

**MINUTES MEETING
Town of Halfmoon Planning Board
May 14, 2018**

Those present at the May 14, 2018 Planning Board meeting were:

Planning Board Members:

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

Planning Board Alternates:

Mike Ziobrowski-absent

Director of Planning:

Richard Harris- absent

Planner:

Paul Marlow

Town Attorney:

Lyn Murphy-absent

Deputy Town Attorney:

Cathy Drobny

Town Board Liaison:

John Wasielewski
Jeremy Connors

Chairman Don Roberts opened The Planning Board Meeting at 7:02 pm

Marcel Nadeau abstained from the minutes vote

Rich Berkowitz made a motion to Approve the April 23, 2018 Planning Board Minutes. Tom Koval seconded. Minutes Approved.

Public Hearing:

18.065 O'Brien/Aflac NY Teleworking, 605 Schooner Court - Home Occupation

Don Roberts: Would anyone like the notice read? Go ahead please state your name and address

Erica O'Brien: Erica O'Brien at 605 Schooner Ct. not 695.

Don Roberts: Ok, go ahead

Erica O'Brien: Ok, Im just trying to sit at a desk in my den and work on files , there's going to be no visitors or anything.

Don Roberts: You're the only employee

Erica O'Brien: It's just me

Don Roberts: Nobody is going to come to the house?

Erica O'Brien: Nope, no one is going to do anything

Don Roberts: No sign?

Erica O'Brien: No sign, no one knows.

Don Roberts: Ok, at this time I will open the Public Hearing if anyone would like to speak?
(no comments) Since no one wishes to speak I will close the Public Hearing, Board members any concerns?

Tom Koval made a motion to Approve O'Brien Teleworking Home Occupation application. Marcel Nadeau seconded. Motion Carried.

Don Roberts: You're all set.

Erica O'Brien: Ok, thank you.

New Business:

18.070 **Nasim Towing, LLC, 15 Foxhound Circle - Home Occupation**

Raheel Thalho: My name is Raheel Thalho my address is 15 Foxhound Circle, Mechanicville and I have a roadside business; we do light duty like a tire change, jump start, fuel delivery and lockouts. We work from Albany, I live here so that's why the address I gave, my business location address i give that's my home address so I can get the mail and that's all I do.

Don Roberts: It says towing, there will be no tow trucks coming to the house, no customers coming to the house?

Raheel Thalho: No customers, we only, I only have one pick up truck which I use for personal use and also for the services yea.

Don Roberts: So that will be all, there will be nothing else at the house?

Raheel Thalho: There will be nothing at the house.

Don Roberts: Ok Thank you, any questions from the Board members?

Tom Koval made a motion to set a Public Hearing for Nasim Towing LLC. on Tuesday May 29, 2018. Tom Werner seconded. Motion Carried. Meeting Set.

Don Roberts: See ya on Tuesday the 29th

Raheel Thalho: Tuesday the 29th

Don Roberts: Thank you.

Raheel Thalho: Thank you

18.071 **Vara Corporation, 15 Solar Drive - Change of Use/Tenant**

The applicant failed to appear before the Board.

Don Roberts: Anyone here for that? Ok we will call them at the end.

18.074 Lands of Hayes & Tenace (Brady Trust), 298A Grooms Road - Minor Subdivision

Duane Rabideau: Duane Rabideau from VanGuilder and Associates here representing Rick Brady , before the board tonight for a minor two lot subdivision located at 298 A Grooms road, its just east of the Harvest Church on the south side of Grooms road , the proposal is to subdivide a 3.37 acre parcel which is all of that right there, into two parcels the lot C which is this on right here is proposed for a single family residential unit , thats 1.61 acres , the lot B which is this lot right here basically has all of the existing improvements on that , the both lots are and will be tied into public water and public sewer, basically we are in a situation in order to move this subdivision forward the applicant needs to obtain three area variances from the ZBA and we are asking the Board for a referral to the ZBA, thats it.

Don Roberts: So you mean a denial actually.

Duane Rabideau: Yea a denial

Don Roberts: Now Duane in reviewing this it came to our attention, is there a reason why you cannot move the line closer to lot C? They will both be non-conforming but they will be a little closer to conforming.

Duane Rabideau: Its kind of one of these things where we did that to minimize the number of variances from 4 to 3 and to keep all the variances on lot B , thats the only reason for it , we dont have an issue splitting it but I dont want a situation where it is going to delay us another month for the ZBA

Don Roberts: Paul you're our contact with ZBA what do you think?

Paul Marlow: We would do all variances no matter how many there are at one time

Duane Rabideau: Even though we're changing from what we had in our application?

Paul Marlow: Yes, so what we would do is if it ends up being you decide to change your mind to 4 variances then we will do 4 variances, we wouldnt do it three and then another one, we will do them all together, we have done them before where we have had more than one lot, more than one hearing.

Don Roberts: We think it might work better but I mean it's your call; we are just making a suggestion.

Tom Koval: We would rather see two 14 foot instead of one 3 foot that you could never put a driveway down.

Duane Rabideau: Ok so do we have to revise our ZBA application?

Paul Marlow: Yea we can work on that

Duane Rabideau: Ok, so if there is no issue with that we dont have a problem doing that.

Don Roberts: So other than that is there any other comments before we deny?

Rich Berkowitz made a Motion to Deny Lands of Hays & Tenace Minor Subdivision due to failing to meet the minimum width of 20 feet per flag lot. Marcel Nadeau seconded. Motion Carried.

Don Roberts: So you know the process now , thank you.

Duane Rabideau: Thank you.

Don Roberts: Thanks Paul

18.079 Oh Corn! Arepas & More - Seasonal Outdoor Seating, 1505 Rt. 9 (Glennpeter Plaza) - Change of Use/Tenant

Jose Theoktisto : Hello my name is Jose Theoktisto I am the owner of Oh Corn on route 9 , 1505 and what we submit an application for is seasonal outside seating area in front of the store so we can put three tables in this short one season.

Tom Koval: How many tables are you thinking of putting out there?

Jose Theoktisto: We can put three typically.

Tom Koval: What is your frontage; do you know how big your store front is?

Jose Theoktisto: No I dont know, everything is on the drawing.

Tom Koval: And what we've been doing with similar situations such as across the street where Harvest Moon is, is are requiring bollards to be set, so incoming traffic cant hit your guides outside so

Jose Theoktisto: And what would be the distance between bollards?

Tom Koval: Four feet

Mike Ziobrowski: So a car can't drive through them

Tom Koval: Any more than that and a car can get through them, thats why I asked how wide your store front is, your going to probably end up with 4 bollards across the front , thats what I would like to see is 4 bollards if your looking for approval.

Jose Theoktisto: Yea we will see I mean I think its about probably

Tom Koval: 25 feet maybe?

Jose Theoktisto: No I dont think its that much because

Tom Werner: 4 bollards would only be 12 feet

Tom Koval: Yea but you would have the ends and you would have to come around it so you would figure four on each end and then four between each

Tom Werner: Oh I thought you were talking total

Jose Theoktisto so probably it would be about 18 and 20 feet that's it

Paul Marlow: We can work with him in the building department to make sure that there is an adequate number of bollards adequately spaced if that helps clarify

Tom Koval: Minimum of three preferably four

Tom Werner: Is there a standard for that Paul?

Paul Marlow: I think that there is a Building Department standard that they would follow for this sort of thing, so we work with the guys to make sure that we are all just on the same page and they are following code.

Don Roberts: So any approval would be contingent on the bollards as being agreed upon

Marcel Nadeau: But again those tables will be in front of your store correct?

Jose Theoktisto: Yea

Tom Koval: I make a motion to Approve Oh Corns Seasonal outdoor seating application, based on the Building Departments approval of the bollard setting and that the tables only be in front of the applicants store.

Tom Ruchlicki: Are you looking for certain dates also?

Jose Theoktisto Yea as soon as possible I mean its a short season.

Tom Koval: April 1st to September 30th?

Jose Theoktisto I mean you mean overall itself?

Rich Berkowitz: or in October?

Don Roberts: Ok so if this is approved it will be contingent on the bollards being agreed upon between you and the building department and also the stipulation will be April 1st to October 31st is that ok with you.?

Jose Theoktisto Yes

Tom Koval: I make a motion to Approve Oh Corns Seasonal outdoor seating application, based on the Building Departments approval of the bollard setting and that the tables only be in front of the applicants store, and outdoor seating will be starting April 1st to October 31st. Tom Ruchlicki seconded. Motion Carried.

Jose Thisopiesto: ok Thank you.

18.080 Walmart 2018 Remodel - Temporary Storage Containers - Change of Use/Tenant

Robby Dinean: Hi Im Robby Dinean with Bast Hatfield Construction, My home address is 15 Halter road Glenmont New York, so I'm here to request permission to essentially install a jobsite trailer, a fenced in dumpster enclosure and ten storage containers on the Wal-Mart property

Don Roberts: Because your doing work on the property?

Robby Dinean: Because we are doing work on the remodel on the property yes.

Don Roberts: and you want this here until when?

Robby Dinean: 16 weeks from next week so that's, no I'm sorry September 30th is what we are looking for

Don Roberts: Very good, ok questions by the Board?

Rich Berkowitz: There is enough space for the fire trucks to get through if they have to?

Robby Dinean: Absolutely

Rich Berkowitz: Ok

Mike Ziobrowski: Do you plan on using cranes at that time?

Robby Dinean: Cranes?

Mike Ziobrowski: yes

Robby Dinean: We have one time we are going to be using a crane which is to set a rooftop unit.

Mike Ziobrowski: Just one?

Robby Dean: Yes, just one

Rich Berkowitz made a Motion to Approve Wal-Mart 2018 Temporary Storage containers application until September 30th 2018 with condition of fire truck accessibility. Rich Berkowitz seconded. Motion Carried.

Robby Dinean: Thank you.

Don Roberts: You're welcome

18.060 Accord Automotive, LLC, 1514 Crescent- Vischer Ferry Road - Addition to Site Plan)

Ed Esposito: Good evening my name is Ed Esposito representing Mike Sala for Accord, he's got a shed addition planned it's not highlighted but its the building to the left of the existing , Mikes been there quite a long time he's got existing auto sales in front and we are here because of the double frontage condition that went with the property to the rear of Morris there is a 95 ft setback so we had thought that that would be ok , the front setback is pre existing 55 ft with a left side yard is 73 , there is a lot of green space to remain we are not disturbing any green area, the proposed area is in a gravel area slightly to the left of the existing sales office so he wants to do something very similar to the existing sales office it would be support, storage pretty much detailing cars that come in, if its cloudy or just to get them , there is no service center situation , it seems to be a simple shed at this point and he is calling it a garage but he did need site plan approval and it seems that we had spoken to Rich and we were exempt from variances because we didnt have any conflict with that set back issue we had originally thought of.

Marcel Nadeau: Don is this a pre-existing non conforming situation?

Don Roberts: I dont believe so

Paul Marlow: I would have to go back and look but it has been there for quite some time, it's been traditionally utilized as a car dealer which in this case it is

Tom Koval: Which in this case it is, which building up here is it?

Ed Esposito: Its the one on the right is the existing office and the proposed is the 16 ' wide and the 22 'deep is that one that is going to look very similar, its got an overhead door in the front proposed but its , ones on the left the other one is on the right

Tom Koval: This drawing that you gave us in our packets doesnt seem to resemble what you're proposing there

Ed Esposito: Its the same site plan that was submitted PDF wise to Rich.

Tom Koval: I guess this must be a generic drawing, it says 6 ft to 45 ft long and then it says 6 ft wide to 14 ft wide

Paul Marlow: Are you referring to the actual building plan, yea that's, he is talking about the actual building plan for the shed structure.

Ed Esposito: Yea at first I thought you guys wanted to see a sketch; he did come over with a Garden Time shed

Tom Koval: That's what it looks like

Ed Esposito: And quite honestly it was quite pricey for what it was and I visually driving by I believed it should looks similar to what's there instead of , if its a mansard then lets keep it a mansard, I think the owners on board that versus going with the gable and

Tom Koval: Is this going to be a stick built building then?

Ed Esposito: Yea it's a pole barnish kind of building

Tom Koval: Does it have a wooden floor or a concrete floor?

Ed Esposito: No its concrete, same concrete floor

Tom Koval: Ok, because that was something I, and obviously I'm not the Building Department but I was trying to figure out how you're going to put a car on a wooden floor in a garage

Ed Esposito: Yea that is the second value that had , it didnt work with that Garden Time so you can disregarded that building plan attachment , we are site plan only and then we are going to be working with the Building Department on this.

Tom Koval: You are just here to get an approval for putting it there

Ed Esposito: Yea to get to the next step

Tom Koval: Without a visual i mean are we prepared to give an approval?

Ed Esposito: I could give you what I got from the builder, it's as advertised it's a mansard facade, the 16 wide by 22 ft deep

Tom Koval: Ill take a look at it.

Rich Berkowitz: And there is no fluids in the building, no oil changes nothing?

Paul Marlow: The Building Department will have to review a building permit for this structure so they'll make sure it meets building codes.

Tom Koval: Yes but my concern from a Planning Board perspective is the overall look of the project.

Ed Esposito: He is in a burgundy siding that will be mimicked, he is in a grayish trim that will be respected with the shingles to match, so

Don Roberts: So what's your concern Tom?

Tom Koval: I was just curious what it was actually going to look like, we are being asked to approve a site plan with no site to look at.

Marcel Nadeau: What about the pre- existing, does anybody, we don't know about that?

Don Roberts: I dont know Marcel.

Paul Marlow: It is an allowed use, it is commercially zoned.

Don Roberts: Any other questions? (no comments)

Tom Koval: *I'll make a Motion to Approve the addition to Accord Automotives Site Plan with the construction of the new garage to match the look of the existing building. Rich Berkowitz seconded. Motion Carried.*

Old Business:

18.030 McBride Subdivision, 173 Pruyn Hill Road - Minor Subdivision

Joe McBride: Joseph McBride, 173 Pruyn Hill Road, We are looking to subdivide a lot for our children and I think, don't know if this is involved but we have those garages and we had to get a variance on those too.

Don Roberts: You went to ZBA and you got that all taken care of?

Joe McBride: Yes the ZBA took care of everything, yes.

Don Roberts: Any questions from the Board?

*Rich Berkowitz made a motion to set a Public Hearing for the McBride Subdivision on May 29, 2018
Mike Ziobrowski seconded. Motion Carried Public Hearing set.*

Don Roberts: That will be a Tuesday night instead of Monday.

Joseph McBride: Thank you.

18.036 Pinebrook Hills PDD - Major Subdivision

Mike Bianchino: Thank you Mr. Chairman my name is Mike Bianchino I'm here representing Ivan Zhadrak Associates and with me tonight Ivan is here to answer any questions and Don Z the applicants attorney is also here . We're here to present the Pine Brook Subdivision , the parcel has been before the Board on a couple of occasions, its a 90.3 acre parcel located on the west side of Farm to Market road and just south of Angle lane, it is the site of a previously approved and filed subdivision that was known as the Klearsy subdivision or The Meadows at Halfmoon, that original approval was for 49 lots with 5 other lots being located up on Angle lane, subsequent to that the applicant had come in with a PDD application to modify the plan to make it more of a conservation subdivision layout. The plan the re-zoning was approved by the Town Board to a Pine Brook Hills PDD on November 15, 2017 and at that time the Board also issued a negative declaration pursuant to SEQR. The subdivision plans and reports have been submitted to the Town and the TDE back in March 2018 and they were consistent with the PDD plans, basically the project calls for 66 lots and the lot areas are shown in yellow on the plan. The minimum proposed lot size per the PDD legislation is 10,000 sq ft. the minimum front setback on the lots is 65 ft, the overall density of the proposal is .9 units per developable acre, the total lot area, again that's the area shown in yellow is about 18.7 acres of the 90.3 acres that's about 21% of the site is made up of lots. The common, everything in dark green is common open space and deed restricted open space, that area is about 64 acres of the site or about 71 % of the parcel. The town road as shown here is about 3,500 lineal feet; the original subdivision was about 4,400 lineal feet, so we have reduced by about 900 lineal feet the length of town road. Between the town road right of way and the storm water management areas that makes up about 8% of the site. We do show an inner- connection with the approved VanWert Subdivision to the north, I've been told that that project previously approved has now been sold to a developer and should be under construction some time this year. We did meet with, or the plan also shows as was originally proposed a future connection to the south to the lands that were previously known as Lands of Tribley, I know that parcel is now in a land trust, I believe that the original owner, one of the owners is still living there but the property is in trust with I believe its her daughter, but anyway the original plan did show and inter-connection to that land for a potential connection in the future if that land ever develops. As outlined in the PDD legislation the project will contribute fees or in kind construction in accordance with the north Halfmoon GEIS to mitigate the projects fair share of the cumulative impacts of development in the area. One of the things that we will be constructing is a waterline that was identified as an improvement in the GEIS, and basically what we will be doing, originally in order to serve this project there is an existing water line located , a 12 inch line at Angle lane and Farm to Market road , we could serve the project with an 8 inch line that could serve this project , we're proposing in order to meet the GEIS recommendation to install a 12 inch line not only to our site but extend it all the way down to Moreland drive , that 12 inch line will complete a major loop in this end of the system that was a request of the Water Department and it will improve the fire flow in this area significantly. The project also includes the construction of about 2,000 linear feet of 12 inch water main on Staniak road which is farther to the east, I dont know if we need to show that but I think the Board is familiar with that, we're going to extend about 2,000 ft of that waterline from where it ends right now as part of the Fairways Estates subdivision , there's an existing line that runs right here and ties in here , we are going to extend that waterline up Staniak road to serve these existing residential properties who've petitioned the Town in the past for additional water. This also provides an extension of the Towns 12 inch system which will be extended farther as part of a Town- County project which will allow a connection an inter-connection to the County water system. We've also as part of the public benefit have proposed the dedication of land at the end of Angle lane , we met with the Town highway superintendent and have shown a piece of property to be dedicated based on his desire for a future

hammerhead in that area so he can have a turn around for his plows. We also in that meeting discussed the construction of this sub street and I believe that the approved VanWert subdivision shows a cull de sac in this location but we've agreed and discussed with the highway department and the town engineer that we will allow and cooperate with allowing a temporary turnaround in this location so that they dont have to install this and then remove it at some point in the future, so we have coordinated both those things in a meeting with the highway department last month. Resident: So that cull de sac at the end of Dutch drive you say you know its going there?

Mike Bianchino: This one?

Resident: Yes

Mike Bianchino: No, the original VanWert subdivision included a cull de sac in that location in an effort to try to avoid the construction of that and the selling of this lot and having no back in and at some point removal and then dedicate the land back to the homeowner the highway department asked and we agreed to allow them to do a temporary turnaround in this location, while we are constructing ours and then the cull de sacs will be removed and just the inter connection will be left. Updates since the last time I think the Planning Board saw this project as a result of public comments that were raised I believe at the Planning Boards public informational meeting and again at the Town Board meeting Public Hearing we did relocate the entrance intersection which originally was shown in this location , we moved it about 365 feet to the north so that we were away from some existing residences that fronted on Farm to Market road and that was something that we had agreed to and the Town Board was acceptable to , the question did arise what about the people in Victors Farms, however the elevation difference between these properties , these houses down in Victors Farms and Farm to Market road is 25 to 30 feet so these headlights and so on wont be an issue with those existing properties.

Marcel Nadeau: So Mike those houses are Victor Farm right?

Mike Bianchino: The houses over here yes these are Victors Farm, the people that actually came to the public hearing were the couple of houses that fronted on Farm to Market road that were not in Victors Farms, but those other houses were part of that Victors Farm subdivision. In addition we did talk to the Supervisors office about the Farm to Market road intersection just to get an update, it was indicated that there is \$250,000.00 worth of funding that has been allocated for improvements at that intersection to help with the concerns about traffic , DOT has committed to the Town that they will undertake preparation of the improvement design for that intersection and as I understand it the design is currently underway at DOT so the improvements or some improvements to that intersection is in the works I know there is also coordination because I know there is work that has started now on the Synergy project which as the Board recalls is on the opposite side of route 9 , majority of it is in the Town of Clifton Park, but I know some of that work basically i think what they are trying to do is get the wetland disturbance areas taken care of before their permit expires so that work is under way but I know there is some coordination there going on as well. The subdivision engineering plans that have been submitted they were submitted to the Town again and the TDE back in March , we've got onsite 17.7 acres of Army Corps wetlands , that delineation has been confirmed, the soils in the area are predominately sandy loams, the sewer connection is proposed to the Saratoga County Sewer District which is located on Farm to Market road we are proposing onsite low pressure sewer and the conceptual design, the preliminary plans are in front of the Sewer District but the conceptual design has been approved by the Sewer District. The water connection is to , as I described earlier The Town of Halfmoon consolidated water district via that 12 inch extension that I talked about. The stormwater and the drainage is designed per DEC and the Town of Halfmoon standards it does include some green infrastructure components and the storm water management area will be owned by the Homeowners Association. The submission , we do have a review letter from CHA dated April 3rd , we have been working through some plan modifications to address , some of the comments that needed modifications to the plan in order to address and we have been working with Joe Romano and John Pingelski on making those changes. The balance of the comments I think were technical in nature and we are working through those , we really dont have any issues with those comments and we are working through that and thats about it, I'm here to answer any questions and hopefully request the Board set a Public Hearing for their next meeting.

Don Roberts: Thank you Mike, questions by the Board?

Tom Werner: Yea, back in February of 2017 there was some indication that there might be a private trail connecting the open space for the residents of Pinebrook is that still part of your plan or not?

Mike Bianchino: At this point it's not part of the plan, I think depending on the developer, builder who comes in and you know it may become part of the plan but right now we are not proposing any trails.

Tom Werner: Ok, thank you.

Mike Ziobroski: So this paper street that is part of the plan...

Mike Bianchino: This one?

Mike Ziobroski: That is for a potential roadway?

Mike Bianchino: It is, it's for a potential connection to this parcel here which is a fairly large parcel which fronts on Farm to Market Road, Arlington Heights when Arlington Heights was built, also includes a paper street that goes into the same parcel.

Mike Ziobroski: And there are paper streets that go into Arlington Heights?

Mike Bianchino: Arlington Heights, there is a paper street that comes off of Arlington Heights the back loop I think it was phase 3, of Arlington Heights phase 2, oh there is no phase 3 is there, phase 2

Tom Werner: Phase 2 it goes into the same parcel

Mike Bianchino: Yea the stub street that comes out of here goes into here from that back loop of Arlington Heights so we are just proposing the same thing here in case that parcel ever develops.

Don Roberts: Now if we set a public hearing I think we should do expanded notice so that being said we should do it 4 weeks out so that would be our June 11th meeting.

Tom Ruchlicki made a Motion to set a Public Hearing for the Pinebrook Hills PDD on June 11, 2018 with expanded notice. Marcel Nadeau seconded. Motion Carried. Public Hearing set.

Don Roberts: See you June 11th

Mike Bianchino: Thanks very much

Don Roberts: Thank you, now we will go back, Vara Corporation 15 Solar drive Change of Use/Tenant, not here?
Ok

Rich Berkowitz made a motion to Adjourn the Planning Board meeting at 7:35 pm. Tom Koval seconded. Meeting Adjourned.