

10/13/20

**MINUTES MEETING  
Town of Halfmoon Planning Board  
October 13, 2020**

**Those present at the September 28, 2020 Planning Board meeting were:**

**Planning Board Members:**

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

**Planning Board Alternates:**

Charlie Lucia  
Brendan Nielsen

**Coordinator- Building, Planning and Development:**

Richard Harris

**Senior Planner / Stormwater Management Technician:**

Paul Marlow

**Town Attorney:**

Lyn Murphy

**Deputy Town Attorney:**

Cathy Drobny

**Town Board Liaison:**

John Wasielewski  
Jeremy Connors

**Town Engineer:**

Joel Bianchi

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

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

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

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

**Tom Werner:** Ill second the minutes.

**Don Roberts:** I have a motion and a second for the September 28th Minutes all those in favor? (All were in favor) Opposed? (None were opposed) Motion carried. As you may recall at our last meeting we had three public hearings due to technical difficulties we couldn't go online so people online didn't have a chance to comment so we had to continue the public hearings onto tonight and we will continue again and we will have all three public hearings onto tonight and we will continue again and we will have all three public hearings once again and we will offer comments both in person and online, that being said the first public hearing is ...

**20.032/20.033      Pagoda Duplex, 315 Grooms Road – Minor Subdivision & Special Use Permit**

**Don Roberts:** Is there anyone here for that? Would anyone like the notice read? (No comments)

**Aaron Vera:** My name is Aaron Vera with Verity Engineering representing Ed Pagoda. I can present the project if you like or ...

**Don Roberts:** Just an overview if you can?

**Aaron Vera:** This is 315 Grooms road this site is currently vacant, the proposal is to subdivide and make two lots and construct two duplexes the lot does currently have an easement to the Town for a water line, we're proposing to construct our driveway over that waterline and provide access to the two new lots, the lots would be serviced by septic systems and clearing and grading will be kept to the minimum required to perform construction.

**Don Roberts:** That's it, thank you very much, okay at this time we will continue with the Public Hearing Would anyone from the public wish to speak, please come up and say your name and address and any comment you may have, (no comments) since no one here wants to speak we will go online, would anyone on line like to speak please say your name and any comment you may have, anyone online wish to speak on this topic?

**Richard Harris:** Tony Bonventre do you want to comment on Halfmoon Waterford's position as far as the hydrants?

**Lyn Murphy:** During the pre-meeting the chief expressed some concern with regards to the fact that there are in fact two hydrants within 500 feet but one of the hydrants appears to be through the woods and he had some concerns about the ability to bring the line through that hydrant, can you speak to that please?

**Tony Bonventre:** I can at the previous meeting we did receive a comment about adding a turn-around for fire access we have added that on this revised plan, we could seeing as the waterline is right there on the site, we could add a hydrant

**Lyn Murphy:** I think that would satisfy his concerns and he was happy with the turnaround that

**Richard Harris:** The turnaround is 70 feet wide correct?

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**Tony Bonventre:** There are two legs of it that are 70 feet long yes, its 20 feet wide.

**Don Roberts:** Now will you work with the chief concerning the location of the hydrant?

**Tony Bonventre:** Certainly, absolutely

**Don Roberts:** Okay thank you. Okay since no one wishes to speak in person or online we will close the public hearing, comments by the Board members?

**Rich Berkowitz:** I make a motion to make a neg dec on SEQR

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

**John Higgins:** Ill second it.

**Rich Berkowitz:** I make a motion to approve the minor subdivision and special use permit with caveat that the applicant will speak to the Waterford /Halfmoon Fire department about the location of the hydrants.

**John Higgins:** Ill second it.

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

*Pagoda Duplex – Minor Subdivision & Special Use Permit*

**APPROVED.** *Board held a Public Hearing and subsequently approved a proposed two-lot Minor Subdivision and Special Use Permit to allow two residential duplex homes, with a condition that the applicant shall determine the location of a fire hydrant in consultation with the Chief of the Halfmoon-Waterford Fire Department.*

**20.092                      Fluffy Paws Dog Grooming, 18 Cambridge Avenue – In Home Occupation**

**Samantha Russell:** Hi I am Samantha Russell I have spoken to you guys a couple of times I am looking for a home occupation permit for a small dog grooming business out of my house at 18 Cambridge Ave. I am looking to work from home so I have the flexibility to start a family I am looking to accommodate 4 to 5 customers a day, 4 days a week staggering appointments to allow customers one at a time so there is only one person for one customer on the property at a time, and that's a rough approximate 4 to 5 customers, it all depends on the size of the dogs I may only be able to accommodate 2 dogs a day it all goes by the size of the dogs. These are limits that I have set for myself , I can't really grow or expand in these limits because my house isn't big enough to expand and I would think that once I start to expand I would have to look into leasing commercial property but for right now that would be wouldn't be economically feasible with my family goals. There is some concern with the additional traffic some neighbors expressed that concern they'll see on neighbor going by every couple of hours I believe it to be negligible and equivalent to the in and out traffic of a stay at home mom which is my official roll and then my house I would be operating with in an in-law suite apartment in my home, if I actually had an in-law suite and had my in-laws in there, there would be more traffic with them than there would be from what Im proposing. I did get some concerns about the impact of traffic on Dover Place which my house sits on the corner of Dover place and Cambridge Avenue. Dover Place isn't a direct route to my house any gps will take you from Woodin road though to Manchester to Woodin right onto Cambridge Avenue that going through Dover would kind of be out and around so I do not believe that any traffic will go that direction. I myself have been there for five years, my family , my

friends , even the pizza delivery guy, no one kinda travels that way to get to my house. Myself I think I've only driven down it a couple of times in five years. Parking is not a problem my driveway is plenty big and all parking would be in my driveway , again one car at a time for probably a minute or two sitting there chit chatting about the dog coming in and going out. Barking dogs is a potential concern with any dogs and Ill address it by limiting the appointments so that way there is only one dog on the property at a time there will be no dogs loose on the property , I have a fenced in yard no dogs will be loose back there they will go from their owners vehicle in the driveway directly into my home and from my home directly back to their owners , and then my neighborhood is full of dogs anytime you look out you'll see people walking by with dogs barking , greeting one another it's not uncommon to people to hear dogs barking at any time of day, of course I would be respectful to the hours. I did have a question about signage and I would think for as small as I am most of my customers would be referrals from family and friends so I might not need a sign but if I did go with a sign it would probably be a small lawn campaign style sign which would of course be subject to approval here, I would have to do that.

**Lyn Murphy:** Yea you would have to come before the Planning Board in order to put up the sign and home occupations have a limited signage that has to be placed on the building.

**Samantha Russell:** Yes I haven't looked into all of that, this is kind of first step and the second would be looking into that if that was something I needed. As far as everything I can see myself from talking to some of my neighbors I really don't think that my little business would have a huge impact if any to the neighborhood and the nice letters I have received represent the positive impact that it could have to our dog loving neighborhood.

**Don Roberts:** Okay thank you, we will continue with the public hearing and first of all we received a number of letters and emails on this application both in favor and opposed so we entered them into the record.

**Richard Harris:** They were provided to the Board members.

**Don Roberts:** Okay thank you Rich, that being said would anyone here in the public wish to speak? (No comments) would anyone online wish to speak? (No comments) anyone online wish to speak on this matter?

**Richard Harris:** Anyone unmute your mic if you wish to speak.

**Don Roberts:** If no one wishes to speak we will close the public hearing comments by the Board members?

**John Higgins:** Don I feel that the intent of a home business is to number one not disturb the neighborhood and not have a good amount of traffic going in and out as far as people and cars , that's not what I as a Board member envisioned for a home business when it was originally discussed years ago. I don't feel this is appropriate for any residential area in the Town and I am against it.

**Don Roberts:** Okay thank you John, anyone else? No other comments?

**Tom Werner:** Yea I am sitting here torn actually Im concerned as John has just spoken to and that is setting any type of a precedent in whether or not it would be an impact on the neighborhood, on the other hand Im very impressed with this young lady and she has certainly addressed a lot of the issues that we would be thinking about , I don't know its difficult decision for sure, does the Town have any precedence with a dog grooming or any , I know we turned on down a few weeks ago a holistic approach.

**Lyn Murphy:** Yea that was more of a vet, Holistic vet than a dog grooming. I just want to, no is the short answer to your question, but also this precedent thing, each and every application that comes before the Board is unique unto itself based on location on traffic on neighbors on the area so I wouldn't be as concerned about setting a precedent we are not the Supremes you know so you don't get locked in like that unless you have the exact same circumstances which is rare if that ever occurs.

**Tom Werner:** I certainly don't think traffic is an issue at all, may I ask how you would schedule your appointments to ensure that there is no overlap with one client arriving before you've completed.

**Samantha Russell:** I work for a shop now in Glennville the way we schedule is we know each dog approximately what it will take so if my day is an 8 to 4 I may have a shitzu coming in at 8 o'clock and I know that dog will probably take me somewhere between an hour to an hour and a half and I can tell them to be back at 9 30 and then I will have time for traffic or anything and allow my next dog to come in at 10 o'clock and be able to work with it that way again it all depends on the size of the dogs and if im able to work with the owners that way.

**Tom Werner:** But it requires your client to return on schedule so they don't interfere with anything but that's one item you wouldn't have really control of.

**Samantha Russell:** Right, yes.

**Tom Werner:** Yea something might happen.

**Don Roberts:** Anyone else? What's the Boards pleasure?

**Rich Berkowitz:** You know while I sympathize with her I commend you on all of your research it's just a residential area and I personally just don't feel a professional business should be in a residential area.

**Don Roberts:** Charlie your thoughts.

**Charlie Lucia:** Yea I was thinking the same thing its again I think the applicant has done a great job of addressing many of the concerns even the one neighbor there had sent a letter out and I guess on the other side though it is a residential area, it shouldn't be the end all but at the same time it does seem like a concern, it just seems awkward to brush that aside.

**Don Roberts:** Brendan?

**Brendan Nielsen:** Yea I agree with Charlie, my one concern is the concerns from the neighbors around it seems to be an overwhelming amount of neighbors that are concerned with a potential business in a residential neighborhood, the traffic and if you approve one then in the future you would have to approve everybody that wants the same sort of home business and that would be my concern.

**Don Roberts:** Okay.

**John Higgins:** I have already expressed, I was going to make a motion, and I make a motion to deny the application for a home business.

**Rich Berkowitz:** Ill second

**Don Roberts:** Okay all in favor of denying the application? (All were in favor) Opposed? (1 opposed- Tom Werner) okay 1 opposed, I'm sorry the application has not been approved, very sorry good luck.

***Fluffy Paws Dog Grooming – Home Occupation***

***DENIED. Board held a Public Hearing and subsequently denied a proposed Home Occupation request for a dog grooming business.***

**20.098                    Impact Athletic Center, Rt. 146 – Minor Subdivision (lot line adjustment)**

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

**Scott Lansing:** Good evening my name is Scott Lansing with Lansing Engineering representing Litchfield Holdings, I think the Board is very familiar with this parcel in that we did receive the site plan approval for the athletic facility a few months ago, what we are here for this evening is a proposed lot line adjustment for the plan in that the applicants Litchfield Holdings and the adjacent parcel to the west Boni Enterprises wish to push and pull some land back and forth between the two parcels. The application does include approximately 1.5 acres in the northern portion of the parcel and then 3.5 on the southern portion, so 1.5 acres on the northern portion would go from Litchfield Holdings to Boni Enterprises and then on the southern portion 3.5 acres would go from Litchfield Holdings to Boni Enterprises, reverse on the northern portion, I apologize for that. Basically the reason for the lot line adjustment is just to alleviate the need for a certain type of fire wall on the building, the building is positioned on the northern portion of the parcel by route 146, the lot lines were left as is, and the side of that building would need a certain type of a fire wall. The building does meet all the set-backs everything required in the zone as far as fire code goes it does require that certain fire wall which is an expense to the applicant and by approving his lot line adjustment it does alleviate that expense for the applicant. Both property owners are in agreement for this adjustment it is something that we are looking for approval from the Board consideration from the Board for approval of the lot line adjustment, thank you.

**Don Roberts:** Thank you Scott, at this time we will continue the public hearing, would anyone present wish to speak? (No comments) Would anyone online wish to speak? (No comments) Once again would anyone online wish to speak?

**Richard Harris:** Would you please unmute your mic and say your name.

**Don Roberts:** No, okay at this time I would like to close the public hearing, comments by the Board members.

**Rich Berkowitz:** I would like to make a negative declaration pursuant to SEQR.

**Don Roberts:** Okay all in favor? (All were in favor) Opposed? (No one was opposed) Motion carried take care.

***Impact Athletic Center Minor Subdivision (Lot Line Adjustment)***

***APPROVED. Board held a Public Hearing and subsequently approved a proposed Minor Subdivision (lot-line adjustment) related to the Impact Athletic Center project.***

**Old Business:**

**20.108                    Mott Orchard Planned Development District, 165 Farm to Market Road – Major Subdivision**

*Joel Bianchi recused himself.*

**Scott Price:** Good evening my name is Scott Price I am with MJ Engineering Im here before the Board for Mott Orchard PDD. It's located at 365 Farm to Market Road the applicant and owner is EDF Development also known as Beacon Development. The parcel is 97.3 acres, the proposal is to develop the property into 90 residential lots utilizing the Towns PDD zoning. The PDD was approved by the Town Board in the winter of 2018 there will be as I mentioned 90 residential lots, 25 are single family detached homes, 30 are single family attached homes and 35 single detached carriage lots. So the bluish color is the detached home, town home style, the reddish color is the detached carriage lots and the orangeish color is the single family detached homes. The proposal includes 50.6 acres of open space land that's required to have 20 % and we are actually providing 53 %. Of the open space land 25.9 acres is unconstrained, the requirement is 25% is the minimum and we are providing 52 %. The applicant will be providing a monetary contribution of \$2,000.00 per lot to the Town on a per lot basis as public benefit and the SEQR was completed as part of the PDD process. There was state and federal wetlands delineated for the property, the DEC has concurred with the state wetland delineation. The layout of the proposed subdivision has been configured to not impact the 100 foot adjacent areas outside of the residential lot areas so there will be no work within that 100ft adjacent area here to the state wetlands. There is one small 1370 sq. ft. disturbance of an isolated federal wetland again its isolated but that's the only wetland that we are proposing. For cultural resource Harken Archeological Associates has been working with the applicant on the cultural resource aspect of the property. Phase I and II Cultural Resource Survey has been completed, there is one site identified as Locust 1 Eddie Baker Historic Site that is eligible for listing on a state national registry. Unfortunately the site cannot be avoided, this historic site cannot be avoided due to the state access requirements so the applicant will be entering into an agreement with the state via letter of resolution to form mitigation for this. So for traffic Barton and Lajoudice completed a traffic study as part of the PDD review , in summary 77 new trips in a week day Am peak hour 85 in a weekday pm peak hour. The full build out projected by 2023 and there is no level of service grade changed, and minimal increase in average vehicle deliveries. They recommended to clear the vegetation in front of the Barn and flatten the slope in that area, and also recommended demolishing the existing barn which goes back to the cultural resource mitigation our letter of resolution. These plans incorporate those recommendations at the site entrances. For Infrastructure and utilities the new roads will be installed to Town standards and offered to the Town upon completion. There is an 8 ft. wide multi use trail along several of the streets with in the subdivision, when you're looking at this plan it starts on the left where it joins with Holland Park and then it continues on all the way to Farm to Market road and across and to the bottom cull -de -sac and there is also an additional path on the one segment where all the carriage lots are, the red lots. So for the potable water for the property it will be extending from Pruyn Hill road and it will continue south along Farm to Market road across the front of the property and it will continue out to prospect meadows so it will be inter connecting two existing mains. For sanitary sewer the proposal will be connecting to the sewer district at Howland Park so to the far left of the screen, yup so that is going to be via everything within our subdivision is going to be either gravity or low pressure system and then there is one large pump station located towards Farm to Market road and then that will then pump all the way out to Holland. Again that Infrastructure will be offered to Saratoga County Sewer District #1 upon completion. For stormwater all the pipes along the roads will be conveyed to the Town and there is five storm water treatment areas which will be conveyed to the Home Owners Association for maintenance and upkeep. For landscaping concerns we provided landscaping burms along the new road that will adjoin 7 & 9 Gorsline drive. We have worked with both residents there to come up with this plan. In fill planning to the rear of lot 9 so the upper section to the right, yup right there again the additional screening for that residence the existing residence there. We also provided landscaping burm along the common lot line with Louis McBride, some additional planning there and also provided some additional planning's along the common lot lines with William McBride which would be to the previous page, right there on the lower right to fill in where there are gaps in the existing

tree line. We've also proposed some additional screening between the pump station and the storm water management area along Farm to Market road. So we submitted preliminary plans back in March to be reviewed by the Town Engineer we re-submitted a full response to the County DPW and the Saratoga County Sewer District #1 in August for their review we've also we will be submitting to other agencies once we have direction from the Planning Board staff and, we are here this evening to take in comments from Planning Board Staff with the intentions of the Board scheduling a public hearing on the subdivision.

**Don Roberts:** Okay thank you. Now we are going to refer this to Clough Harbor associates for review also going to refer it to the fire district, and Rich the county has already viewed this correct?

**Rich Harris:** We'll they reviewed the pdd but they got to review the whole thing

**Don Roberts:** Okay we will sent it to the County as well.

**John Higgins:** Concerning the existing house and the barn they are going to be totally demolished?

**Scott Price:** They will be removed and again the applicant will be seeking a letter of resolution with the State on what to do with the barn there are discussion about trying to re locate it.

**John Higgins:** On the site or somewhere else?

**Scott Price:** I think somewhere else, I don't know for sure.

**John Higgins:** Now you mentioned you are going to have some buffering off of Farm to Market where the sewage pump station is going to be located?

**Scott Price:** Yes, yes

**John Higgins:** Okay that drops off quite a bit there so are you going to put some kind of a burm and then put the trees on top of it because if you just put trees you're going to be able to see right over the top of them,

**Scott Price:** There will be a burm for the storm water management area, the area between the storm water management area and the road we have to be careful not to block existing drainage paths through there, so we can look at that landscaping in more detail to make sure that we can get it so we can kind of shield more of the road.

**John Higgins:** Okay you brought up about existing stormwater areas there are some certified streams that this area feeds into that are off site so obviously we'd be concerned about any potential run off during construction not so much after its built and everything is formulated into lawns and roads but during construction as I said there is several certified streams that come off of this and actually end up going down through the town and into Mechanicville so , obviously there is a concern regarding that.

**Scott Price:** Yup and there has been a series of soil erosion plans developed and phased out so there are these controlled phases again everything is going to be in conformance with the state of New York Standards so

**John Higgins:** Okay thank you.

**Don Roberts:** Now for the burms about how high are they going to be are you thinking?



**Scott Price:** For the back ones?

**Don Roberts:** Yea

**Scott Price:** Right now the intent is for maybe a couple of feet and then have the plantings on top there was discussion about during construction looking at it and possibly one of the neighbors was concerned it might not be high enough so at that time , we can entertain raising it the problem there is the Town has requested that we don't impede further into the right of way so the higher the berm gets the wider the base gets which will then push grading further into the homeowners lot, so we will work with them to come up with a

**Don Roberts:** But it will at least be a couple of feet anyways?

**Scott Price:** Yea

**Don Roberts:** Alright thank you anyone else?

**Richard Harris:** I do want to just mention both neighbors are here from 7 and 9 Gorsline and I mentioned at the pre-meeting you guys weren't there that they have the three parties the developer and the two homeowners and please tell me if I am phrasing it wrong. Have agreed in concept with this plan with the caveat of field verification that if once its installed there's concerns you guys would work it out basically, sound right?

**Scott Price:** Yea

**Tom Werner:** Do you anticipate anything special treatment for the multiuse path crossing on Farm to Market? Because that connects in the back to the more extensive trail to Howland Park is it?

**Richard Harris:** Yea there is no trail in Howland Park yet the Town received a right of way easement for a strip of land but because it wasn't mapped out we took an easement over a large HOA parcel and not knowing what's going to happen at the time on this property and others so we have some flexibility to connect it to Howland Park , the big impediment would be wetlands in the location on the Howland Park side probably this side too so the Howland Park trail has not been clearly delineated or built at this point.

**Tom Werner:** But I can see perhaps just travel back and forth between the two developments, youngsters, children that type of thing.

**Richard Harris:** Yea to get something in yea

**Tom Werner:** What do we got for a speed limit there? 55?

**Richard Harris:** On Farm to Market? In that section I don't know what it is.

**Tom Werner:** It means the operating speed is probably higher. So it might be a concern to look at some sort of a crossing sign, pedestrian crossing.

**Richard Harris:** Yea

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**Don Roberts:** Any other comments? Now we can probably schedule a public hearing on this for November 9<sup>th</sup> if the Board wishes.

**Richard Harris:** Yea I did just clarify with Paul that given the timing of the County's Planning Board schedule they probably won't be able to get this on until their November meeting

**Don Roberts:** How about the 23<sup>rd</sup> then? November 23<sup>rd</sup>?

**Richard Harris:** We could still have the public hearing on the 9<sup>th</sup> whatever you want to do but you would only be able to give it preliminary approval at that meeting, we don't know what comments we are going to receive

**Don Roberts:** Yea we can try maybe November 23<sup>rd</sup> have a public hearing, okay can I get a motion to that affect?

**Rich Berkowitz:** I make a motion to set a public hearing for November 23<sup>rd</sup>.

**Tom Werner:** Ill second that.

**Don Roberts:** All in favor? (All were in favor) Opposed? (No one was opposed) Motion carried, see you on the 23<sup>rd</sup> okay.

**Scott Price:** Okay thank you.

***Mott Orchard Planned Development District – Major Subdivision***

***TABLED & REFERRED TO AGENCIES. Board initiated the Subdivision Review process for the 91 unit residential PDD and referred it to the Town Engineer and various agencies for comment.***

### **Old Business:**

#### **19.158                      Nichols Marine & TNT Boat Tops, 929 Hudson River Road – Change of Use/Tenant**

**John Fortune:** Jim from Nichols Marine, Tony Bonventre TNT and Jesse Swartz our attorney to answer any questions you may have.

**Don Roberts:** Well I guess first of all a part of the approval there is supposed to be a burm in front I don't really see a burm there okay can you please do something in front to make it a real burm and add some screening there ?

**John Fortune:** Sure we had actually in that area piled up some mulch, the problem is is that's State right of way

**Don Roberts:** I thought that was your property?

**John Fortune:** Well there is a portion of the front I think it's like 15 feet or something like that which is part of State property so we had it there we kind of just moved it around a little bit but I mean I could put three separate burms there

**Don Roberts:** By all means I know I don't want you putting it on State property I don't want to have you do that no, is there a place on your property to put it?

**John Fortune:** Well not without causing congestion and plowing for the winter time and getting things around so we had three spots, three berm picked up, didn't really look that great to be quite honest with you so we kind of like smoothed it out a little bit planted the trees and we paved the roadway which we did with crusher run we did all of that which was above what you required but I can put like three burms but that front area is part of the State.

**Don Roberts:** Okay well I recommend do what you can on your property not on State property though alright, whatever you can do alright?

**John Fortune:** Okay thank you.

**Don Roberts:** Okay Board members do you have any questions?

**Rich Berkowitz:** Yea when you got your original approval you were allowed to have 20 units how are we doing with that?

**Jim Nichols:** Well it's definitely a struggle, we currently today we are 19 with three pending pick up, and we are waiting for them tomorrow. We work with our customers as quickly as we can , in relations to the year that we are all going through we have all had a heck of a time with parts, delays it's been a terrible season for us as a boat repair shop which has caused delays, boats staying longer than anticipated, at the same time working with a schedule , incoming schedule I've moved boats to my other location , my Marina boats that had stayed and waited but there have definitely been times when we've been at that 20 number , we've been over a couple of times , not drastic but there's days when we are two over and three leave.

**Rich Berkowitz:** But with all that's happened this year you have pretty much been close to your number?

**Jim Nichols:** Been close, been close

**Rich Berkowitz:** Now when I drove by there in the spring there were flowers for sale and I guess there is pumpkins for sale?

**Jim Nichols:** There was , you know a friend of mine local grower with the Covid stuff a lot of his orders were cancelled he said you know maybe you want to put some in front of the business I said sure why not, I didn't think I was hurting anyone to be honest with you.

**Rich Berkowitz:** It's just not allowed because then you have a third business there and we approved two.

**Jim Nichols:** Our intention wasn't to do that

**Rich Berkowitz:** I understand that you were trying to help somebody out but

**Jim Nichols:** We moved them, we were notified just about a month ago that we were in violation they were picked up that day with my apologies, and we won't do that again.

**Rich Berkowitz:** Okay

**Don Roberts:** Again because what you are approved for are the two uses that's it.

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**Jim Nichols:** I didn't realize it would be a problem

**Don Roberts:** Nothing else alright, okay thank you.

**Rich Berkowitz:** It's just that it's a tight spot and we did allow you to have a little bit more storage units than we wanted to because we compromised and so it just makes , when you have that other business there ,even though your helping out a friend it does make it a little bit tighter okay.

**Don Roberts:** Okay, anyone else, now this was a temporary approval

**Richard Harris:** The applicant was last before the Board back in December of 19 and the Board had a stipulation that they would come back in April 2020. ( *\*\*\*\*this portion of tape is inaudible\*\*\*\**; *R.Harris indicates he mentioned Covid-19 and he deferred bringing it back to the Board until now*)

**Don Roberts:** So now we're ready to vote for a final approval, now before we vote on a final approval please, please keep the site in compliance okay, okay nothing that is not approved alright, okay thank you.

**Rich Berkowitz:** Also the code enforcement officer drives by there pretty frequently so

**Jim Nichols:** He's come through he's

**Rich Berkowitz:** If you go over that he will site you so...

**Jim Nichols:** I do that absolute best I can with it to keep that number at 20 or below when we originally came in the fall we asked for 10 more that's not something that is on the table right now we do the absolute best we can to get then in and out of there as quick as we can, I even go to the stem , if the boat is finished and the customer cannot pick it up or they say oh im picking it up on the weekend, Im dropping that boat off after hours , Im trying to get that number down all of the time.

**Rich Berkowitz:** What will happen in the winter though?

**Jim Nichols:** Winter time you're going to have a much smaller number to begin with

**Rich Berkowitz:** Okay that's the right answer

**Jim Nichols:** We are not really doing week to week repairs , we are doing restorations and that stuff is all scheduled out it's a lot smaller you know business footprint in the winter time so you'll see probably less than 10 out there over the winter

**Rich Berkowitz:** That's great, okay I'll make a motion

**Don Roberts:** Okay Mr. Fortune you will work on getting some buffering, a berm up there?

**John Fortune:** I have something there, I had the mounds that were there but unsightly.

**Jim Nichols:** I kind of thought we were going to be cited for having three mounds there so we spread it out

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**Don Roberts:** Again so on your property because we don't want to get into trouble with the State so on your property the best you can do alright, okay thank you, go ahead.

**Rich Berkowitz:** I'll make a motion to convert this from a temporary to a permanent approval for the two businesses that are there presently.

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

**John Higgins:** Ill second

**Don Roberts:** All in favor? (All were in favor) Opposed? (No one was opposed) Motion carried, good luck.

*Nichols Marine & TNT Boat Tops– Change of Use/Tenant*

**APPROVED. Board granted final approval to the marine repair and boat top business uses, as previously approved by the Board.**

**New Business:**

**20.110                    T & J Electrical Associated LLC, 419 Rt. 146 – Sign**

**Nick Sestito:** Nick Sestito here, alright so this is the basic sketch of the lit LED sign that we are planning on putting up on the building above the main entry way canopy.

**Don Roberts:** Okay it meets the specifications there is no lighting involved in this right?

**Nick Sestito:** It's internally lit.

**Don Roberts:** Internally lit okay, okay questions by the Board? Any questions? I t meets Town Code

**Charlie Lucia:** I make a motion to accept this.

**Don Roberts:** Okay we have a motion to approve, do we have a second?

**Tom Werner:** Ill second

**Don Roberts:** All in favor? (All were in favor) Opposed? (No one was opposed) Motion carried.

*T & J Electrical Associates LLC – Sign*

**APPROVED. Board received a presentation and approved an 11 SF wall-mounted business sign.**

**20.107                    C & S Siding / Teton Roofing LLC & Szansa Design & Build LLC, 77 Ushers Road**

**Craig Stackowicz:** My name is Craig Stackowitz I own C & S Siding Stackowitz Inc. Teton Roofing , Szansa Design and Build, Im currently already in 77 Ushers road upstairs , and it didn't file properly , I didn't really thin, about it to be honest with you so Im here to do a change of Tenant to add to my current exterior businesses. I employ about 40 people, 4 are at the office upstairs including myself , we don't have a lot of traffic , there is another owner on the property who is not here currently so I cannot speak on that but that's pretty much it.

**Don Roberts:** Now do you plan on having any future tenants on this site or is this It.?

**Craig Stackowicz:** No there is no room

**Don Roberts:** Thank you.

**Craig Stackowicz:** We take, I mean yea there is again I can only speak on what I

**Don Roberts;** I think you pretty much at the limit here now you know.

**Richard Harris:** Craig we have spoke a couple of times and you explained to me that all three businesses entity names of yourself that you are owner of and it's all the same employees.

**Craig Stackowicz:** Yea I have subs for the roofing company they're the people that run all the same companies are within the building I have two female employees and then me and a , who are in the office and an outside guy who runs the majority of my stuff and then me. So the lettering is all on the same vehicles that have been there for the past , yea we might add some vehicles if we add employees but there is really not the same amount of vehicles that been there from my side there is a , which was my fault because I own 10 acres in Clifton Park and I had , I come from , I own a parcel which is bordered by Halfmoon on Exit 8 , so we built a new shop I had a storage container there I provided , I put one here about a month or two ago not realizing that was going to be an issue because I never got bothered in Clifton Park. Found out it was an issue so I have it scheduled to be moved in Monday to back to my other parcel of land and it was just storage so.

**Rich Berkowitz:** Is there any storage of non- business items boats anything like that?

**Craig Stackowicz:** Again that, they are not my items, there is two businesses in here so that I, there is a boat on the premises but Zack owns that boat and that's all I can really answer on the boat

**Rich Berkowitz:** Is there only one boat, Im just asking because we just received a complaint

**Craig Stackowicz:** As of right now, yea I saw the complaint, I saw the email come through, and that's obviously a neighbor that we've had troubles with everyday

**Rich Berkowitz:** I understand that, that's why I'm asking

**Craig Stackowicz:** As far as I know there's one boat on premises, I mean there is one boat in the back that was just put there not too long ago, it was out front because he wrapped it and then he put it out back so.

**Richard Harris:** I think the Board had conversations when you have an owner seek site plan approval, tenant approval with that site plan and he did indicate that he may have some personal equipment kept inside. I think what would help the situation is if the Board discuss that all the equipment, whether it be personal or business related not be visible from Ushers Road. (\*\*\*\*this portion of tape is inaudible\*\*\*\*; R.Harris indicated he referenced that it should be stored behind the building, out of view, and that the applicant indicated he planned to install a berm along part of the front yard.)

**Rich Berkowitz:** Thee is a fence around the property right?

**Craig Stackowitz:** No, and we realize that we are in the middle of two other companies right.

**Richard Harris:** That's the other tenant to the west and he put up a fence with that neighbor.

**Craig Stackowitz:** That's not true but the fence was there from the property owner the lady who owned the fence it was always there so

**Richard Harris:** I thought he put in a new fence though.

**Craig Stackowitz:** No, no but that's I mean we are in the middle of two other companies that there are equipment from everybody

**Richard Harris:** Yes it's a light industrial commercial zone

**Rich Berkowitz:** Okay, I make a motion to approve the additional business entities.

**Brendan Nielsen:** Ill second

**Don Roberts:** All in favor? (All were in favor) Opposed? (No one was opposed) Motion carried, good luck

**Craig Stackowitz:** Thank you, have a good night.

*C & S Siding, Teton Roofing LLC & Szansa Design & Build LLC, 77 Ushers Road –  
Change of Use/Tenant (20.107)*

*APPROVED. Board approved the use of the site for two (2) additional business entities owned/operated by the owner of C&S Siding, an existing, approved tenant.*

**20.113                      Evolution Construction, 6 Enterprise Ave. – Change of Use / Tenant**

**Amy Pickett:** Hello Im Amy Pickett from Evolution Construction Services, this is Debbie, we are the office managers.

**Don Roberts:** Okay what's your proposal?

**Amy Pickett:** They emailed us and told us we had to come here

**Don Roberts:** Okay, I guess what you do,

**Steve Springer:** My name is Steve Springer I am from Atlantic British

**Don Roberts:** Okay and what's the business you're in?

**Steve Springer:** Evolution is a construction company they do road paving.

**Debbie:** Milling, paving and field siting.

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**Don Roberts:** Okay, how many employees do you have there?

**Debbie:** There is 5 in the office, the office crew is just in there the field crew is not in there we have a shop for the field crew.

**Don Roberts:** There is no outside storage there, nothing?

**Debbie:** No

**Don Roberts:** What are your hours of operation?

**Debbie:** 7 to 5

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

**Steve Springer:** We have about 35 Employees, Atlantic British, I think we have 80 some odd parking spaces

**Don Roberts:** So there is plenty, parking is not an issue?

**Steve Springer:** Parking is not an issue, but we have trucks coming and going all of the time but I don't think really these guys don't have, I see an occasional pick- up truck and that's about it.

**Amy Pickett:** Yes, an occasional truck will come in and drop something off and leave but

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

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

**Richard Harris:** I just want to sorry, one of the Board members asked about what tenants are in the building, I think John Cooper from our building department indicated you might be considering a third business or another business?

**Steve Springer:** No , we have a small , Lulu La Rou the clothing store , those folks were there , it' s a small business they moved out of their house and they needed a place and they were just doing online mail order stuff , they have since moved to Portland Oregon, or Washington or someplace now .

**Richard Harris:** But there are no other tenants in the Building right now?

**Steve Springer:** Well Atlantic British

**Richard Harris:** Well yea, sorry

**Steve Springer:** We occupy the whole space behind there, this is just a 40 ft. wide office space that runs down the front of the building so if you guys have any other tenants you would like to send our way we could use the money

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



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**John Higgins:** Ill second it.

**Don Roberts:** All in favor? (All were in favor) Opposed? (No one was opposed) Motion carried, good luck.

**Amy Pickett and Debbie:** Thank you

**Don Roberts:** You're welcome

*Evolution Construction – Change of Use/Tenant*

*APPROVED. Board approved the use of approx. 1,800 SF for a construction business office.*

**20.109                      Tri-County Construction, 40 Farm to Market Road – Change of Use / Tenant**

**Tamara Sullivan:** Hi Tamara Sullivan for Bruce Tanski Construction, this is for change of tenant over at our storage facilities, 40 Farm to Market Road. Tri –County Construction would like to use one space 1500 sq. ft. and it's just for storage of their carpentry material and various materials related to their business. There is no outside storage and there is no waste removal on site.

**Don Roberts:** Thank you, questions by the Board? No signage right?

**Tamara Sullivan:** No

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

**John Higgins:** Ill second it

**Don Roberts:** All in favor? (All were in favor) Opposed? (No one was opposed) Motion carried, good luck.

*Tri-County Construction, 40 Farm to Market Road – Change of Use/Tenant*

*APPROVED. Board received a presentation and approved a Change of Use/Tenant application to use 1,500 SF of warehouse space in Building #1 to store supplies and materials for a construction business.*

**20.114                      Five Star Vending, Inc. 40 Farm to Market Road – Change of Use/Tenant**

**Tamara Sullivan:** Five Star Vending would also like to utilize one unit which again is 1500 sq. ft. and it's for storage of candy, snacks things related to their vending services, and no outside storage and no waste removal

**Don Roberts:** That's it? Questions by the Board?

**John Higgins:** I know I've asked this before but there is not going to be any dumpsters or any kind of...

**Tamara Sullivan:** Nope there are no dumpsters on site at all and no plans to put any in.

**John Higgins:** Okay I know that's been the position from day one but we keep asking because obviously with the type of businesses that are going in there they do generate a certain amount of excess waste so that's why we keep asking the question

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**Tamara Sullivan:** Yup I believe it's actually in their lease that they are responsible for taking all of their trash off of the site.

**John Higgins:** Okay thank you very much

**Tamara Sullivan:** Sure

**Charlie Lucia:** Just real quick and its simplistic and I apologize for that but I know the building obviously if you're looking at 1500 sq. ft. or out of a building of 6000 is there partitions or walls in there that would section each of these areas off or is it just a paint marking on the floor like between tenants or Im just ...

**Tamara Sullivan:** No they're sectioned off they're separate units.

**Charlie Lucia:** Alright thank you.

**Rich Berkowitz:** Are they fire walled?

**Tamara Sullivan:** That I don't know

**Richard Harris:** They most likely are

**Rich Berkowitz:** Is that code?

**Richard Harris:** Yes, I would have to check the plans but most likely it would be

**Rich Berkowitz:** Where they need sprinkler suppression?

**Richard Harris:** Yea, I would have to check, but I know they built three of the buildings and they've got a couple permits pending and I have confidence in our guys

**Don Roberts:** And they've been inspected?

**Richard Harris:** Oh yea.

**Rich Berkowitz:** They meet code?

**Richard Harris:** Oh yea they do.

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

**Tom Werner:** Ill second it

**Don Roberts:** All in favor? (All were in favor) Opposed? (No one was opposed) Motion carried.

***Five Star Vending, Inc. – Change of Use/Tenant***

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**APPROVED.** Board received a presentation and approved a Change of Use/Tenant application to use 1,500 SF of warehouse space in Building #2 to store supplies and materials for a vending machine business.

**20.115                    Alta Industrial Management, 40 Farm to Market Road – Change of Use/Tenant**

**Tamara Sullivan:** So, Alta Industrial Management they are a fire restoration business and like the other tenants they would like to rent one 1500 sq. ft. unit and no outside storage just for storage for what's related to their business.

**John Higgins:** Typically a fire restoration business would have pumps and fans to clean up if there was a fire somewhere

**Tamara Sullivan:** Yes

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

**John Higgins:** Ill second it

**Don Roberts:** All in favor? (All were in favor) Opposed? (No one was opposed) Motion carried, good job you are all set.

**Tamara Sullivan:** Thank you.

**Alta Industrial Management – Change of Use/Tenant**

**APPROVED.** Board received a presentation and approved a Change of Use/Tenant application to use 1,500 SF of warehouse space to store supplies for a fire restoration business.

**20.117                    Roots Barbershop 1603 Rt. 9 (Suite 2 & 3 Town Center Plaza) – Change of Use/Tenant**

**Jordan Maynard:** Good evening ladies and gentleman I am Jordan Maynard and this is Wade Blauber from Roots Barbershop Company and we are here seeking the change of use we currently reside in units 2 of 1603 Route 9 we have just recently acquired unit 3 and yea that's it.

**Don Roberts:** Business is good huh?

**Jordan Maynard:** Business is great

**Don Roberts:** Good, good luck that's good, are you going to add anymore chairs or...

**Jordan Maynard:** Eventually, yea we will be back for a building permit, we are going to knock a hole in the wall and join the two units together.

**Richard Harris:** You are looking at 10 total chairs I think, stations?

**Jordan Maynard:** Possibly 10, 12, 13 somewhere in there

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**Don Roberts:** Okay good, questions by the board?

**John Higgins:** Has there been any problems with parking onsite?

**Jordan Maynard:** No, plenty of parking for days

**John Higgins:** Okay thank you.

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

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

**Don Roberts:** All in favor? (All were in favor) Opposed? (No one was opposed) Motion carried, good job you are all set.

***Roots Barbershop (Suite 2 & 3 Town Center Plaza) – Change of Use/Tenant***

***APPROVED. Board received a presentation and approved a Change of Use/Tenant application to allow Roots Barbershop, an existing tenant, to expand into the adjacent suite.***

**Brandon Nielsen:** Ill second.

**Don Roberts:** All in favor? (All were in favor) Opposed? (No one was opposed) Motion carried, good luck, now you advertise Halfmoon right?

**Brendan Nielsen:** I would like to make a motion to adjourn

**Charlie Lucia:** Ill second

**Don Roberts:** All in favor? (All were in favor) Opposed? (No one was opposed) Motion carried, thank you, goodnight.

