay then? Okay we will need a motion to that effect, go ahead Rich

**Rich Berkowitz:** Me and Marcel were just discussing why can't we move the land preservation area just to include that paddock, just extend that line out to the paddock?

**Tom Koval:** Because we are setting ourselves up for

**Don Robert:** If they are willing to let it stay how it is we are better off that way

**Rich Berkowitz:** Okay

**Tom Koval:** Okay so I am going to give this a go,

**Don Roberts:** Go ahead.

**Tom Koval:** I make a motion to deny the moving of the land

**Don Roberts:** No, no, no we're modifying the app , its being modified

**Tom Koval:** To modify , no I can't make a motion to modify the app

**Don Roberts:** Well he is agreeing to it, has agreeing to it

**Tom Koval:** I make a motion to modify the application to include , to leave the existing barn as part of the property, to not increase the building envelope into the land preservation area and to allow a maximum of 21 horses with the existing paddocks.

**Lyn Murphy:** So it's a motion to approve his modification which you just restated on the record?

**Tom Koval:** That's correct.

**Mike Ziobrowski:** Ill second

**Don Roberts:** With no further buildings right ?

**Duane Rabideau:** That is correct

**Don Roberts:** Tom with no further buildings ?

**Duane Rabideau:** In the LPA area

**Don Roberts:** In the LPA area

**Tom Koval:** Correct, my motion included no further construction in the LPA what so ever.

**Don Robert:** So we have a motion do we have a second?

**Mike Ziobrowski:** Ill second

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

*37 Staniak Road – Amendment to Final Subdivision Plan/Site Plan*

*APPROVED. Board approved the revised application to allow the existing structures and use within the land preservation area, with conditions related restricting potential future expansion.*

**21.030                      Ballard & Halliday Lot Line Adjustment, 145 & 149 Vosburgh Road – Minor Subdivision**

**Don Roberts:** Late this afternoon that application was withdrawn but if anyone is in the room or online and would like to speak , you went through the effort of being here or being online , we will let you speak however there is no application anymore, that being said would anyone here like to speak? Anyone online like to speak? Rich?

**Richard Harris:** No

*Ballard & Halliday Lot Line Adjustment– Minor Subdivision*

*REMOVED/WITHDRAWN. This application was withdrawn by the applicant prior to the meeting.*

**Old Business:**

**21.018                      Rexford Way Site Plan, 5 Rexford Way – Site Plan**

**Joe Dannible:** Good evening, Joe Dannible Environmental Design Partnership , here on behalf of Kings crossing and their application to construct a gravel parking area on lands located at 5 Rexford Way. This application was presented to the Board several months ago at which time we did have a building proposed here , we have a building proposed here, we have changed and modified that application to only include a gravel parking area large enough to accommodate 10 trailers , the land is to be leased to Kenworth Trucking who operates a trucking repair facility on Rexford Way. There is no lighting , we have all of the appropriate



permits in place for the wetland disturbance, we have received a letter by MJ Engineering , we have modified the plans in response to that letter to provide storm water management , erosion control verified that there is no lighting proposed on the site and provided the appropriate documentation that we have wetland permits. So with that we are here tonight looking for a final site plan approval, thank you.

**Don Roberts:** Thank you Joe, comments by the Board?

**Tom Koval:** Don Im fine with this, as I mentioned in the pre-meeting I actually had a comment from someone else about the sign out in front.

**Don Roberts:** Okay , go ahead

**Tom Koval:** The flashing sign out in front of Bast Hatfield. We've been such sticklers about signs in the Town, size and lighted up and everything and the construction sign in front of Bast Hatfield which I have no problem with , it always has a nice holiday message and be safe and whatever , however it does go against our Town sign ordinance. We have another applicant here tonight in front of us which we've been strict with about size of signs, to amount of signs and everything else that I don't think it's appropriate that this sign be kept there any longer its way past the Merry Christmas season and the temporary use so I would suggest that

**Don Roberts:** Can you bring that back to the

**Joe Dannible:** I can certainly relay that , it has nothing to do with this application but

**Tom Koval:** I understand and I hate to seem so petty but we really , really have been cracking down on people in Town for having signs that weren't approved and everything else and like I said we have someone here tonight that's in front of us that was denied additional signage yet nothing is being done about that so for the sake of conformity and being fair to everyone , it needs to be taken down.

**Don Roberts:** Tom you got something to say?

**Tom Pratico:** We will take it down.

**Don Roberts:** Thank you very much, thank you. Joel have your comments all been addressed?

**Joel Bianchini:** Yes , he submitted last Wednesday , everything has been addressed.

**Don Roberts:** Your satisfied?

**Joel Bianchini:** Yes

**Don Roberts:** Thank you, John.

**John Higgins:** Is it going to be fenced at all the area?

**Joe Dannible:** No fencing proposed

**John Higgins:** So you are not concerned about security or anything like that?

**Joe Dannible:** No

**John Higgins:** Okay

**Tom Koval:** That's an area that is not too easy to get to

**Joe Dannible:** You can pretty much only get to it from this area or traversing ravines and streams.

**John Higgins:** Okay thank you.

**Rich Berkowitz:** I make a motion to approve the site Plan

**Tom Koval:** Ill second

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

**Joe Dannible:** Thank you

*Rexford Way Site Plan – Site Plan*

*APPROVED. Board approved the proposed parking lot expansion at 5 Rexford Way.*

**19.145                      Brookwood Road Subdivision, Phase II- Brookwood Road**

**Don Roberts:** Lyn your off this one right ?

**Lyn Murphy:** Yes

**Don Roberts:** Okay Kathy is on.

*Lyn Murphy recused herself*

**Don Roberts:** You again Joe?

**Joe Dannible:** Joe Dannible with The Environmental Design Partnership here on behalf of CGM Construction , and their application for a 17 lot residential community known as Brookwood Subdivision Phase II. The application sits off of Brookwood Drive we are proposing tow cull de sacs on the 38 acre parcel. Those 2 cull de sacs for future public roads will give access to the 17 lots , 14 of which have direct access to the public road. 13 fronting on the public road , 4 of them are flag lots where they will be shared driveways and utility easements for those lots. The lots will be serviced by public water supply and individual septic systems are being proposed. We are here tonight looking to set a public hearing for the following meeting at which time we can address any additional concerns that the public may have and certainly any comments that the Board has tonight we will be looking to include and be able to respond to at that time, thank you.

**Don Roberts:** Thank you Joe, I would recommend to the Board that if we have a public hearing we should have expanded notice, go ahead comments.

**Tom Koval:** When is our next , how does our schedule look for the 12<sup>th</sup> ?

**Richard Harris:** For the 12<sup>th</sup> we have one already scheduled for the PDD amendment for The Forest Lane Apartments, I would suggest if we were doing expanded notice I would prefer if we do it a month out .

**Don Roberts:** The 26<sup>th</sup>? April 26<sup>th</sup>.

**Mike Ziobrowski:** Has fire seen this too?

**Paul Marlow:** We have had a few emails back and forth with EDP and the fire department and just ???

**Don Roberts:** Go ahead Marcel

**Marcel Nadeau:** Phase 1 has been built out?

**Joe Dannible:** I refer to Chris Marchione

**Richard Harris:** Did you do all seven lots?

**Chris Marchione:** No

**Marcel Nadeau:** How many are done?

**Chris Marchione:** 2 lots???

**Don Roberts:** Go ahead Tom

**Tom Koval:** I make a motion to set a public hearing for April 26<sup>th</sup>

**Mike Ziobrowski:** I second.

**Don Roberts:** With expanded notice, right , okay I have a motion and a second, all in favor aye? (All were in favor) Opposed? (None were opposed) Motion carried, see you the 26<sup>th</sup>.

***Brookwood Road Subdivision, Phase II***

***PUBLIC HEARING SET. Board set a Public Hearing for April 26, 2021 for a proposed 17-lot Major Subdivision.***

**New Business:**

**21.048                    GT Toyz, LLC, 1537 Route 9 – Sign**

**Ron Lavesque:** Good evening everyone, I'm Ron Lavesque with The Sign Studio here representing GT Toyz at 1537 Route 9. So, we've been in front of the Board before with a proposal for additional signs, so, we were denied by this Board and went to Zoning Board for additional signs and were denied there also.

**Don Roberts:** Which was consistent, right?

**Ron Levesque:** So, it's consistent, so. Just to move things along tonight so that you can other things on your agenda, we're not here all night. Basically, our application tonight is for a replacement of a sign panel. So we're not asking for a new sign, we're not asking for additional square footage, we're asking to take an existing sign on the wall, Avalon, and remove that panel and slide a new panel in Kawasaki and again maintaining the number signs and the square footage as well.

**Don Roberts:** This meets the Town requirements, so.

**Ron Lavesque:** Yes it does.

**Rich Berkowicz:** I make a motion to approve.

**Don Roberts:** Can I have a second.

**Tom Koval:** Ill second

**Don Roberts:** All in favor aye? (All were in favor) Opposed? (None were opposed) Motion carried.  
see how easy that was.

*GT Toyz, LLC- Sign*

*APPROVED. Board approved the panel swap at the existing GT Toyz facility at 1537 Route 9.*

**21.047                    Soft-Tex International, 430 Hudson River Road – Change of Use/Tenant**

**John Champino:** Im John Champino Im the representative of the owner of 430 Hudson River road, our past tenant Birch Bottle Distributors has moved out of the building , we are proposing a change of tenant with Soft-Tex International, who is in 428 , wants to expand , the same use, distribution, warehouse that's it.

**Don Roberts:** Comments by the Board?

**Mike Ziobrowski:** As far as the ?????

**John Champino:** Yea pretty close I mean what we are proposing I think Tom from Soft Tex told me that 10 office , 10 warehouse so we have about 20 employees there we have the parking spaces for them.

**Tom Koval:** I make a motion to approve the change of use

**Rich Berkowitz:** Ill second

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

**John Champino:** Thank you

**Don Roberts:** Your welcome

*Soft-Tex International- Change of Use/Tenant  
APPROVED. Board approved the request to expand their operations into 430 Hudson River Road.*

**21.043                    T-Mobile Upgrade, 860 Hudson River Rd – Telecommunications Co-Location (Upgrade)**

**Rich Harris:** They're on-line.

**Don Roberts:** If you're on-line, ya there please? Name and what you wish to do.

**Kri Pelletier:** Hi, this is Kri Pelletier, I'm representing SBA Communications. Can you hear me ok?

**Don Roberts:** Yes.

**Kay Pelletier:** Ok. Would you like me to share a screen or would that not be beneficial?

**Rich Harris:** I've got, this is Rich. You and I were communicating by email. I've got some of what you submitted up here

**Kay Pelletier:** Hi Rich.

**Kay Pelletier:** That's fantastic. That's what I was gonna bring up.

**Rich Harris:** Ok. Good.

**Kay Pelletier:** Perfect. Thank you.

**Rich Harris:** Sure.

**Kay Pelletier:** Basically, we're just proposing a very minor upgrade for the antennas that the existing SBA cell site at 860 Hudson River Road. The tower already exists, It's a monopole at the 140' rad, which is the antenna height. We currently have three antennas. You can see those in the top if you scroll backwards to the, there ya go, the top left side of the page, you'll see the, the existing platform and there are three antennas there now. We also have nine remote radio heads which are also referred to as RRU's. Those basically speak to the equipment down

below. The proposed configuration would be to remove the three antennas that are there now to replace those with three newer antennas and then to install six additional antennas to this side of the antennas that are already there now. So basically, you'd be going from three antennas to nine antennas. The nine remote radio heads would be removed and would be replaced with six. So we'd actually be losing three remote radio heads. Those are always placed in our current configurations behind the antennas. So those are not visible. The, we went back through the original zoning approval and this does conform to all of the original stipulations. We also do conform to Section 60409 of the middle class relief act which allows for modifications to a tower as long as it's not deemed a substantial upgrade. There are six criteria for that. The first being that we do not increase the height of the tower by 20' or 10%. We're not increasing at all in this case. That we don't protrude from the edge of the tower by 20' or more and in this case, we're not protruding in any additional fashion. The modifications do not involve the installation of more than the standard number of equipment cabinets for the technology involved. Not to exceed four. We have two equipment cabinets currently. Thank you. We have two equipment cabinets currently on the ground that you can see on the left-hand side of that screenshot. Rich brought up. Those two cabinets will be replaced with two new cabinets. No change to the compound size or area and I should've mentioned on the previous screen, there's no change to the tower height. The fourth criteria is that the transmission equipment does not entail any excavation for deployment outside the tower site. We are in compliance there as well. Sixth is that modifications comply with prior conditions of approval unless compliance is due to the height width or cabinets mentioned before and that does not apply because we're not making any of those changes. So, basically, there are four carriers now. Sprint Nextel, Verizon, AT&T and then actually Sprint Nextel is also in an 89' rad below AT&T. So, actually three carriers for rad heights. Spring and T-Mobile have recently merged. I'm sure you are all well aware of that. It took a while. They merged last April and so the new entity is Sprint T-Mobile or T-Mobile Sprint and T-Mobile would be proposing the upgrades at the Sprint 140' height because that's now a singular entity.

**Don Roberts:** That's it?

**Kay Pelletier:** That's about it.

**Don Roberts:** Okay thank you, now, I know you said this twice already but just for the records I'm gonna reiterate here. The height of the tower is not going to increase, correct?

**Kay Pelletier:** Not at all, yes.

**Don Roberts:** Thank you very much, comments by the Board?

**Mike Ziobrowski:** I'd like to make a motion...

**Don Roberts:** Ah, we need SEQR first if making a motion.

**Mike Ziobrowski:** I'd like to make a motion for a negative declaration to SEQR

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

**Mike Ziobrowski:** I'd like to make a motion to approve the upgrades.

**Marcel Nadeau:** I'll second that.

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

**Kay Pelletier:** Fantastic. Thank you all.

**Don Roberts:** You're welcome.

***T-Mobile Upgrade – Telecommunications Co-Location (Upgrade)***  
***APPROVED. Board approved new antenna equipment and associated ground structures on the existing tower.***

**21.050                    Arise Fitness, 1707 Route 9, Suite 200A (Shops of Halfmoon – Change of Use/Tenant**

**Tamara Sullivan:** Hi, Tamara Sullivan for Bruce Tanski Construction and I'm here tonight for a new tenant at the Shops of Halfmoon, Arise Fitness. They are looking utilize 2,374 sq. ft. of space at the shops. They offer athletic conditioning classes. Their hours are Monday through Friday, 5:00 am-10:00 am and then they pick up their classes again from 3:00 pm to 7:00 pm and then Saturday just morning classes from 5:00 am to 10:00 am. Two full-time employees. They're expecting the peak hours to be between 5 and 10 in the morning and then again in the afternoon, evening from 4:00 to 6:00, Monday through Friday. Their classes typically have between 15 and 20 people. There's no treadmills or large equipment of that nature. It's all free weights, weight benches, pull-up bars, things like that. They are going to have a sign. They're not ready to put it up, when they are ready, they will come before you to present that themselves.

**Don Roberts:** Ok. Thank you Tamara, comments by the Board?

**Mike Ziobrowski:** So, where exactly is the fitness center gonna be, I'm sorry to ask this question.

**Tamara Sullivan:** It going to be, it's next to Subway.

**Mike Ziobrowski:** Ok, next to the Subway. Ok, alright.

**Tamara Sullivan:** Yeah. Yup.

**Richard Harris:** To the right

**Rich Berkowitz:** I'll make a motion to approve the Change of tenant

**Marcel Nadeau:** Ill second

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

**Tamara Roberts:** Thank you.

**Don Roberts:** All set. Thank you.

*Arise Fitness (Shops of Halfmoon) – Change of Use/Tenant  
APPROVED. Board approved the use of vacant space at 1707 Route 9 to for an athletic training facility.*

**21.045/ 21.046**

**LS Power Grid, 13 Corporate Drive – Change of Use/Tenant & Site Plan**

**Eric Schroder:** Good evening, I'm Eric Schroder representing LS Power Grid New York and we, we're the new tenants of 13 Corporate Drive. There's a little background. We're an electric, high voltage transmission utility and we were selected to build new facilities in the Upstate New York region. So we had to select properties to build a standalone control center and these control centers will be 24x7x 365 manned facilities, secure facilities. 13 Corporate Drive will be our primary facility, I mean we've selected another facility as a backup in Colonie. So, our intended use for this is to remodel the interior to make it into a control room, auditorium type building with some offices and other rooms, server rooms and other specialized rooms for some of our field operations personnel and also have a warehouse there. It was mentioned, I know that we're putting a fence, and I think you have the drawing up with the red dash line indicating the boundary of that fence. We assume negotiations, I have a meeting tomorrow with the property owner to discuss exactly where that fence is gonna be located, but that's a general representation of where we believe the fence would exist. And this will be an ornamental, anti-climb style fence. It's gonna be a steel fence, but it can be painted to match the colors of the building if we wish. So, we're gonna work that out with the owner to make something that will have a nice aesthetic appeal to it. So, that's what that line represents, is gonna be that security fence. So, if you have other questions, I'd

**Don Roberts:** Now, there will be no outside storage correct?

**Eric Schroder:** No sir. No outside storage. The only thing, the only thing that we're doing on the outside, there's a, on that drawing there on the south side the building. I think you see some dashed areas. There was about five loading docks along that wall and they had some mechanical equipment out there, a generator, air handler units and those sorts of things. We'll be upgrading all that equipment. We'll be putting a new generator in, new air handling equipment for the facilities. So we'll just be reusing that space, but will not be storing anything outside.

**Don Roberts:** Ok. Thank you. Comments by the Board?

**Rich Berkowicz:** How do your employees access the building? Is the gate manned or is it a swipe card or....

**Eric Schroder:** It'll be a swipe card, an unmanned gate.

**Rich Berkowicz:** How bout, does the Fire Department have a copy of that?

**Eric Schroder:** Yes. We'll have, we'll have an all access Knox box where we'll give the Fire Department First Responders a, they'll have their own key to that box. We'll also issue them a code to our gate so that they'll have 24 hour access to the facility.

**Rich Berkowicz:** And how do they get to the front part of the building? I see three gates, yeah, is it three gates or two?



**Eric Schroder:** I think there's two today, essentially on the northwest side of the building there. There's an open drive and that is possibly shown as a gate, yeah, if you go straight north of there. Yeah, that's a gate as well, right. So when we, yeah, right. Yeah, we talked, we had our design integrator do a walk down of the property and they suggested, they suggested that maybe we put two gates in. One being an out and an in and so that's kind of what we're thinking when we do it this time.

**Rich Berkowicz:** Does the Fire Department need one on the far right side to get to the front of the building or....

**Eric Schroder:** That's

**Rich Berkowicz:** My only question's fire access.

**Eric Schroder:** Right. Exactly. Yeah, understood, we talked to our design integrator and they will set up a meeting with the Fire Department to ask that very question to make sure that we give them the access they need. I think what we're planning with that, with that gate on the south side will be sufficient because they'll have drive-up access. That's where, that's where the fire panel will be, on the front of the building, so, it makes sense.

**Rich Harris:** Eric, can I suggest that you include the Building and Planning Department in that our Fire Inspector handles that, and will ask those exact questions when you need, what we call, a tenant fit-up for when you need your CO. I would include him as part of that. You could just reach out to Paul and we'll make sure he's got your info so you don't have to do it twice. Ok?

**Eric Schroder:** Ok. Great.

**Richard Harris :** Just coordinate with Paul

**Eric Schroder :** Yes, sir.

**Mike Ziobrowski:** It's pretty clear, the intentions were to come in from this north side, here,

**Eric Schroder:** Right.

**Mike Ziobrowski:** Exit to the south. You can't turn a fire ???

**John Higgins :** This is similar to the ISO facilities.

**Eric Schroder:** It would be, sir, yes. Very similar.

**John Higgins:** Okay, now, those are ultra-secure, those facilities. You're not gonna have barbwire or razor wire on top of the fence?

**Eric Schroder:** No. There's

**John Higgins:** Because they do, that's why I'm asking.

**Eric Schroder:** Right, we've done a preliminary security assessment of these facilities and they'll be much like the other control buildings we have elsewhere in the country. No razor wire.

**John Higgins:** And no barbwire?

**Eric Schroder:** No barbwire.

**John Higgins:** Ok.

**Eric Schroder:** That's right.

**John Higgins:** And, as far as security, I know those are ultra, ultra -secure facilities. Obviously, ya know, ya always have to be concerned about people trying to get in and jeopardize the integrity of the grid.

**Eric Schroder:** Yes, sir.

**Tom Koval:** Now, you mentioned you're doing a generator upgrade, a changeover. Do you know the size of the generator, because we just recently changed some codes here in town about generators.

**Eric Schroder:** Have you?

**Tom Koval:** That would have to be approved.

**Eric Schroder:** We expect that it would be, go through the approval process. There's actually two generators on that side, today. One size-wise, I can't tell you exactly, one, it looks like maybe a 30 or 40 kw unit, the other ones probably bigger probably something like 100, 120.

**Tom Koval:** You're probably going to a much cleaner.....

**Eric Schroder:** We're going to a cleaner, modern, yeah the owner asked us if we wanted to repurpose those and use them, we said no, we want to go with new unit.

**Tom Koval:** Sure.

**Eric Schroder:** So, we're gonna go with a new unit.

**Tom Koval:** The policy's changed a little bit since they were put in.

**Mike Ziobrowski:** So that makes you a tier 2 facility?

**Eric Schroder:** A tier 2, a tier 2 redundant, yes. Very close. We'll have, it's not gonna be, we're not gonna have dual utility feeds. We'll have one fee from National Grid. The backup with our generator and then we have the ability in case we lost a generator and we needed to bring a temporary unit in, we'll have a manual transfer.

**Tom Koval:** You'll have NYSEG Electric up a couple hundred yards down the road so you could do dual feeds.

**Eric Schroder:** Exactly. But that was one of the reasons we looked at this facility was the ability to do that in the future.

**Tom Koval:** Right. So just, ok, so you're aware that we do have requirements for generators.

**Eric Schroder:** Yes sir. Yes sir. And we're working with, we have a design integrator who's a licensed architect and licensed engineering firm here in the State of New York. And we also have a local architect that's working with us to help the permitting process, so, you'll be hearing more from them as time goes on.

**Don Roberts:** Anyone else?

**Tom Koval:** So, I think if, to make a motion to approve the change of tenant on this, we'd also have to have the conditions of fire and further review of the Building Department with the generator. I'm not sure whatever happened with the new, the new generator code, so.

**Don Roberts:** That would become a part of the CO right Rich, I mean?

**Rich Harris:** Well, yeah, I was just going to bring that up it would be more efficient and includes Code Enforcement with a tenant set up so.

**Don Roberts:** But they'll take care of that as they get

**Rich Harris:** Yeah, that it meets the code, yeah.

**Don Roberts:** Yeah. Yeah, so we should be all set with that.

**Mike Ziobrowski:** He does have access for the fire trucks coming in and out based off this plan.

**Tom Koval:** Right. It's standard policy for us to, ya know, make a motion with the condition, approval of the Fire Department.

**Tom Koval:** I make a motion to approve the change of tenant with the condition that the Fire Department and Building Department will approve of all the changes made.

**Mike Ziobrowski:** I'll second.

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

**Eric Schroder:** All right.

**Don Roberts:** Good luck.

**Eric Schroder:** Thank you.

***LS Power Grid – Change of Use/Tenant & Site Plan***

***APPROVED. Board approved the use of 13 Corporate Drive for an office and operations center and the installation of a new fence conditioned on Building Department and Fire Department review.***

**21.050                      Lands of Fountain, 19 Chateau Drive – Amendment to Final Subdivision/Site Plan**

**Duane Rabideau:** Ok, Duane Rabideau from Van Guilder and Associates here representing Brian Fountain before the Board for land preservation area amendment for 19 Chateau Drive. The existing LPA area basically is 1.42 acres. It includes all of this area right here and it goes behind all those lots, 21 through 29 Chateau Drive. The proposal is to remove 0. a little over a tenth of an acre of land directly behind the house at 19 Chateau out of the LPA area. Basically, we want to remove this area right here out of the LPA area. This is the blowup of it. The line that we're proposing is just outside the 50' adjacent area to the NYDEC wetlands so there's no impact to wetlands or the adjacent area. The existing shed that is on the, which is over the property line at this point in time, would be relocated to this portion here if the, that area's taken out of the LPA area and that is our proposal before the Board.

**Don Roberts:** Okay so, the shed will be moved.

**Duane Rabideau:** Correct.

**??:** Did he get a building permit too?

**Duane Rabideau:** That too, we want everything here to be legal

**Don Roberts:** And you will want a Bond, right Rich, Rich?

**Rich Harris:** Yeah, I think that to help ensure this gets done, this has been going on since July, I think the Board should request that Bond.

**Don Roberts:** Right.

**Rich Harris:** And a proposed consultation with the Town Engineer to ensure the work gets done because it's not, one thing that has not been discussed is, it's pretty clear from our site visit that there was either fill or grading done on the town property next to it to allow them to have access to the back of the lot where the shed is which is partially over a storm water sewer structure and we do want to get that restored to what it was before which was not gravel and dirt over the culvert pipe and we don't know what might have happened to the culvert pipe. We saw tires back and forth to that property. A boat trailer at the time and I had concern that there may have been

**Duane Rabideau:** I know that was one of your major concerns. I went there tonight before the meeting and looked at the to the retention basin. That rip-rap.

**Richard Harris:** Yup.

**Duane Rabideau:** Basically, what they did, the rip-rap is fairly large stones and they probably put maybe 4 or 5" of sand over the top of it. The problem I see

**Richard Harris:** They drove over it.

**Duane Rabideau:** Then they drove over it. They didn't really damage it, it's just, it filled it, but the issue that I see is that the, that catch basin cover. That would act that their water filled up the retention basin that would flow into that before it went over the spillway, that, that right now is a foot higher than it was supposed to be so it's non-functional. That's the major problem I see there because no matter what, the rip-rap that's there, which he didn't, because those big rip-rap so he didn't really do anything to it. It's not designed the way it should be designed as an as built.

**Tom Werner:** Actually, I'd like to take a look at this before I say anything.

**Rich Harris:** Ok.

**Don Roberts:** Tom. Someone else want to go?

**Mike Ziobrowski:** They assess the Bond for the repairs.

**Rich Harris:** So would the Town Engineer, take a visit to see what, I don't know how to cost factor removal of dirt.

**Lyn Murphy:** Frankly, it's better to do that first so that resolution is clear as to what he's required to do.

**Rich Harris:** The dollar amount.

**Lyn Murphy:** The dollar amount and whatever else you see comes up.

**Don Roberts:** Ok. Tom wants to go. Who else wants to go? Anybody else want to go.

**Marcel Nadeau:** How does this differ from the first LPA we just did?

**Tom Koval:** If it's not, I'm not approving anything.

**Marcel Nadeau:** Right. Ok.

**Tom Koval:** I wanna see exactly how far they push the envelope on this.

**Don Roberts:** John, do you want to go with them?

**John Higgins:** I'll go with them.

**Don Roberts:** Alright.

**Duane Rabideau:** Can I go along too.

**Don Roberts:** Well, yeah, well we should set it up

**Rich Harris:** We would invite the applicant

**Paul Marlow:** They have to move the shed.

**Don Roberts:** They have to, have to. Yeah. Okay, so they'll set up a meeting. Rich, you'll set up a meeting

**Rich Harris:** Who wants to be on it? Tom...

**Don Roberts:** Tom and John Higgins.

**Rich Harris:** I didn't hear.

**Don Roberts:** John Higgins.

**Rich Harris:** Just the two, ok.

**Don Roberts:** Ok. Unless anyone else wants to go.

**Rich Berkowicz:** I just have a question ????

**Rich Harris:** It looks like it sometimes.

**Lyn Murphy:** ???

**Rich Berkowitz:** Yeah, I remember this from the early 2000's, yeah. This was not an easy process.

**Rich Harris:** I do know the first one I seen you guys do was on Barn Owl about 4 or 5 years ago. The homeowner's house, the way the lot is shaped, basically, had a very hard time putting a deck on the back of his house. When you approved moving a land preservation, but there's a wetlands area and, which is circular, right? Most wetlands of water areas are circular, so the surveyor, I asked, I said why did he draw the lines that way? He said some spots the buffers are 1' from the wetlands line and the other spots it's 5 and 10'. He said because in order to do, the more curves you have of something, the more points you have to do on a survey, so, you'd have like an infinite number of points and make it curved so they cut corners

**Rich Berkowicz:** It just sets up problems later on.

**Rich Harris:** Yeah, so instead of 100 survey points, they did 50

**Tom Koval:** And you'd think for every one of those points we'd have a survey.

**Lyn Murphy:** And frankly, none of the residents know how we do surveys to know what they are not supposed to  
???

**Rich Berkowicz:??**

**Lyn Murphy:** It's in their deed but how they word it

**Rich Berkowicz:** ???

**Don Roberts:** Ok Duane, so, they'll set something up and they'll meet you out there.

**Duane Rabideau:** Ok.

**Don Roberts:** Ok. Thank you very much.

**Duane Rabideau:** Thanks.

*Lands of Fountain – Amendment to Final Subdivision/Site Plan*

*TABLED. Board tabled the application in order to conduct a site visit of the property.*

**Mike Ziobrowski:** I'd like to make a motion to adjourn.

**John Higgins:** Ill second

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