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**Town of Halfmoon Planning Board
September 11, 2023**

Those present at the September 11, 2023, Planning Board meeting were:

Planning Board Members:

Don Roberts –Chairman
Marcel Nadeau- Vice Chairman
Tom Koval
Rich Berkowitz
Thomas Werner
Mike Ziobrowski-absent
Charlie Lucia

Planning Board Alternates:

Alison Pingelski
Laurie Barton

Coordinator- Building, Planning and Development:

Richard Harris

Senior Planner / Stormwater Management Technician:

Paul Marlow

Town Attorney:

Lyn Murphy

Deputy Town Attorney:

Cathy Drobny

Town Board Liaison(s):

John Wasielewski
Eric Catricala

Town Engineers:

Joel Bianchi

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

Don Roberts: Good evening, I would like to call the Planning Board meeting to order please. Have the Board members had a chance to review the minutes from the last meeting?

Rich Berkowitz: I make a motion to approve the minutes

Tom Koval: We have saved about the change?

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Richard Harris: Yea there is one edit that is necessary regarding a Board members vote on the ELP Solar project, it has your vote on the SEQR incorrect Don.

Don Roberts: Oh I didn't even notice that, thank you, I didn't even notice that.

Richard Harris: I make a note and we will fix that, so with that amendment.

Rich Berkowitz: Okay, with that amendment.

Don Roberts: Okay can I have a second?

Tom Koval: Ill second

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

Public Hearing:

Fairways of Halfmoon Pavilion, 17 Johnson Rd - Site Plan & Special Use Permit (23.109 & 23.111)

Jason Dell: Jason Dell, engineer with Lansing Engineering here on behalf of the applicant for the Fairways of Halfmoon Pavilion Site Plan Amendment. We are here this evening for the public hearing for the project. A brief overview of the pavilion was approved back in late 2022 and the pavilion is currently under construction. The original site plan called for an approximate 3,200 square foot pavilion structure and access sidewalk and the pavilion that is under construction has been field modified slightly to be about 3,823 square feet with an additional 1,500 square feet of concrete apron. The pavilion will serve as outdoor shelter space for golfers as well as during larger events and outings. The pavilion will serve as overflow space alleviating the need for outdoor tents. It is the applicant's intent to prepare food and serve food and beverages at the pavilion. A small cooking and grilling area service counter and sink will be installed as well as bathrooms for patrons out there. We did just receive technical comments from MJ pertaining to their review, we take no exception to those comments, and we will address the minor site plan comments that they have there, with that we'll open up for public hearing.

Don Roberts: Okay, thank you Jason. Does anyone in the room wish to speak? Please come up Sir and say your name and address and any comment you may have.

Kevin Walsh: My name is Kevin Walsh, I live on 10 Roman Drive. Our house is right where the Pavilion is, we're 60 yards away from the pavilion, our pool, and we're 75 yards from, 60 yards to the asphalt and 75 yards to the pavilion itself. My concern is, in the letter that I saw was pretty vague from my perspective, is there going to be outdoor music at the pavilion? That's a concern of mine. We spend our summer at the pool we sit out there we relax, we listen to our own music, and it is as I understand this, the golf course is zoned residential, and I frequent the golf course, I'm a golfer, I frequent the restaurant, but why do we need outdoor music there? We have music at Hank Hudson's from time to time, we have music at the club house from time to time and we also have music at the events area at the Fairway's. On July 22nd they had EB Jebb there, it's a good band, I could hear them and they're like 200 yards away from my house. So, my concern is

with the music, and it's also with the bathrooms. The bathrooms, we live on the south side of it, the leach field is going to I guess go our way and why do we need bathrooms there if the golf course has 200 acres of land and they don't have a bathroom out there on the golf course. So my concerns are that we can't make this into a Wicked it's a residential area, and that's gonna attract people that are going to stay to 10, 11 o'clock, and I was in the bar business at one time so you can end the band at whatever time that doesn't mean that if alcohol is flowing the patrons won't stay there, so the noise factor. The Town of Halfmoon doesn't have a noise ordinance yet, and so that's my concern. I guess that's it.

Don Roberts: Thank you Sir, Jason can you respond to that please?

Jason Dell: As far as the septic system, we did talk with the applicant and the bathrooms for the pavilion will be connected to the force main for the main part of the building. It was initially thought that we would use the existing septic system, however it is the intent that it will connect to a grinder pump and pump to the existing force main that is out there.

Don Roberts: How about the music?

Lyn Murphy: Sorry, Jason are there approvals to do that from the County?

Jason Dell: Not yet we will have to, but it is something that is done all of the time.

Lyn Murphy: Okay, I just, because that's brand new.

Matt Chauvin: Matt Chauvin on behalf of Mr. Tanski the applicant. That was something that we discussed in response to technical comments that we received from a Town Engineer on Friday, so we reviewed that this morning and that is the intention of the applicant, to connect to the force main, rather than having to worry about expanding or exploring the existing septic system. As it relates to music, it is the intent of the applicant to continue to operate as they have been there is not an effort or an attempt to seek to expand into a concert venue or a Wicked as referenced. There would occasionally be music associated with other events and or activities the same way that it is operated now. The position of the music may end up being in the pavilion and that's why we brought this up, we didn't want to hide the ball. That's what we are seeking permission to do. We've submitted a draft of a I term the memorandum of understanding outlining some proposed guidelines, certainly happy to work within whatever guidelines the Board sees fit to appropriately restrict that operation. We see the music as ancillary to other events on rare occasion. They've done one Band Centric event, that being the one that this gentleman referenced, in the last three years and there were no complaints received by the Town is my understanding. That's the only one that they've done in the last three years, I would expect the frequency would probably remain about the same. They do occasionally have music on the deck, or as a part of weddings and things of that nature. If an event of that nature were to be hosted in the pavilion, then it would be anticipated that they would like to use music at that time. Hopefully that responds to your question, certainly I'm happy to clarify any of these issues if you like.

Don Roberts: Okay, thank you, before I forget we received numerous written correspondence from residents we're going to put that in the record.

Richard Harris: Yes, the prior speaker had submitted two emails the Board received electronic and paper copies for the record.

Matt Chauvin: I'm sorry Mr. Chairman I do note, I was aware that there was a neighboring resident Mr. Cuella who was not able to attend tonight he lives directly across the street, initially was opposed to the expansion and the use of that area for music, upon hearing the clarification that it was not intended to be a concert venue but rather occasionally used in a consistent form that it has been elsewhere on the property. He has indicated that he was comfortable with the application.

Lyn Murphy: As I stated in the pre-meeting, Mr. Cuella contacted me today, same message that he was okay within the parameters of the constrictions that were set forth, he is okay with it proceeding.

Matt Chauvin: One final thought, the initial proposed language that I had sent to have reviewed by the Board, point two was seeking to have music cease on or before 10 pm. The applicant has revised that request to 9 pm.

Don Roberts: Thank you. Anyone else in the room wish to speak? Yes Sir.

Shane Murray: Good evening, I'm Shane Murray, I live at 9 Roman Drive. I've got a couple of questions, how you said it was amended there was 1,500 square feet pad, it's bigger by 1,500 square feet, the concrete pad, so who approves that before it's built, because that's not just a small 10 x 10 change. 1,500 square foot is figure it out, 150 x 100.

Richard Harris: We issued a stop work order when we discovered it wasn't part of the building permit

Shane Murray: But it's already done.

Richard Harris: That's why they're back here because we issued a stop work order when it was discovered they were building a few elements of this project not consistent with what this Board previously approved or the building permit issued, so we stop work order, works been stopped, and they are here seeking approval for what was built.

Shane Murray: Okay, that was one, another one is the traffic, alright I've been here before, years ago with the amount of houses that have gone up there off of Johnson Road, and the golf course, it just keeps adding and adding, alright, now when you pull out of Roman Drive people that turn onto Johnson Road to Pruyn Hill Road, they're flying all of the time, right up to the corner by Raylinsky Lane, and then they've got another straight away. Now somebody lost their life there what 5 years ago, 6 years ago, and right above McBride Road. Something has got to be done with that, the speed limit is 40, maybe you should lower it, and it's never been lowered and if it is a County Road, that's fine, I don't think it is. Then we have people to talk to the County about that.

Richard Harris: It's a town road.

Shane Murray: It's a town road, because they are flying, that straight away there, they're hauling, and that's a real big issue of mine.

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Don Roberts: Well, we can look at that. Thank you for telling us, we can look at that.

Shane Murray: Thank you.

Don Roberts: Anything else?

Shane Murray: No, that's it.

Don Roberts: Okay thank you, would anyone else wish to speak? Yes Ma'am.

Kathy Walsh: My name is Kathy Walsh, and I live on 10 Roman Drive. Just one question, I'd like to get more information on where those outside restrooms would be located. I know they said the south side of the pavilion but where about? Right behind the pavilion or down closer to the road? Just curious as to whether I am going to be looking at those out my back yard.

Don Roberts: Jason, Jason

Richard Harris: Jason am I correct in saying it would be in this vicinity, under the pavilion, within the boundaries.

Jason Dell: That's correct, that's correct.

Don Roberts: Anyone else? Yes Sir.

Joe Micklas: Joe Micklas, Raylinsky. I would just like to say that the original proposal where you granted the building to be erected, it says, and I'm talking from Mr. Rabideau, said it will not be used as an entertainment space and therefore it will not be a source of live music or other excessive noises to go on from there. Now in order to go back to address what I heard from some of the folks that spoke. The original Brew Pub wasn't to have live music either. In fact, you passed a resolution, and you therefore went over the top of that resolution, and I understand that it was supposedly legal to do that, but to all of the folks here this is kind of like a bait and switch. You've got the building structure has been erected and under one set of circumstances, and now there is a complete different set of circumstances, that are going to occur, and I've been here before, I've heard many of you address the same issues that there was definitely not going to be any live music and this, and now I'm going back to the Brew Pub, this was going to be the last addition that they were going to be allowed to be there on that property as an extension, and now we're not only coming back this is the third bite of the apple, you're going to come back you're going to expand and allow music to be piped in, they're going to have music piped in. If this were the first time or one exception, I would say okay, and I don't know if John Higgins is still a member here or if he is here or not here, but John Higgins said before that he was old enough to remember when there was going to be just a hot dog stand, and I think probably, I know some of you know what he meant by that. When it originally started it was going to be a hot dog stand then it got to be a dining hall then a banquet room and then a brew pub and now a pavilion and you're going to do a lot more than that pavilion and if you should come over some night and I know some of you do, and take a look at the traffic that's put on Johnson Road and in that area. I think many folks have a legitimate argument in what they are saying because the intent of this was just to cover the golfers

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and when it rained or whatever, and now it's obviously, you're talking about a kitchen, music an extension a reconfiguration all of that type of thing that's going to take place and this is all when you all voted that this would be the last thing that could be there, when the Brew Pub went in, now they package beer, they sell beer, it goes off of the property. I think its way far away from the golf course. Thank you.

Don Roberts: Thank you Sir, go ahead Matt.

Matt Chauvin: My client is hearing the concerns of his neighbors and has just advised me to advise the Board that he would withdraw any request for live music to be permitted in the pavilion.

Don Roberts: No live music at all?

Matt Chauvin: No live music in the pavilion.

Richard Harris: What about recorded music though?

Matt Chauvin: No music

Don Roberts: No music at all.

Matt Chauvin: No music in the pavilion.

Don Roberts: Sir, do you want to say something again?

Don Roberts: So, no music at all, that's where we stand now. Would anyone else wish to speak? Once again would anyone else wish to speak? (No comments) Would anyone online wish to speak?

Richard Harris: If anyone's online please unmute yourself and speak. (No comments)

Don Roberts: Anyone online wish to speak? (No comments) Seeing no one online wishes to speak we'll close the public hearing, comments by the Board members?

Tom Koval: Well I'm gonna start, I agree with Mr. Micklas, I'm glad you rescinded the live or music in general because that's one of my biggest hang-ups is this just keeps blossoming as you know when Hank Hudson went in I said I was one of the ones that pushed for no music at all, and it was done and there has been a lot of things, conditions and Ideas that we've had that have been ignored. Every time we set a stipulation it seems to be trampled on, I understand you're trying to run a business, but you keep expanding into areas that have nothing to do with a golf course. They have a lot more to do with a banquet hall or a venue such as the Brew Pub, you do a nice job in the Brew Pub but in hindsight it shouldn't have been allowed there, because of the other crowd it brings. That EB Jebb concert outside, I find to be a bit of a slap in the face, bringing in that many people for an outdoor concert at a golf course. Which in my opinion makes it a music venue, not a golf course. As far as the pavilion goes, we had a lengthy discussion when we first approved this and I had personally suggested bathrooms in there because of what you wanted to use if for, the golfers on the turn and tournaments. Which is fine, you needed a place to do that, and it is directly related to the golf course. Then you said you were going to do maybe a baby shower, or something like that.

Low noise, low impact to the neighbors, threw you that carrot. It's acceptable in my opinion. But weddings, music events at night, that has nothing to do with a golf course and that is encumbering neighbors, their privacy, there is no reason at all we should do that. The new parking lot as long as it stays for golf carts, I don't personally see an issue with that, the golf carts are parked on the grass, it does make a mess out of your property, which is nice, so if you had asked for it originally we would have approved, I would have approved of it and we wouldn't be back here today extending the size of the slab I don't think that changes anything, it's just like having a bigger sidewalk on the golf course. It's not going to change much of anything with the pavilion, but absolutely no more outdoor music, it's not what's supposed to be at the golf course. It's not what your neighbors signed up for and they shouldn't have to tolerate it.

Don Roberts: Anyone else?

Allison Pingelski: Do you have any drawings of where the bathrooms are just to show the neighbors that asked the question.

Jason Dell: The site plan that we submitted was the as built, the structure and the pavilion. It will just basically just be stalls within the area that Rich had pointed out there, just below the hand there, correct.

Tom Koval: It's already constructed.

Jason Dell: Correct the pavilion is up.

Tom Koval: It's close to the existing building, club house it's at that end of the pavilion, so the opposite end of the pavilion is all open so the bathrooms will be as far away from the neighbors as they possibly could be and still be within the structure. So, it's not a separate outhouse or anything, and they do have one out house down on, I can't remember which hole it is, I golf there every week but they do have one port-o-potty.

Don Roberts: Okay, anyone else?

Charlie Lucia: Just real quick, Jason with the, obviously there was a stop order, that's what got everybody back together on this, I'm curious are there, it seems as though the bathrooms are constructed already? I don't know if that is sort of a backward question or?

Jason Dell: I believe they are framing them.

Tom Koval: They are framed

Richard Harris: The conduit is in, but you haven't continued any plumbing work or water service to it correct?

Bruce Tanski: Correct.

Tom Koval: The rough plumbing is in the slab for them they're just not

Matt Chauvin: The conduit is in

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Tom Koval: The fixtures aren't

Matt Chauvin: They didn't actually run a line for service for the conduit so that has to be installed as well. So, the conduit was put in but there is nothing in it at this point.

Tom Koval: Are you talking electrical or plumbing?

Matt Chauvin: Both

Tom Koval: The slab was all plumbed you don't go back and pull pipe through after you pour it.

Matt Chauvin: They plumbed the slab, but they did not install any fittings, no fit up has been done whatsoever.

Tom Koval: They have not pulled the power out through the electrical conduit?

Matt Chauvin: Right

Lyn Murphy: That's what brought them back here because when the code went to do an inspection, they saw that it was plumbed which was not part of the approval together with the extended parking.

Charlie Lucia: Sure okay, thanks

Don Roberts: Anyone else?

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

Tom Koval: Ill second

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

Tom Koval: I would like a condition, the condition for no outdoor music.

Don Roberts: That's not part of this

Tom Koval: Well before we

Don Roberts: Don't worry.

Rich Berkowitz: I make a motion to approve the site plan and the special use permit with no outdoor music at all, speakers or live.

Lyn Murphy: Just for clarification purposes outdoor means not in the pavilion or in the surrounding area.

Tom Koval: Correct, no outdoor music on the property.

Lyn Murphy: On the property it's different than

Rich Berkowitz: Within the pavilion there is already outdoor music on the patio.

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Tom Koval: It was never approved.

Rich Berkowitz: We're not looking at that though.

Tom Koval: We're looking at the site, the change to the site plan

Rich Berkowitz: So are we looking at the whole site or are we looking at

Tom Koval: I'm looking at the whole site, we already had a complaint about the EB Jebb, and they didn't come out right away.

Rich Berkowitz: That's live music though, are we talking.

Tom Koval: Music.

Rich Berkowitz: I don't agree with that because you can have some music on the patio, soft music for people eating, every restaurant has that.

Lyn Murphy: Yea, and the original approval did not prohibit music for the club house, there was a prohibition outside of the brewery and now.

Tom Koval: So, let's live music, outdoor live music and any music in the pavilion.

Rich Berkowitz: Within the pavilion, yes.

Don Roberts: That's what he said.

Rich Berkowitz: That's what I said.

Tom Koval: Both, outdoor live music

Lyn Murphy: He's saying nowhere on the property they're allowed to have live music.

Tom Koval: Live music, soft music on the deck is acceptable.

Richard Harris: You're okay with recorded music on the deck, I don't want to see EB Jebb back there again, because that's what's affecting the neighbors.

Rich Berkowitz: I think we're discussing the same thing, different ways.

Tom Koval: Most likely.

Lyn Murphy: I'm definitely going to need clarification of what the Board is saying, so if they have an acoustical guitar player outside, you're saying that's not acceptable or are you saying no venue type events?

Tom Koval: Live music, live music. It could be a live events, it could be acoustical, acoustical guitar player in Hank Hudson wasn't even supposed to be there, but we can overlook that at this point, because we

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haven't had any issues, but we have had neighbors' comment on outdoor music. How do we regulate the difference between acoustical and EB Jebb? We don't have the

Lyn Murphy: Okay, I'm going to throw it out there I have no idea who EB Jebb is but we need to come up with some sort of parameters.

Richard Harris: I'd like to request since I work on the code enforcement end of things, the Board first deal with the pavilion so I'm clear on that, and if you want to go argue talk about other, but just for the pavilion itself, I think your saying, no live music, and no recorded music in or around the pavilion.

Don Roberts: And you agree to that?

Tom Koval: Not even a harmonica

Richard Harris: Okay so we've got that clear, as a condition

Matt Chauvin: We don't have a problem with that.

Richard Harris: Beyond the pavilion

Tom Koval: If we are focusing right on the pavilion, we also have to I guess it would be part of his building permit, but we have to make sure that gets tied into the County Sewer and not the septic.

Richard Harris: We require a permit for that, a separate permit as part of our effort to track the County Sewer.

Tom Koval: Okay, yea just because the neighbors had some concerns about the additional water in the ground.

Richard Harris: I would suggest that you include that as a condition that they connect to County Sewer.

Rich Berkowitz: That's a condition.

Richard Harris: No music live or recorded at the pavilion.

Lyn Murphy: In or around it too.

Rich Berkowitz: One thing we can't control is people having music on their golf carts though, no that is a very big thing now.

Richard Harris: So, we've got the pavilion down, we've got connect to County Sewer

Don Roberts: What else?

Richard Harris: The Boards discussion on any other music live or not in the rest of the facility.

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Lyn Murphy: The pavement is going to be utilized for golf carts only? I'm asking because that was brought up by one of the members.

Rich Berkowitz: Golf related activities.

Lyn Murphy: Golf related activities is not, whatever the word is.

Rich Berkowitz: Well, if you had grass there or concrete what difference does it make what's there?

Tom Koval: So why don't we just do no music off the deck. At the restaurant, fine, recorded music no live bands.

Rich Berkowitz: So, we are back to my original proposal.

Don Roberts: Exactly

Tom Koval: That's alright.

Lyn Murphy: That straightens it out.

Richard Harris: So, the only music allowed is on the deck.

Matt Chauvin: That's essentially what we offered up.

Don Roberts: That's right, it is, it is okay so

Tom Koval: I just wanted to get it all on the record.

Matt Chauvin: I just want to make sure I'm clear and we've had

Richard Harris: I can see, I mean we can sit here and guess a million different things that could happen, but I could see a larger band wanting to be down on the walkway area, on the grass but not on the deck. That's a physical thing that's observable from an enforcement perspective. I just think the parameter of the music has to be on the deck.

Rich Berkowitz: We're also talking this is only going to be open April to October, November I would think.

Richard Harris: Any music of any kind, live, recorded whatever has to physically be on the deck, does that make sense?

Matt Chauvin: That's perfectly acceptable.

Don Roberts: You're okay with that?

Matt Chauvin: Absolutely

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

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Alison Pingelski: I'm sorry I have a question because Rich was saying that it was going to be only April until October?

Rich Berkowitz: No one is going to have an outdoor event in the wintertime unless they are cross country skiing or something like that.

Richard Harris: The only other thing on the music that's allowed, is the Board entertaining or is the applicant offering up on that music, a time, a time limit. 9 o'clock, 10 o'clock, whatever, that would be helpful too for future reference.

Matt Chauvin: I don't think that would be an issue.

Richard Harris: Okay

Tom Koval: It seems like we are condoning the music in Hank Hudson when we specifically said not to have any.

Matt Chauvin: Given where we are at, we have no problem with a restriction, we'll just cap it at 10pm.

Tom Koval: Do you see my frustration, now we've set standards, they've been ignored and now we're basically stepping on our own feet giving permission for something that we already said we didn't want, because the applicant has done this so many times. I said it when we approved Hank Hudson that I was the one who said we weren't going to have any more of this and here we are again. At what point do we stop?

Charlie Lucia: What about Sunday evening, 9 o'clock on Sunday evening?

Matt Chauvin: Sunday evening I don't think there are any issues ending earlier. 6 Pm on Sundays.

Don Roberts: And what?

Richard Harris: 6 pm on Sundays.

Matt Chauvin: 6 Pm on Sundays

Don Roberts: That's a condition.

Don Roberts: Okay, that's a condition, okay.

Richard Harris: 10 pm Monday through Saturday is that accurate?

Matt Chauvin: Not later than.

Don Roberts: Okay so we've got a motion

Rich Berkowitz: Right

Don Roberts: Do we have a second? The public hearing is closed but make it quick Ma'am.

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Kathy Walsh: My name is Kathy Walsh and I'm just a little bit confused because we decided no outside music at the pavilion of any type, there never should have been any inside music at the brewery, but now we're saying okay to that?

Lyn Murphy: No, they're saying okay to music on the deck.

Kathy Walsh: Okay even though that wasn't okay before even though

Lyn Murphy: It was never prohibited. Music on the deck when the original approval for the Banquet house, there was never any prohibition about.

Joe Micklas: That's not true

Lyn Murphy: Mr. Micklas, we've gone to court on this multiple times.

Joe Micklas: (muffled)

Don Roberts: Again, the public hearing is closed. Okay, public comment is over.

Joe Micklas: (muffled)

Don Roberts: It's closed, you had your chance.

Tom Koval: I'm still listening to these residents, and they are pointing out some valid facts, why, why are we condoning the music within the brew pub when we specifically said why aren't we enforcing it first off, because it's clearly advertising everything else, we needed, why are we condoning it now? Why are we condoning someone specifically violating the conditions of our last approval?

Lyn Murphy: Nothing in the proposed resolution has any okay of music in the brew pub, if there is music in the brew pub and we receive a complaint, a ticket will be issued. This is for on deck only music, correct?

Tom Koval: Okay, so the residents are clear on that.

Lyn Murphy: No open music in the pavilion. Yea this is not in any way changing the approval for the Brew Pub. I don't believe that we've received a complaint about music in the Brew Pub so there is an avenue.

Don Roberts: Okay, so we have a motion.

Alison Pingelski: Can we go over what the four conditions are?

Don Roberts: Yes

Lyn Murphy: No music on or around the pavilion, must hook into County Sewer, no music anywhere off of the deck. Until 10 pm music on the deck is Monday through Saturday and it ends at 6pm on Sunday.

Richard Harris: And that's music on the deck?

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Lyn Murphy: On the Dec, that is my understanding of the rules you set.

Marcel Nadeau: I'll second that.

Don Roberts: Okay we have a motion and a second all in favor Aye? (All were in favor) Opposed? (None were opposed) Motion carried. Bruce I've got to tell you withdrawing the music I think saved your life tonight just so you know, thank you.

Bruce Tanski: So, Mr. Harris what does that do now for the stop work order, can we, how do we go about getting it removed?

Richard Harris: Call tomorrow but we will need a building permit with plans that reflect this approval tonight. New building plans okay, so you're basically gonna amend your building permit.

Bruce Tanski: Okay, thank you.

Richard Harris: Yup

Fairways of Halfmoon Pavilion - Site Plan & Special Use Permit

APPROVED. A Public Hearing was held, and the Board approved the Site Plan and Special Use Permit with conditions related to limitations on outside music and connecting to the existing sanitary sewer system.

New Business:

Zoom Room Pet Store/Training, 1603 RT 9 – Change of Use/Tenant (23.150)

Bill Overholt: Good evening, my name is Bill Overholt and first this is my first appearance before the Town Board so please be patient with me and ask any guidance questions for me. I'm looking to open a Zoom Room Pet Training Facility. An indoor training facility, at 1603 Route 9 in Halfmoon, and to better explain what we do, traditionally your dog trainer does not necessarily include the exercise component to it. They'll teach you how to have your dog sit, come, go, stay. If there is some reactivity that will do that as well. The focus of Zoom Room is training the owner and the dog as well so mostly on the owner. We're focused more on a socialization of the animal so the total square feet is roughly 3,000, within that 3,000 square foot approximately 1,900 or 2,000 are in what's called the gym and in that gym, there is a 4-foot concrete wall to prevent any of the dogs going through the wall or an owner going through the wall, things like that. In the rest of the facility there will be a traditional retail-type establishment you may see anywhere. So, we have the socialization aspect of it, in addition to that we do, will do the come, sit, stay, go basic puppy traditional dog training and then we do have agility, however the point I want to clarify is when you first think of agility you think of racing dogs all over the place, that's not what this is. This is focused on the training aspect of the dog and the command between the owner and the dog. So, it's still within that 12 foot, I'm sorry that 2,000 square foot gym and there is small little ramps things like that, and when you're having the dog come over your focused on teaching the owner how to communicate with their dog to execute. They're not racing around, they're actually going one at a time. From a capacity standpoint class generally will be 4 to 6 dogs, 8-10 at the max, but it's very rare in the existing stores that we have, so it's small from a containment

standpoint. One question we get all of the time is noise, is this going to be a noisy kind of thing? One difference also while in Zoom Room the owner is always present. We are teaching the owner how to teach the dog, there is no boarding, there is no day care, nothing like that. There is no grooming, the owner is constantly there with their dog. So, we're training the dogs and we have the owner present, noise, so if a dog does decide to bark, we will get them calmed down and then if it's a consistent problem we'll refer them to a private training because now there is maybe barking because of reactivity and focus on one on one instead of a group class. The traditional sound, put up a normal wall the sound transmission is about 38 which means if you're talking loudly, you can hear someone on the other side of the wall, but you don't really know what they are saying. That's just an example of a number. When we put in our soundproofing on the wall it will be a 56 so you will not hear it on the other side of the unit. This is kind of a broad overview I can definitely answer any questions that anybody may have.

Don Roberts: How many employees?

Bill Overholt: Sorry?

Don Roberts: How many employees do you have?

Bill Overholt: 2 to 3 maybe 4 if the classes start to fill up.

Don Roberts: And as you know if you want a sign you have to come back for a sign, there is no sign application on file.

Bill Overholt: That's correct, because I'm not sure at this point, we're hoping to execute the lease sometime within the next week or so and I was waiting for that and obviously to speak with you all before even moving down that road.

Don Roberts: Okay, questions by the Board?

Tom Koval: I noticed that you on your list of how you operate from other boarding kennels and daycares, you mentioned dogs going to the bathroom, you said that the owners are responsible for cleaning up, you're going to be at a facility with not a ton of grass around, I don't know how you're going to police making sure that people bringing their dogs are cleaning up after them but I would suggest that you occasionally send one of your employees out to make sure that everything is cleaned up so your surrounding tenants aren't affected by the influx of pets.

Bill Overholt: I don't know if this is relevant or not, but I could not agree with you more. I am a kid with good parents, and I get annoyed when I see people, they decide to use the bag but then decide to leave the bag there which drives me crazy, I don't particularly understand what that did, so you have no worries when it comes to things like cleanliness, hygiene. I have three daughters, we're in Burnt Hills Ballston Lake and I drive by a convenience store, and I'll see the weeds growing up and why aren't they cutting them, so no worries there I give you my word on that.

Marcel Nadeau: I'll make a motion to approve the change of use and tenant

Alison Pingelski: I'll second

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

Bill Overholt: Thank you, Sir

Zoom Room Pet Store/Training – Change of Use/Tenant

APPROVED. Board approved the use of approx. 2,960 SF for a dog training center and retail store.

Paar Estates Phase II Amendment, Farm to Market Rd – Site Plan Amendment (23.104)

Richard Harris: Jason I just want to clarify my artistic abilities here, so pink means you're keeping the fence which is installed and yellow is proposing to remove it from the approval?

Jason Dell: Yes, the yellow actually was along the other leg of the property

Richard Harris: It was along here?

Jason Dell: Yes.

Richard Harris: Okay

Jason Dell: It actually wasn't in the back there, that's ACOE wetland, but yes, we're here this evening to request a site plan amendment to remove the fence along the alternate yellow line, that would be there. The applicant has already installed the fence along the pink line right through there, so the applicant owns that property that's why he doesn't feel the need to install that fence anymore.

Alison Pingelski: So, the yellow doesn't have a fence, the white is where the fence is that he's

Richard Harris: Yea I messed up the yellow should have been here and that's where a fence was approved on subdivision plan along with a fence here was approved on the subdivision plan. The applicant has since installed this one here and there is going to be nothing along there. So, make believe that yellow line isn't there.

Jason Dell: And the applicant owns this property here so that's why a fence is no longer needed.

Don Roberts: Questions by the Board?

Jason Dell: The other portion is along this area, there was a fence proposed along there, the applicant has spoken with the adjacent landowner at 37 Farm to Market Road and they no longer require or they're fine with just having a line of trees there in lieu of white vinyl fence, so that's why we're proposing the tree line along there.

Tom Koval: Have we heard from them?

Richard Harris: No, they were on the notification, I did not hear from them.

Don Roberts: Any questions by the Board?

Tom Koval: I will make a motion to approve the change in the site plan.

9/11/23

Rich Berkowitz: I'll second.

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

Jason Dell: Thank you.

Paar Estates Phase II Amendment – Site Plan Amendment

APPROVED. Board approved the revised plan related to fencing and landscaped buffers with adjacent properties.

Old Business:

One Four Six Marketplace PDD, Rt. 146 & Old Rt. 146 – PDD Recommendation (22.099)

Chuck Pfundi: Hello everyone Chuck Pfundi head of Real Estate Development at Luizzi Companies. So, at the last public informational we heard a lot about traffic concerns of traffic, continuing conversations with DOT, since then we've had continued conversations with DOT and a couple of meetings. The latest meeting resulted in a discussion on the approval of our baseline mitigation design and the mitigation that would take place both on 146 and the intersection of 146 & Route 9 that would be their stage 1 approval for the DOT process. Right now, with stage 1 approval I believe we are at a point to wrap up SEQR and looking to move forward with the PDD. With the stage one approval and regards to timing so there is 2,3,and 4 stages left, 2,3 and 4 those stages are more appropriately addressed when we're going through site plan application with the rest of the planning process at a later date if the PDD is approved. Right now, we have Alana here if she can answer any questions in regard to the mitigation and the design of it, and Jason Dell with Lansing Engineering as well. There is also discussions with Plant Road as it relates to impacts to the residents down Plant Road. Scott, our partner is continued efforts with the family that owns the property adjacent to Stewart's that is now in an estate holding and we are waiting to hear back further from the daughter and son that are part of the estate. We are continuing our good faith effort on purchasing that and have all anticipation and intention to further that design as discussed with the Board previously.

Don Roberts: So that is still being pursued which is good.

Chuck Pfundi: It is, yes Chairman.

Don Roberts: Questions by the Board?

Alison Pingelski: Chuck on the letter from the Department of Transportation on the third bullet of your number one, it says provide an approximate 175' northbound right turn lane, where is that on the map?

Chuck Pfundi: Could you pull up the VHB drawings?

Richard Harris: Yes, sure

Chuck Pfundi: Alana do you want to talk to them? It's the actual plan view plans.

Alanna Moran: Good evening, Alanna Moran with VHB, so that north bound right turn lane is essentially where the Lowe's drive location is, you can see it at the very bottom of your screen there where the realigned intersection of, it's going to be going through the site itself, and the northbound approach would provide a right turn lane coming out onto route 146.

Alison Pingelski: So then, I'm sorry I just have another question, so the bullet right above that then the 146 west bound lane to be widened, there's already kind of a second west bound lane so that's the one on 146, that's gonna just as you approach the Lowe's intersection?

Alanna Moran: Yea, so exactly right now what there is, is a single through lane at that intersection but there is two receiving lanes on the other side of the intersection, so what the project would do is widen along their frontage so that we have two lanes going through that intersection in the west bound direction just increasing capacity at the signal itself.

Charlie Lucia: Would that still allow for the right-hand capability turn there?

Alanna Moran: Yes, so what we'll do is it will be a shared, so it will be a through lane and a right turn lane at the same time.

Alison Pingelski: So then, I'm sorry, last question.

Alanna Moran: No, keep going.

Alison Pingelski: On the traffic signal that will be installed that's the next bullet down from there at the intersection with signal timing is there a change in the traffic signal that's there and is that the one that they are talking about at Low's or is there a different one?

Alanna Moran: This would be at the Lowe's intersection yes and it would be a brand-new traffic signal with full pedestrian accommodations.

Alison Pingelski: Okay, thank you.

Alanna Moran: Sure, those were easy.

Rich Berkowitz: You know that also makes this section of Plant Road worse. Now my next question is if you can't solve the estate sale you remember how I suggested moving from Plant Road more east through that property and it gets you about another 150 feet of gap.

Alanna Moran: So, we did start looking at that right, as far as adding another traffic signal in and you do have to meet.

Rich Berkowitz: I'm not talking about moving traffic signals I'm just talking about moving the whole intersection more east.

Alanna Moran: And no longer opposite Lowe's drive?

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Rich Berkowitz: This is Plant Road.

Alanna Moran: Oh, yea, yea well I mean that's, I mean that's all about you.

Chuck Pfundi: I mean we could definitely look at that with our partner on moving it more east bound, but I think the more appropriate.

Rich Berkowitz: I agree the more appropriate one but you're also dealing with two family members that might not agree.

Don Roberts: I think he's saying if your plan doesn't work

Rich Berkowitz: If it doesn't work

Chuck Pfundi: Yes, so an option B we can definitely look at that.

Rich Berkowitz: Okay, because the way it stands now if you improve the Lowe's intersection it makes the Plant intersection worse.

Chuck Pfundi: Correct, yes.

Rich Berkowitz: It does, because now you have people taking a right on red with no gaps

Don Roberts: But you'll look at that?

Chuck Pfundi: We'll look at it but I think right now the most appropriate thing to look into would be looking at the purchasing

Rich Berkowitz: I totally agree with you.

Chuck Pfundi: The overall gain of 150 feet would be marginal to the intersection at this point

Rich Berkowitz: But it does make a difference.

Chuck Pfundi: Aside from that I just wanted to add another comment from Board at the previous meeting was the coordination with DOT with Creighton Manning and their design and what the New York State DOT consultant contract, so right now with where things would lay out milestone with the rest of the development procurement as it sits right now, best case scenario would be stage 2,3 and 4 would align with more of where DOT would be with their design so design efforts would be at a coordinated point in the future when we hit our milestones that they would hit theirs.

Don Roberts: Joel, you have any comments on this at all?

Joel Bianchi: The only thing is that if some of the off-site improvements that DOT is going to do, and for some reason DOT doesn't meet those milestones does that hold off you for further expansions?

Chuck Pfundi: No, because we're taking a pedestrian crossing and an intersection out of their design so at this time it would just be coordinating efforts right, but I do not see any efforts being stalled if DOT doesn't further their design. Right now, we have milestones set up with them with our mitigation plans that they approved in stage 1, stage 2, 3 and 4 are not dependent on their design. It's a segmented intersection.

Joel Bianchi: Okay

Alison Pingelski: I'm sorry chuck remind me what's in stage 1 again?

Chuck Fundi: It's like the, you explain stage one

Joel Bianchi: It's everything in DOT's letter to you.

Alanna Moran: Yea so basically DOT is giving you concept approval, they are saying hey this is what you're going to build as part of your project and then the next steps are really the design and the permitting so that concept approval is everything that is in their letter, that's stage 1

Chuck Pfundi: Which is why we feel comfortable saying we're at a point right now at the PDD Phase to be able to wrap up our concern with DOT and close with SEQR in our opinion.

Joel Bianchi: It wouldn't really be something that this Board would have to be concerned with its more at the Town Board level when they review or are ready to act on SEQR, that it is absolutely crystal clear that nothing that DOT does in the future has any impact in a negative way that would preclude you from doing what you want to do.

Chuck Pfundi: And that's correct

Joel Bianchi: Do we have something from DOT or from your side that articulates that?

Chuck Pfundi: The stage 1 approval.

Alanna Moran: The stage 1 approval is not contingent upon the DOT project in any way shape or form. It basically is stating that project is going to build the turn lane and the through lane and upgrade the traffic signal, replace the traffic signal but it doesn't talk about needing to coordinate with DOT.

Joel Bianchi: Okay.

Tom Werner: Will there be any interconnection between the new signals for this project?

Alanna Moran: Oh, I'm sure, I'm sure that as things develop that there would be some coordination between the two. But that's one of the things that as we get into the actual design of the work itself, we will definitely coordinate with the State to make sure that the equipment is there so that as they do their work, they can kind of, we can tie in or at that point I guess they'd be tying into what we may have completed at that point.

Chuck Pfundi: Even not just with development but in our public works, I mean if DOT misses their mark on their design procurement with signal timings and things like that it's very easy for us to modify the cabinet as you know Tom at a later date, they have the keys they can coordinate with us no matter what the ownership rights are to that

intersection whether it's DOT owned or we own it with maintenance. So, we can coordinate signal timings at any time and whether it's right at the moment right now at our state 2, 3 and 4 or if there are design delays, they can coordinate their timings when their design becomes available. There is no striping coordination at this time it's a safety project, its pedestrian crossing and signal timings.

Don Roberts: Okay, tonight we're fortunate enough to have a fire chief Rich Coonrad where you at? Wouldn't you like to say a few words about this?

Richard Coonrad: No, I met with Jason this past weekend, we really discussed more of the water lines and things like that for our requirements for hydrants. Obviously this is a bad intersection it's not as bad as 9 & 146 for as far as we are concerned as far as accidents and things, we don't really, I wouldn't say we would go to that intersection much right now as far as accidents, what I was just talking with my assistant chief and looking and diverting and this is I'm sure putting the cart before the horse, diverting more traffic into the new development will possibly cause more issues with pedestrians and cars and you know interacting the same space. So that's kind of where we look at it but as far as the intersection and that goes, we really don't go there more. The Plant Road Stewart's, that's where we kind of have more accidents, is down that way. You know the Lowe's, I'll call it the Lowe's intersection we really don't have many accidents knock on wood, right now there. That's it.

Don Roberts: Thank you, thank you very much, anyone else? Don't forget this is we're just making a recommendation to the Town Board so.

Rich Berkowitz: Jason I just have one question, has Scott acquired that old Tanski building on the corner of Cemetery and Old 146?

Jason Dell: I don't know if they've had the closing yet

Rich Berkowitz: But he is acquiring it?

Jason Dell: Correct

Rich Berkowitz: Does that play into this at all?

Jason Dell: It could, when we get into the actual geometry of the intersection over here if we needed to make this radius a little bit larger and make more of a sweeping turn we could certainly get up into that property because that could be incorporated into this very easily.

Chuck Pfundi: We are not looking to add anymore density though

Rich Berkowitz: No, no I'm just wondering how the acquisition of that building plans was.

Jason Dell: Right now, there's a plan even before Scott was purchasing it to provide access and additional parking for Bruce, so you'll see that on the plan but that could easily be moved.

Rich Berkowitz: Okay.

Don Roberts: Jason, can you just summarize the buffering plan for Englewood residents?

Jason Dell: Sure, I'll put it up on the screen right now. When we met with them, we briefly went over this and as we get into site plan and we'll go through and meet with them again, but the general gist was along the back property line here, this red line, there is going to be a retaining wall. If you go out there now you can see the back sides of those houses starting right around here there's a drop off down to existing grade and the flat area that's out here now and you can see the kind of depiction up in the upper left hand corner, that's what the front of that wall is going to look like along here and behind that we're going to fill in their back yards where the back yards currently drop right off we're going to look to flatten that out to the front of this retaining wall and then plant various plantings along here, and the exact tree species and vegetation we will leave up to the individual owners and we'll meet with them again is how we had left it. Once we get into the site plan and then develop a landscaping plan for that.

Don Roberts: That sound good?

Rich Berkowitz: I just have a procedural question also, the Town Board will have another public information or public hearing?

Lyn Murphy: Yes

Rich Berkowitz: And then we'll have one also or no?

Richard Harris: You will have subdivisions, if not it's optional for site plan approval, we sometimes do one when there's projects, and it's an optional public hearing.

Rich Berkowitz: But the Town Board is required to have one if residents have questions?

Lyn Murphy: The Town Board has to have one.

Rich Berkowitz: Okay.

Tom Koval: Motion for a positive recommendation for the PDD.

Rich Berkowitz: I second

Don Roberts: We have a motion and a second for a positive recommendation all in favor Aye? (All were in favor) Opposed? (None were opposed) Motion carried, good luck.

Chuck Pfundi: Thank you.

One Four Six Marketplace PDD – PDD Recommendation

POSITIVE RECOMMENDATION. The Board granted a Positive Recommendation to the Town Board for a proposed mixed-use development at Route 146 & Old Route 146.

Alison Pingelski: I'd like to make a motion to adjourn

Rich Berkowitz: I'll second

9/11/23

Don Roberts: All in favor Aye? (All were in favor) Opposed? (None were opposed) Motion carried, thank you, goodnight be safe.