

3/25/19

**MINUTES MEETING
Town of Halfmoon Planning Board
March 25, 2019**

Those present at the March 25, 2019 Planning Board meeting were:

Planning Board Members:

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

Planning Board Alternates:

Coordinator- Building, Planning and Development:

Richard Harris

Senior Planner / Stormwater Management Technician:

Paul Marlow

Town Attorney:

Lyn Murphy

Deputy Town Attorney:

Cathy Drobny

Town Board Liaison:

John Wasielewski
Jeremy Connors

Town Engineer / CHA:

Joe Romano

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

Rich Berkowitz made a motion to approve the Minutes from March 11, Tom Koval Seconded. Motion Carried.

Public Hearings:

Don Roberts: The first item on the agenda tonight is a public hearing would anyone like the notice read? (No comments)

19.033 Synergy Park Drive, Route 9- Minor Subdivision (Lot Line Adjustment)

Duane Rabideau: Duane Rabideau from VanGuilder and Associated representing Kinns Road LLC before the Board tonight for a proposed lot line adjustment between Synergy Park Drive which is a private road, which is this road up through here, goes from Kinns road to Route 9 and lot 6 of the Synergy Park Technology Park, now lot 6 is this little area right here. The location of this proposed lot line adjustment is on the West side of route 9 across from the Stewarts which is just north of

3/25/19

Kinns road. Now the overall Synergy Technology Park phase I was approved in 2013, and the majority of that park is within the Town of Clifton Park, there is a small portion in the Town of Halfmoon. Now the proposal is to relocate Synergy Park Drive to intersect route 9 to the south right basically the lot # 6 the old lot #6 is this area right here with the Synergy Park Drive to here and then lot #6 will be totally on the north side of Synergy Park Drive. The applicant has the same application before the Town of Clifton Park Planning Department for signatures and review of the revised storm water management area and they are ready basically to sign off on the lot line adjustment as an administrative action they are basically just waiting for this Boards review of the project. The applicant has received the NYS DOT curb cut permit for the new location on Route 9, since most of the Synergy Technology Park is in the Town of Clifton Park, they have taken the lead on the site development within the project itself. Basically that is our proposal before the Board tonight.

Don Roberts: At this time we will open up the Public Hearing would anyone from the Public like to speak? (No comments) Seeing as no one wishes to speak we will close the Public Hearing, comments from the Board members? (No comments)

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

Marcel Nadeau: I second it.

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

Rich Berkowitz: I would like to make a motion to approve the minor subdivision and lot line adjustment.

Marcel Nadeau: I second.

Don Roberts: All in favor? (All were in favor) Opposed? (None were opposed) Motion Carried, you're all set.

Duane Rabideau: Thank you.

Synergy Park Drive – Minor Subdivision (Lot Line Adjustment)

APPROVED. *The Board held a Public Hearing and subsequently granted subdivision approval on the proposed lot-line adjustment for the Synergy Park development project.*

19.031 Milczarek Subdivision, 12 English Rd – Minor Subdivision

Don Roberts: Would anyone like the notice read? (No comments) Go ahead Sir.

John Lyon: Good afternoon, John Lyon with EDP representing Mr. John Milczarek, we are proposing a minor subdivision on the property located at the corner of Ushers and English that corner is in the south east corner of the property, this parcel spans both the Town of Clifton Park and the Town of Halfmoon. Our subdivision is only incumbent of the Town of Halfmoon, it's a 61,212 new parcel that is being created, and it's all residential its existing structures, one wood framed house and then two outparcels, two barns that is the minor subdivision. The other two parcels, the other parcel is undisturbed at this point, no plan for a development at this time.

Don Roberts: Thank you, at this time we will open the public hearing would anyone from the public wish to speak? (No comments) seeing no one wishes to speak we will close the public hearing, Rich the County Planning Board has gotten back to us right?

Richard Harris: Yes, no Issues

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

Mike Ziobrowski: I would like to make a negative declaration to SEQR

3/25/19

Marcel Nadeau: Ill second

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

Mike Ziobrowski: I would like to make a motion for the Approval of the Subdivision and the lot line adjustment

Tom Koval: I will second that.

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

Milczarek Subdivision, 12 English Rd. – Minor Subdivision (19.031)

APPROVED. The Board held a Public Hearing and subsequently granted subdivision approval on the proposed two lot subdivision at 12 English Road.

10.030 Halfmoon Heights Community Center, Cemetery Road – Commercial Site Plan

Joe Dannible: Good evening Joe Dannible with the Environmental Design Partnership , here on behalf of Garden Homes and their application for a proposed community center pool /playground located within the Halfmoon Heights Mobile Home Park. The Park itself is roughly 126 acres what we are proposing as you look, it you are looking at about 24 parking spaces a 2500 sq. ft. community center, a pool, patio, landscaping and recreation. As Garden Homes has done throughout the past several years since they purchased the house they have continued to upgrade the park, come up with new amenities for the residents this is another new amenity for the residents. The site itself is not visible from any adjacent lots or from any public road but again coming here again for site plan approval for this minor site plan modification. Thank you.

Don Roberts: What kind of fencing are you proposing?

Joe Dannible: I haven't gotten to that much detail, it would be probably at a minimum a black coated vinyl chain link fence.

Don Roberts: Any questions by the Board?

Marcel Nadeau: Is this strictly for the use of the residents?

Joe Dannible: Yes, exclusive use of the park residents.

Rich Berkowitz: There is going to be lifeguards there full time?

Joe Dannible: this is Tom O'Brian I believe he , the pool itself is going to be of a small enough square footage that a specific life guard is not required under..

Rich Berkowitz: There is a lot of kids up there, there's young kids up there you might want to consider that

Don Roberts: please use the microphone it would be good, and state your name please.

Tom O'Brian: Tom O'Brian , middle man for Garden Homes, we would like to have life guards , we are trying to pursue that as a someone to maintain the pool to do life guards all that so that's our goal.

Rich Berkowitz: How high of a fence is it going to be?

Tom O'Brien: How high would you like?

Rich Berkowitz: So no one can jump the fence and be in the pool overnight

3/25/19

Tom O'Brien: that is not a problem then ok, six foot?

Don Roberts: that is typical isn't it?

Rich Berkowitz: What is code? For a public pool even though it's not public.

Lyn Murphy: We've got to refer this all to the agencies

Don Roberts: Yea we have got to do that all anyways.

Rich Berkowitz: Yea, ok

Don Roberts: Joe will get to comment we will take care of that, anyone else any questions? Okay we will refer this to Clough Harbor for review and also to the fire district, right the County too? Saratoga County Planning Board also alright and we will get back to you. Alright thank you.

Joe Dannible: Alright thank you.

Milczarek Subdivision— Minor Subdivision

APPROVED. The Board held a Public Hearing and subsequently granted subdivision approval on the proposed two lot subdivision at 12 English Road.

19.032/19.034

Daily Nails & Spa, 1471 Route 9 – Change of Use/Tenant & Sign

Lynn Murphy and Tom Koval recused themselves.

Laura Louie: Hello everyone we are looking for approval for the Nail Spa at 1471 route 9

Don Roberts: Say your name please mam.

Laura Louie: Laura Louie

Don Roberts: Ok thank you, go ahead

Laura Louie: We are looking for approval for the nail salons at 1471 route 9

Don Roberts: How many employees are you going to have there?

Laura Louie: There is going to be at least 2 full time 1 part time

Don Roberts: You do nails and...

Laura Louie: Just nails, a nail spa

Don Roberts: Ok, hours of operation?

Laura Louie: Hours of operation is Monday through Saturday 10 to 8 and then Sunday 11 to 6

Don Roberts: Ok, anyone else?

Rich Berkowitz: How many stations are you going to have?

3/25/19

Laura Louie: 7

Rich Berkowitz: 7 stations with

Laura Louie: No actually its 8 im sorry 8

Rich Berkowitz: Does that include waxing area or ...

Rich Berkowitz: There is no waxing ok, but there is going to be 2 or 3 employees basically with 7 stations?

Laura Louie: I think they are going to take turns and you know

Rich Berkowitz: Ok

Don Roberts: We have had no parking issues there or anything at all really and the sign just going to take out what was there for the other business and put yours in that's all?

Laura Louie: I believe the permits we have the application for that...

Don Roberts: Yea the application is in for the sign, it says sign so ...

Richard Harris: Yea we received a rendering we were waiting for the renderings to go into the existing sign structures previously approved

Don Roberts: they are just going to take one out, put the other one in?

Richard Harris: Yes they are just panel swap outs

Don Roberts: Ok, anyone else?

Marcel Nadeau: I make a motion to approve the change of tenant /use

Rich Berkowitz: Ill second

Don Roberts: All in favor? (All were in favor) Opposed? (None were opposed) Motion Carried, how about the sign?

Rich Berkowitz: I'll make a motion to approve the sign

Mike Ziobrowski: I'll second

Don Roberts: All in favor? (All were in favor)Opposed? (None were opposed) Motion Carried, you're all set.

Laura Louie: Thank you

Don Roberts: You're welcome

Daily Nails & Spa- Change of Tenant/Use & Sign

APPROVED. The Board approved Change of Use/Tenant & Sign requests to allow Daily Nails and Spa to occupy 1,000 SF of space at 1471 Route 9, and install a new wall-mounted sign and plaza sign panels.

3/25/19

19.035/19.036

American Promotional Fireworks, 1549 Route 9 (Wal-Mart), Change of Tenant Use & Sign

Michael Henderson: Alright, good evening my name is Michael Henderson I'm here on behalf of American Promotional Events also known as TNT Fireworks to most. I'm here this evening to discuss the application for a temporary tent sale. We're the largest consumer fireworks, I'm sorry....largest consumer fireworks company in the nation and we do coordinate over 7,000 tent sales in the two-week period of leading up to the 4th of July. So, we will be selling New York legal sparklers and sparkling devices, so, real quick, I'll give you some of specifics of the program. Dates of the sale are going to be from June 20 to July 5 and the tent will be erected prior to that date and dismantled shortly after. We will abide by all State and local laws and require positive identification for all purchasing of the product and the State law does require you must be 18 sell and buy. So we will provide product and premises liability insurance for the property owner and the group running the tent and we can also do this for the Town if it is necessary required by you all. New York State fireworks sells permits and certificate of authority sales tax will be on sign displayed at all times and we will also have a 10 pound fire extinguisher and 2 water cans on site per NFPA. We will be over 50' away from all gas pumps and coordinates with NFPA and safety will always continue to be our top priority. We will work with the Town fire, zoning, building and police departments and we will make sure that they are aware of our setup and guarantee we meet their needs. While we have carefully considered where the placement of the tents will be, we want to be sure the location is conducive to our commitment to safety. As you see on the site plan provided, the locations are clearly marked. So, I am here this evening asking for your permission to move forward in the permitting process and at this time I welcome any questions.

Donald Roberts: And you're gonna occupy the site from June 20 to July 5 correct:

Michael Henderson: Correct.

Tom Koval: You're gonna sell June 20 to July 5 but you will be there prior to set up?

Michael Henderson: That may not necessarily be the case. Last....

Tom Koval: That is what you're asking for correct?

Michael Henderson: Correct. Yeah, no earlier than July, it depends when the shipment comes in.

Richard Berkowitz: And everything's basically the same as last year? Location, size of the tent

Michael Henderson: Correct. The same owner-operator as last year as well.

Richard Berkowitz: Security 24 hours, or no?

Michael Henderson: It depends. Last year the owner-operator that occupied the tent resided in it overnight. He didn't have the manpower to pack it up and put it in the storage pod. This year it's probably gonna be different. I don't think he wants to do that again this year, so he'll probably have help and he'll store it in the secured pod and then basically, it'll just be an empty tent.

Richard Berkowitz: Was there a secure pod last year?

Michael Henderson: Yes. Yes there was.

Richard Berkowitz: Ok, so that'll be in the same spot also.

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

Donald Roberts: The use and the sign?

3/25/19

Tom Koval: No IL do the change of tenant first and the sign second

Donald Roberts: Ok, alright. Ok, we got a motion for the change of use/tent. Ok. Motion and second. All in favor? (All were in favor) Opposed? (None were opposed) Motion Carried

Tom Koval: I make a motion to approve the sign application.

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

Michael Henderson: Thank you for your time

American Promotional Fireworks, Change of Use/Tenant & Sign

APPROVED. Board approved the temporary tent sale of fireworks from June 20, 2019 - July 5, 2019.

19.037 Walmart Garden Center Season Display, 1549 Route 9 – Change of Tenant/Use

Crystal Burns: Hello, I'm Crystal Burns, I'm Manager with Walmart, we're here to request the change of use for our seasonal lawn and garden display for the outside of the building to occupy parking spaces located in the front corner and the side of the building by lawn and garden for our bagged goods and flower displays. Lawn and garden, hours of operation is 7:00 a.m. to 10:00 p.m. and we will have 6 full-time and 10 part-time total associates to run the season. We're asking that we are able to utilize parking lot as soon as we get approval up through the end of August is generally when we start clearing it out and getting it back to normal business.

Donald Roberts: So you want until September 1st or....

Crystal Burns: September 1st if, generally earlier, mid-August is usually when we start wrapping it up and putting it up and pulling it inside.

Donald Roberts: If we say September 1st, you're safe, right?

Crystal Burns: Yes. Yeah, just to be safe.

Donald Roberts: Ok

Richard Berkowicz: That was in past years, as you. The mums?

Crystal Burns: They're looking to expand the mums, like to try to travel into the mum season.

Richard Berkowicz: Ok so that full area into the parking lot will stay that way until the end then?

Crystal Burns: Not the full corral, no.

Richard Berkowicz: Instead, it's slowly shrinking down.

Crystal Burns: No. It will slowly shrink down.

Richard Berkowicz: It'll slowly shrink down.

Crystal Burns: Yep, yep.

Richard Berkowicz: Ok. Is there any other way you can pick up the back of the

3/25/19

Crystal Burns: Yes.

Richard Berkowicz: Fenced area by Plant Road?

Crystal Burns: Yes.

Richard Berkowicz: I mean, there's a ton of garbage there. I know it's all the snow just melted, it's not your fault but there's a lot of garbage back there now.

Crystal Burns: Yes, absolutely.

Richard Berkowicz: Ok, I make a motion to approve the change of tenant and use.

Marcel Nadeau: I'll second.

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

Crystal Burns: Thank you.

Donald Roberts: You're welcome.

*Walmart Garden Center Season Display, 1549 Route 9- Change of Tenant/Use
APPROVED. Board approved the annual Change of Use/Tenant request to allow outside seasonal storage and display from March 1, 2019 - September 1, 2019*

19.039 Salam Duplex, 10 Halfmoon Drive – Special Use Permit

Bilal Salam: My name is Bilal Salam, my father and I, my father's Abdus Arain we are seeking approval to build a duplex behind our current house. The duplex would be located around 500' behind Halfmoon Drive. Upon receiving a CO for, a CO for the duplex we'd tear down the original house. That's pretty much it.

Donald Roberts: That's it.

Tom Koval: Did you clear it out back, you brush hogged or cleared it out this past fall

Bilal Salam: Yes, we brush hogged the majority of the area that we plan on building on.

Mike Ziobrowski: Are you going to, when you demo the building are you gonna be putting it on the same foundation?

Bilal Salam: The current building is right up against Halfmoon Drive, where we currently live. The new building is around 500' back. You could see that rectangle back there. So, we're just gonna demolish the original building and we'll be building, creating a road all the way back to the new location.

Tom Koval: That ground drops off a bit back there, will you be able to see the duplex from the roadway? Doesn't that grade off a little bit?

Bilal Salam: Yeah, it does grade off a little bit, but our house is actually on a, is a, ya know, it starts actually come back up. So, our house is on a bit of the hill.

Tom Koval: You are definitely setting it farther back from the road

Bilal Salam: Yep.

3/25/19

Donald Roberts: We'll need a public hearing but we have to refer to Saratoga County Planning Board so we can't have that public hearing until our last meeting in April which is April 22. I just checked my calendar to make sure I got that right. The day right. April 22.

Tom Koval: I make a motion to set a public hearing for April 22.

Mike Ziobrowski: Second.

Donald Roberts: All in favor? (All were in favor) Opposed? (None were opposed) Motion Carried public hearing set, we'll see ya then.

Bilal Salam: Thank you.

Donald Roberts: You're welcome.

Salam Duplex, 10 Halfmoon Drive- Special Use Permit TABLED. Board heard a presentation for a new duplex at 10 Halfmoon Drive, set a Public Hearing for April 22, 2019 and referred it to the necessary agencies.

Old Business:

17.194 Route 9 – Self Storage, 1751 Route 9 – Addition to Site Plan

Lynn Murphy recused herself.

Richard Harris: Jason we got the wrong plan up there? Is that the old one?

Jason Dell: That's the old one, yes.

Richard Harris: Ok. Sorry about that.

Jason Dell: Good evening, Jason Dell Engineer with Lansing Engineering, I'm here on behalf of the applicant for the Route 9 Self Storage project. This project was originally before the Board and approved back in May of last year and as a condition of the approval the applicant needed to secure grading easements to the residents and the property owners to the east of the property. There's been multiple iterations of that, one of which is up on the screen right now which was a plan that was proposed to remove the hill between the three property owners, however, that plan fell through with the two property owners to the east, so we came back before this Board a few months ago with an alternate plan which is the one that we have here on the easel which eliminated all of the grading from the lots over on the eastern side so it pulled the grading off of the lands of Johnson and lands of Kokolski and pulled everything onto the site. There's still a small amount of grading to the property to the south, however, the applicant does have an email from the owner over there, Peter Belmonte, indicating that he's agreeable to that small amount of grading over there. So, we're back before the Board for this project in which we reduced the overall footprint of the project originally it had 99 units and we're down to 70 storage units which brought all of that grading onto the site property so the applicant no longer needs to encumber the properties to the east. We did submit detailed plans that were reviewed by CHA We got a couple comments last week which pertain to just filing of the easements, which the applicant certainly will get done. So we're here this evening to ask the Board to reapprove the project since it's essentially the same as it was before, just condensed down now.

Donald Roberts: If we do approve this tonight, they'll be no building permits issued until the easements are filed.

Jason Dell: Understood.

Donald Roberts: Alright. So, that'll be a contingency.

3/25/19

Jason Dell: Understood.

Donald Roberts: Questions by the Board.

Richard Berkowicz: I'll make a negative declaration pursuant to SEQR

Marcel Nadeau: I'll second

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

Richard Berkowicz: I make a motion to approve the revised plan contingent on getting the necessary easements.

Donald Roberts: And no building permit issued until easements are filed.

Mike Ziobrowski: Only one minor thing too there was a note here about the additional buffering on the edges, I see that there are trees shown on the south side, are you gonna have the same on the north and the east?

Jason Dell: The north side, this is about a 50' to 60' hill is coming down on this side it's between 30-40' coming straight down onto the property so it's just

Tom Koval: That map is not the same as that map

Jason Dell: That's correct

Mike Ziobrowski: Ok, I'm just going back on the notes

Tom Koval: I just don't want you to be looking at that one

Jason Dell: That's correct, there is no longer needing buffering or vegetation over there because it's too steep

Donald Roberts: Ok, so we have a motion to second for approval contingent on no building permits, no building permits until the easements are filed. All in Favor? (All were in favor) Opposed? (None were opposed) Motion Carried

Jason Dell: Tony's basically got to grant the easements to himself so it's

Donald Roberts: Well, we need, but it's gotta be filed, but they both gotta be filed

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

Richard Berkowicz: I'll second.

Donald Roberts: All in favor? (All were in favor) Opposed? (None were opposed) Motion Carried meeting adjourned.

