

**MINUTES MEETING
Town of Halfmoon Planning Board, 2018
July 23, 2018**

Those present at the July 9, 2018 Planning Board meeting were:

Planning Board Members:

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

Planning Board Alternates:

- Mike Ziobrowski

Director of Planning:

- Richard Harris

Planner:

- Paul Marlow

Town Attorney:

- Lyn Murphy

Deputy Town Attorney:

- Cathy Drobny

Town Board Liaison:

- John Wasielewski
- Jeremy Connors

Chairman Don Roberts opened The Planning Board Meeting at 7:08 pm

Marcel Nadeau made a motion to Approve the July 9, 2018 Planning Board Minutes. Kevin Koval seconded. Minutes Approved.

John Higgins and Rich Berkowitz recused themselves from the Minutes vote.

Public Hearings/Public Informational Meeting:

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

Don Roberts: Would anyone like the notice read? (no comments) Ok , go ahead

Duane Rabideau: Duane Rabideau from VanGuilder and Associates representing Rick Brady before the Board today for a two lot subdivision located at 298A Grooms road just east of the Harvest Church on the south side of Grooms road , the proposal is to subdivide a 3.37 acre parcel which includes all of this right here into 2 lots, Lot B which is this one would consist of all the existing improvements , driveway, duplex, sheds , garage workshop in the back and Lot C would be this flag up through here cutting up through here and around for a proposed single family residential home, both lots are or will be tied into public water, public sewer, and both will use this existing curb cut onto Grooms road right here. In order to move forward with the subdivision we had to obtain 4 area variances from the ZBA which we did acquire at the July 2nd meeting. One of the modifications we made that came up at the ZBA meeting is that we have added this highlighted area right here is going to be a no cut buffer , basically the property

line is a stream that runs down through here this is a river valley and right here it the existing topo bank, from this point down it goes at a gradual slope and from here out its pretty much a level site, so we are going to use that as our no cut buffer , buffering the houses in the Timberwick project and that is our request before the Board.

Don Roberts: Thank you Duane at this time I would like to open the Public Hearing if anyone wants to speak please come up and state your name and address because its for the record, mam come on up please

Mary Mazotta: Hello my name is Mary Mazzotta and I'm here with my husband Tom, we have lived at 5 Hampstead Ct. for about 21 years now , we would just like to briefly say that we were unaware of the purpose for the construction of this new dwelling prior to the attendance of our last Town meeting we wish the family , the Brady family dealing with Parkinson's disease the absolute best with regards to their new home. After this meeting we did subsequently submit a request to the Town with some personal reasons of our own outlined in the letters to Richard Harris, to humbly ask that in addition to the no cut buffer zone that was proposed that some additional evergreen trees such at 5 to 6 foot hemlock trees be planted along the back of the newly constructed home facing Hampstead Court for additional privacy for ourselves and our neighbors especially during the Winter months because during the Winter months even with the buffer zone that you so nicely added you know with the trees and the leaves down there still is like absolutely no privacy , we have the situation now during the Winter months and we would be very grateful for the allowance of our request, thank you so much.

Don Roberts: Thank you Duane would you like to respond to that?

Duane Rabideau: At this point in time we feel that the existing buffer that is there now is adequate its feel a right balance between the two neighbors in all actuality we dont have to do the buffer because its zoned but we know the Boards opinion of that so we feel that thats a good spot for it, its a situation where the houses , Paul can you flick to the next one , this is a GEIS photo, this is that no cut buffer right here this is where the proposed house is going to go and this is the existing lot these are the Timberwick parcels we have a situation here where these lots are narrow to begin with there were large houses on it by nature of the project and in the back they had the pools and the normal lawn stuff so we have the situation where there on their side of the line, there either is no buffer or has been severely compromised so I think we are going well above by protecting this corridor right here their activity is right up to the top of the stream.

Don Roberts: So you are saying that the adjacent property owners that their property is clear cut to the property line?

Duane Rabideau: Some have cleared it if for lawn, swimming pools, if it's not clear cut there has been a severely compromised as far as the trees as you can see lawn areas, pool there, there's a shed there so this area is at best severely compromised and their buffering is basically everything that Mr. Brady has.

Don Roberts: What is the length of the no cut zone?

Duane Rabideau: It averages from 90 to 100 ft

Don Roberts: Ok thank you, would anyone else like to speak? (no comments) Rich we received some letters we will put into the record right?

Richard Harris: Yes, I received one letter dated July 16th via email signed off by Thomas and Mary Mazzotta, John & Nicole Grasso, Roxanne & Steve DeLarge and respectively they live at 5 Hampstead ct. 7 Hampstead ct and 9 Hampstead ct. you have copies but I believe some of the comments were already relayed to you as part of the Public comment, also a letter dated 7/17/2018 from Mary Mazzotta reflecting the comments made tonight and in the other letter, you have copies

Don Roberts: You will make them part of the Minutes?

Richard Harris: We will make them part of the Minutes, correct.

LETTERS FROM ADJACENT NEIGHBORS

July 16, 2018

Mr. Richard Harris
 Coordinator-Building, Planning and Development
 Town of Halimoon
 2 Town Hall Plaza
 Halimoon, New York 12065

Re: Proposed Minor Subdivision for 298A Crooms Road

Dear Mr. Harris:

We are in receipt of your letter notifying us of the proposed subdivision. Attached to this letter is a copy of our original letter dated June 20th setting forth our concerns regarding the new home when the variance was sought, which variance was ultimately approved by the Board. I would like to make it known to both the Board and the applicant that we did not know the reason for the requested variance when we voiced our objection. It was only at the meeting, which I was unable to attend, that my wife and our neighbors discovered it was being applied for in order to build an ADA compliant for the parents of a resident in one of the current duplexes on the property. Evidently, one of the parents is suffering from Parkinson's disease and they want to be able to help with their care. We assumed it was just another developer trying to maximize profits from the land. For the record, I personally am suffering from a severe neurological disease that has taken away my ability to talk and walk, among other things. So, I know firsthand the difficulties experienced by them and I applaud the applicant for wanting to care for the parents. With the variance granted, we still respectfully request that the Board impose certain conditions in connection with their subdivision approval and the construction of the home for the reasons expressed in our original letter. We do not think that the following conditions impose a significant burden on the applicant, and at the same time, they will address our concerns:

1. No trees separating our homes in Timberwick and the proposed new house may be cut down; and
2. The applicant will plant a new row of 7 foot tall Hemlock trees along the entire southern border of the lot (the southern border is the portion of lot facing our backyards), spacing them close together so that a "wall" is formed by the trees.

Thank you for your consideration in this matter. Thomas Mazzotta on behalf of:

Thomas and Mary Mazzotta
 5 Hampstead Court

John and Nicole Grosso
 7 Hampstead Court

Roxanne and Steve DeFarge
 9 Hampstead Court

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Richard Harris - Lands of Hayes & Tenace/Brady Family Trust, 298A Grooms Road-Minor Subdivision

From: [REDACTED]
 To: rsharris@townofhalmoon-ny.gov
 Date: 7/17/2018 4:38 PM
 Subject: Lands of Hayes & Tenace/Brady Family Trust, 298A Grooms Road-Minor Subdivision

Dear Mr. Harris,

I know that my husband, Tom Mazzotta, submitted a letter to you on yesterday's date. A copy of this letter is below. Tom is a very private man and does not like to use his illness as a reason for sympathy or to procure special requests on his behalf. We have been married for 34 years and this is one of his many honorable qualities that makes me so proud to be his wife. However, there are some additional things that I would like to mention, that he would never say in a letter of his own. This will hopefully help you and the board understand our circumstances and the reason for our request of a tree line.

Tom has a rare neurological condition called Primary Lateral Sclerosis (PLS). It is slow progressing form of ALS. He was diagnosed with this disease 8 years ago. Tom is currently 57 years old. He now uses a motorized scooter to get around. In addition to his PLS diagnosis, he was hospitalized twice this year at Albany Medical Center for blood clots in his brain and a mini stroke, that we learned was the result of an additional illness that he was diagnosed with in January of this year. This illness is Polycythemia Vera. This is a type of blood cancer and he is currently taking a chemotherapy drug to help with the higher than normal levels of his blood platelets and red blood cells. As you can imagine, with this newly diagnosed illness, his loss of speech and his difficult ambulatory capabilities, he is primarily at our home. Due to Tom's illness, he spends most of his time in his bedroom (* See note below) and in the nicer weather months, much time in our backyard. These areas in our home are his sanctuary and the current tree lined view from his windows and yard provide him with great peace. There is something healing about seeing a nature filled scene that provides respite to so many, including Tom. The way that our homes are situated, as you know, our residence is lower than those on Grooms Road. The Grooms Road residences are on a higher planned slope. There is no way for us to block the view of these homes from our property, unless we had 30 foot or taller evergreen trees growing in our backyard, which we do not have. The control of this type of privacy and tree line rests with our Grooms Road neighbors. That is why we respectfully and humbly ask that no trees separating our homes in Timberwick and the proposed new house may be cut down, and also that the applicant will plant a new row of 7 feet tall Hemlock trees along the entire southern border of the lot (the southern border is the portion of lot facing our backyard), spacing them close together so that a "cove" is formed by the trees.

This would be a great gesture of kindness and compassion for Tom's situation. Tom and I would like to attend the meeting on Monday evening, July 23rd, so that we can address any further questions that you may have. We are deeply grateful for your time and consideration with regards to this matter. Sincerely, Mary Mazzotta

(*Note: Approximately three years ago, we built a small ADA compliant bedroom on the first floor of our home because Tom could no longer go up and down the stairs to our second floor level. The Town of Halmoon has the building permit and inspections on record.)

Don Roberts: Alright thank you, once again would anyone like to speak ? Yes mam

Doreen Potter: My name is Doreen Potter I live in Mechanicville and I love this area and we moved in this area over 29 years ago and part of it was that charm that it wasn't as developed as its becoming now so even though this land does not affect me personally I can understand the feelings that the last lady was speaking about, a few trees a buffer in the winter it makes a big difference when the leaves are off the trees and its just a courtesy this is a big change and its more than just building new buildings its emotion. Thank you.

Don Roberts: Ok, thank you, anyone else like to speak? Ok, seeing no one wants to speak we will close the Public Hearing, Board members comments?

Tom Koval: Duane, what's the composition of the buffer is it mostly deciduous?

Duane Rabideau: It's second growth hardwood with an under-story, a typical deciduous under-story

Tom Koval: And I understand that it is significant in its depth and that the neighbors have cut, or the developers in the previous projects have cut back to the property line, but your asking for a special use here or change in a subdivision your asking for us to do something out of the ordinary here out of the run of the mill and I dont think its completely out of line to ask for a little additional buffering, something that will maintain in the Winter

Duane Rabideau: We talked to our client about this it was like pulling teeth to get this and he specifically said no evergreens.

Tom Koval: Pulling teeth to get what? To allow no cut?

Duane Rabideau: To allow them to have the buffer because of the fact that the neighbors have pushed their development right up to the property line and they are expecting him to take all of the ability to protect what they have already taken out, we feel that this is a good balance, width is there you have a , from the stream up to the top of the bank there is at least 20 foot elevation change.

Tom Koval: So this proposed home is 20 feet, approximately 20 feet higher than the neighboring homes?

Duane Rabideau: Well, the next one , here's the GEIS map these are the elevations about 206 for all the houses through here , it goes and its relatively flat and then it drops right down to the stream corridor , thats about 250 and then up where the proposed house is, is about 270 .

Tom Koval: So it's about the same level that's not 206 its 266

Duane Rabideau: Ok its 266

Tom Koval: So your at 270, 266 the trees are down approximately 16 feet below these property lines so their, your saying its an elevation change but the elevation change is below the two parcels

Duane Rabideau: Right but there is a lot of elevation change here so that acts as a buffer within itself because right here there is...

Tom Koval: There is a down hill elevation change your looking across the ravine

Duane Rabideau: Right , but right now you cant hardly see their houses , in the Winter time it obviously opens up , everything opens up but right now if these trees , during the Winter your going to see this house up here , this house right here on the hill thats probably 10 feet higher that is correct

Tom Koval: And currently where you want to build this house is 4 feet higher than the neighbors, than the Timberwick or what ever the development so counting that 100 foot buffer and its second growth , so what are we talking 50, 60 foot trees in there?

Duane Rabideau: Yea they're mature 50 , 60 yea , not all of them are there but most of them are, so basically from the back of their houses to there is at least 150, 160 feet

Tom Koval: Alright

Don Roberts: Anyone else like to speak?

Marcel Nadeau: Yea , Don as you know our ordinance does not require that buffering it is residential to residential and I can understand the neighbors concern but our ordinance states that it is allowable we asked the applicant he chose not to do it so thats the most we can ask for , he is with in his rules.

Tom Koval: I think the stream bed and the deciduous tree line is significant buffering with out the evergreens , I apologize for misunderstanding.

Rich Berkowitz: Im currently looking at an overhead view of Timberwick and there is no buffering , there are no trees between any of the homes it looks like those homes are maybe 20 feet apart and there is no buffering between any of them and we are providing 50 , 60 feet of buffering in the back yard

Duane Rabideau: Well 90 to 100, that's slope plus

Tom Koval: Plus the slope on their own properties

Duane Rabideau: Yes, which is not a lot of buffering but it does add to it

Tom Koval: It does add to it

Don Roberts: The Public is, I see you raising your hand, the Public Hearing is closed, but if you want to come back up and say a few words then make it quick

Mary Mazzotta: Mary Mazzotta 5 Hampstead Court I appreciate you allowing me to say one more comment, the difficulty that we have and it is an elevation issue is and Im not sure who lives behind us now but a lot of the people or some of the neighbors over the years like when the Wintertime comes , because there is such high elevation we have not cleared all of the way back to our property line but with the elevation we would have to probably have like 20 or 30 foot evergreens there to have to block it because its really up on a hill so when we look out our window you basically in the Winter time can see everything behind us and thats why we were hoping that possibly because of that elevation , because really I could plant a whole row of evergreens and it would take 30 years for them to reach up to cover to where they are building their new home and because its so beautiful and its you know again this is one of the reasons we moved here you know I just feel that , that would just be such a courtesy to the neighbors on Hampstead court to do that we appreciate that .

Tom Koval: We looked at the topography map and where their houses are there are 270 feet, where your house is 266 feet of elevation

Mary Mazzotta: We're like down here and they're up here basically

Tom Koval: Its not what the topographical map says, it's saying that you are almost identical in height, it maybe visually at the way your looking at it but

Mary Mazzotta: Well its like a slope and the trees are growing on a slope and maybe not every single home but my home specifically

Tom Koval: These numbers you see are elevations of all these properties, the highlight is where these houses will be which is 270 the highlight of your house is 266, 280 on your road so your actually down a little but from the road but your houses are almost level

Tom Koval: You'd have to see it because its definitely up, like we have planted evergreens to try to like over the years to try to cover some of the Winter, you know when the leaves lose their leaves in the Winter but like I planted some trees 10 years ago and they are still not tall enough to cover anything so

Don Roberts: As you heard , we know , I mean we understand your dilemma here but it is residential to residential so we cannot force the applicant to put those trees in , if they wanted to do it as a courtesy they could but they dont really have to just so you know that. ok thank you .

Mary Mazzotta: Ok, thank you.

Don Roberts: Board members anyone else?

Marcel Nadeau made a Negative Declaration Pursuant to SEQR. Tom Koval seconded. Motion Carried

Marcel Nadeau made a Motion to Approve The Hayes & Tenace Subdivision. Tom Werner seconded. Motion Carried

Duane Rabideau: Thank you.

Don Roberts: Your welcome

18.114 **Integrative Health Solutions, LLC/Teen Empowerment Summer Program, 13 Flintlock Lane - Home Occupation**

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

Jill Byron: Thank you, good evening my name is Jill Byron with Integrative Health Solutions I am looking to start a teen program to help teenagers reduce stress, anxiety and depression with skills, and I was looking to start a summer program in my home which is why I'm applying for the home occupancy. Im looking to run the program Monday through Friday 9-12 up to 10 students at one point and no cars parked Im expecting them all to be dropped off and Picked up, and again this is a temporary program I am looking to run it through the end of August at which time I will switch to an after school virtual program.

Don Roberts: You're saying no cars parked at all?

Jill Byron: That's Correct,

Don Roberts: Ok, thank you, at this time we will open the Public Hearing if anyone from the Public would like to speak please come up and state your name and address for the record. (no comments) Seeing no one wishes to speak we will close the public hearing, comments by the Board Members

Marcel Nadeau: Lyn question to you is this considered a school situation?

Lyn Murphy: Council, sounds like more of a counseling than a school

Tom Werner: I had a question, it mentions in our notes here that some of these activities may include physical activities, group activities and up to ten students is that going to create any type of a noise situation for the others , your neighbors?

Jill Byron: Its a good question , Im thinking about either just using my back yard as doing some activities out there or possibly a group walk and thats where it would take us into the neighborhood a little bit more but

Tom Werner: It's not a Zumba class or something?

Jill Byron: No not a Zumba class or anything like that yes

John Higgins: This is year round?

Jill Byron: No I'm just looking to carry it through to the end of August and then starting in the Fall I'll start an after school program and that's totally virtual so that won't be a home occupancy thing any longer.

John Higgins: Ok, so it's just for the summer once school starts then it stops until the next summer

Jill Byron: That's right

John Higgins: ok thank you.

Rich Berkowitz: How many students would you have there at one time?

Jill Byron: I'm looking at up to 10, I don't have that much interest at this point so it could be less but I think I can hold ten comfortably

Rich Berkowitz: And you are in a Town Home?

Jill Byron: Yes

Rich Berkowitz: And your neighbors they were notified.

Jill Byron: Yes and I spoke to my neighbors personally and they are fine with it

Don Roberts: Now there will be no sign right?

Jill Byron: No signs, trying to keep it simple

Tom Koval: According to our Town Code if I'm reading this correct it says that the occupation shall be carried out wholly within the principal or accessory

Jill Byron: Ok I can modify it to meet those standards

Tom Koval: Once you go out side into your yard it looks like it's probably a little bit shared, you're no longer with in the structure

Jill Byron: Thank you for that clarification

Tom Koval: You're saying there is no, there's not going to be anybody else driving to the site?

Jill Byron: They will be driving, they will be drop off and pick up but nobody parking.

Tom Koval: Right but there will be no one else parked there?

Jill Byron: Except for my other person that is working with me and that's Katie Freeman and she will be parking in my driveway, so I have a spot for both of us there.

Tom Koval: That's, our Town code, I'm sure you've already gotten a copy of our code

Jill Byron: Yes

Don Roberts: Anyone else?

Rich Berkowitz: If the students can drive are they parking in your driveway.

Jill Byron: So I am going to have to make a decision with them, to either have them dial in virtually or to say I'm only allowing drop off and pick up but I know that that's a limitation I can't have them park there so I will have to say no to those students if that's their only mode of transportation

Rich Berkowitz: And each student has their own private transportation?

Jill Byron: That's what I, yes I'm looking for their parents to pick up, drop off

Rich Berkowitz: Ok

Tom Koval: In the past and this is just me personally Im not speaking for the rest of the board, any type of businesses we've approved that are out of the ordinary and this is out of the ordinary for us, we have set some conditional approvals basically your on parole, that's kind of how Im leaning with this for my vote, that if all the other conditions were met I would like to see how it played out before we gave you a permanent approval to do this

Jill Byron: Sure.

Lyn Murphy: So what he is saying is possibly the Board would consider an approval for this year and then have you come back next summer and depending on how it went it would then re evaluate as to whether or not it was permanent appropriate use

Jill Byron : I think thats perfectly fine I will be doing the same re evaluation and hopefully finding a more permanent location , thats not my home.

Tom Koval: I am just speaking for myself, not the entire Board

Don Roberts: We have done that before but you are saying you're hoping to be somewhere else anyways next year

Jill Byron: Right this is something that I've created pretty fast because I had an immediate need within my own family so its to meet that need but Im hoping that In able to reach other teens pretty quickly and grow outside of my home so I think thats perfectly fine to have a temporary.

Mike Ziobrowski: So what would be the end date?

Jill Byron: Yea so the end date for having people come into my home is the end of August , I think the exact date is , Its the last week of August before school starts and thats the end date that Im saying Im hosting anybody at my home

Mike Ziobrowski: Let's call it August 31st?

Jill Byron: Uh huh.

Don Roberts: Ok so we could approve it until the end of August and if you want to come back next year you can come back again next year

Jill Byron: That sounds great

Rich Berkowitz: Ill makes a motion to give a temporary approval for your home occupation until August 31st 2018

Tom Koval: I'll second

Don Roberts: With the stipulation if she wants to come back next year

Richard Berkowitz: With the stipulation if this works out for us and you, then you can re apply

Lynn Murphy: And there will be no cars parked in the street

Rich Berkowitz: There will be no cars parked in the street, and no more than three cars parked in the driveway

Tom Koval: And no outdoor activities

Rich Berkowitz: All of the above

Rich Berkowitz made a Motion to Temporarily Approve Integrative Health Solutions application until August 31, 2018 with the stipulation that if she so chooses she can come before the Board next year for a permanent permit, and also with a restriction with no cars parked on the street and only 3 cars parked in the driveway, and no outdoor activities. Tom Koval seconded. Motion Carried.

Don Roberts: Good Luck

Jill Byron: Thank you.

18.104 Salvatore S. Iavarone CPA, 6 Willow brook Terrace - Home Occupation

Don Roberts: Would anyone like the notice read? (no comments) Go ahead sir

Salvatore Iavarone: Sal Iavarone CPA, home permit, been there for 20 some years been doing the same thing finally realized I had to get a home permit so that's why I'm here.

Don Roberts: And for the record you have people working for you?

Salvatore Iavarone: I do, I have family members that work for me on and off day and night yup

Don Roberts: How many?

Salvatore Iavarone: One, well we have two types of seasons, we have a tax season which is obviously busier than what we have like now so right now I just have one and she will be coming to my house tonight where she will do filing and stuff like that for me, during tax season it could be a couple of more its all family member, I've got 5 sisters 4 out of the 5 do stuff for me.

Don Roberts: Ok

Marcel Nadeau: But they dont live there?

Salvatore Iavarone: No they dont live there, I get enough lectures from them about everything I dont need them to live there

Don Roberts: At this time we will open the public hearing, if anyone from the public wants to speak come up and say your name and address (no comments) seeing no one wishes to speak, oh wait we got a letter or an email Rich?

RECEIVED

JUL 23 2018

Town of Halfmoon
Planning Dept

July 21, 2018

To: Richard M Harris, AICP
CC: Kevin J. Tollisen
Re: Salvatore S. Iavarone CPA, 6 Willowbrook Terrace-Home Occupation

Situation:

Upon receipt of the July 11 letter from the town of Halfmoon, I would like to express my interest in this situation. As I am a direct neighbor of the Iavarone's, living at 4 Willowbrook Terrace at an adjacent corner lot.

My experience:

I moved into my house on 4 Willowbrook in 2007. My experience with this family has always been positive and I find them to be great neighbors. I enjoy our friendship and the fact that my children have established a close relationship with theirs. In addition, they as neighbors, arguably have the most well-kept and cared for property in the neighborhood excluding mine, setting an example for the rest.

Impact Statement:



- DeCassia
- Murphy
- Skenton
- Iavarone
- Carrier
- Opella

4 Willowbrook Terrace

RECEIVED

JUL 23 2018


Town of Halimoon
Planning Dept

As you can see from the above area map, there are only 5 neighbors who can possibly be directly impacted by their properties with the lavaroncs. Regarding Salvatore's private business within his home, I have never been witness to any traffic issues, parking issues, noise, etc. If someone didn't know he was conducting business within his home, for 22 years, no one would be aware of it. Again, I find myself confused as to why this is coming up as an issue for the town board, who must have more important issues to involve themselves with in a town of our size.

At the previous town board meeting, I was listening, and while I should have spoken, I did not, however I disagreed with what was said and I know, because I am home on Monday that what was expressed by Mary Kate, in that County Waste had an issue with vehicles parked on the roadside, was totally untrue. This, because I am a personal friend of Frank Previlie, who is our garbage collector. After speaking with him he assured me that there was no issue and he too was confused with the question.

Furthermore, I am here in my home mornings when the bus picks up Mary Kate's children for elementary school and it should be noted that they are picked up directly across the street from her house (and the lavaroncs) without impact from any lavaronc vehicles.

Her oldest child Thomas along with my child Charlie, gets picked up for school on the corner with no issue.

Sincerely,

Lisa Scanlon
4 Willowbrook Terrace
Clifton Park, NY.

4 Willowbrook Terrace

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Richard Harris: Yea , a copy is in your packets we did get a letter dated July 21, 2018 it will be part of the record from Lisa Scanlon at 4 Willow brook Terrace in a nut shell we went over at the pre meeting but its a letter in support of the application

Don Roberts: Ok thats part of the record ok , thank you , ok at this time we will close the Public Hearing , comments by the Board members?

Tom Koval: We have a few issues here, the issues I have is and its not with this applicant its that it goes against several of our codes he clearly stated that he has family members that aren't living there that are working for him

and one of our Home Occupation codes is that the home occupation should be carried on only by members of the family residing in the dwelling unit.

Richard Berkowitz: Well we just broke that one on the last one, with one employee

Tom Koval: With one employee, ok

Tom Koval: With one employee he says he's got 4 or 5

Salvatore Iavarone: They are at different times though and it's only seasonal during tax season when most of them are there.

Tom Koval: Im just trying to stick 100% to the code because if I dont the next time there is a discrepancy its on me

Salvatore Iavarone: From what I read I didnt see it as a problem it didnt say that but that's solely what I read on the site and the application.

Don Roberts: Now Lyn also

Tom Koval: Parking is another issue

Don Roberts: Yea I was going to bring that up

Salvatore Iavarone: Really they park in the driveway with clients, when they drop off stuff yes they park in the road they will come up to the door they will put it in my drop box and then they take off but I've had the code enforcement people drive by and I've had no complaints no problems my neighbors have not had a problem I do all my neighbors tax returns around me except for 2, and

Tom Koval: How many cars do you..

Salvatore Iavarone: In the driveway there could be up to 3 or 4 cars in the driveway at a time

Tom Koval: Well we have a maximum of three

Salvatore Iavarone: Then I will make sure that one of my sisters doesnt come at that time. And I dont really have any clients that really stick around or stay they just drop off and go, you know 5 minutes is an average and again its seasonal so right now like today there was nobody there I had one guy stop over to pay me and that was it and I had nobody there working.

John Higgins: What is the size of the offices?

Salvatore Iavarone: Its probably like 14 x 14 its a typical front room, instead of having like the dining room as the first front right its my office, so when I built the house I specifically built it to work out of there as an office , thats why we did check with the Town and I didnt have to do anything at that time, I built it in 96' and specifically and I unfortunately I tell my wife its a business first a house second because I didnt want to , I choose to work out of the house I didnt want to go somewhere else and waste money and all that stuff.

John Higgins: Because there is also a percentage that you cannot exceed.

Salvatore Iavarone: Oh yea my house is over a couple thousand square feet Im way underneath that for my office and I've got my basement where I've got filing cabinets where I store files that I've got to keep for a number of years.

Tom Koval: So for the parking you can't have more than three cars so you can't

Salvatore Iavarone: That's fine I have no problem with that

Tom Koval: You can't pull your car out on the street and then say ok I've got three more spaces inside

Salvatore Iavarone: We have two cars that are in the garage, they are in the garage both of them, I have one kid that's going to go to college that will be gone then there will be only one car in the garage so if my sister comes I'll have her park in the garage to get it down to three I guess

Richard Harris: Can I just clarify if the Board is considering something about number of cars in the driveway clarify whether it includes work related employees and or residing in the home so that, I think you did it on Cooks Court like total of any cars at all that's the easiest to enforce if we get a complaint to ensure compliance, is that what he was saying ok, I just want to be clear on that, total number regardless of whether, ok good, right makes it a lot easier

Marcel Nadeau: We want to remember this is a residential area it's not a business area

Salvatore Iavarone: I have a couple of neighbors that have more than three cars I mean that's...

Tom Koval: Yea but they are not operating a business; there is no limit to how many personal cars you can have on your property, as long as you're not asking to operate a business out of your home

Salvatore Iavarone: But I also remember there is no limit of how many cars, I had 12 corvettes that I wanted to line up on the street outside I could line them up on the street outside

Tom Koval: Right but that's not your customers

Salvatore Iavarone: No, I know that but, alright

Lynn Murphy: The Board is, the law that allows for in-home occupation has certain prohibitions so in order for this Board to even consider approving you, you have to be prepared to say that there will only be one employee who is not living in your house

Salvatore Iavarone: Ok

Lynn Murphy: And that there will only be three cars in the parking lot, or I'm sorry in the driveway at any given time.

Salvatore Iavarone: Ok

Lynn Murphy: And not on the street, if you don't say that they cannot pass your application

Salvatore Iavarone: Alright then I say that I guess so it's good.

Marcel Nadeau: So are you going to lay off the rest of the family?

Salvatore Iavarone: No I'm not going to lay them off I'm just going to have them come at different times, I'll just tell her she has to come back at midnight this time.

Rich Berkowitz: I make a motion to approve contingent on everything that we just said

Mike Ziobrowski: I would like to second that motion

Richard Berkowitz: No on the street parking no more than three cars in the driveway of non employees and one employee at the house at a time, did I cover that?

Salvatore Iavarone: Non relative?

Don Roberts: Three cars regardless

Tom Koval: Three cars maximum, relatives.

Rich Berkowitz: Well if he's having a party how do we control that?

Richard Harris: Just to clarify Rich you did state no more than one non resident employee?

Rich Berkowitz: No more than one employee and then no more than three cars parked in the driveway for business purposes.

Lynn Murphy: So it's no more than three cars parked in the driveway period, code rings the bell, not for a Tupperware party, not that, that's a different issue.

Rich Berkowitz made a Motion to Approve Salvatore Iavarone Home Occupation application on the following conditions: No on street parking, no more than three work related vehicles in the driveway at one time and only one employee that does not reside in the home. Michael Ziobrowski seconded. Motion Carried.

Salvatore Iavarone: Thank you

Don Roberts: No sign right?

Salvatore Iavarone: No sign

Don Roberts: Thank you.

18.073 Halfmoon Commercial, LLC PDD, Rt. 146 (former Pino PDD) - PDD Recommendation

Donald Roberts: Would anyone like the notice read? (no comments) Go ahead Jason

Jason Dell: Good evening my name is Jason Dell. I'm an Engineer with Lansing Engineering. I'm here on behalf of the applicant for the Halfmoon commercial PDD. Also with me this evening is the applicant as well as Wendy Holtzberger from VHP to discuss the traffic questions that were asked at the last meeting. So we're here this evening with the ultimate goal of getting a positive recommendation back to the Town Board for the PDD and since it's a public informational meeting with a brief history, the original Pino PDD, which this PDD is based upon, was approved back in 2007 just prior to the recession and due to the recession, the project never quite got off the ground, so the applicants are back before the Town with a new PDD the Halfmoon commercial PDD as there is quite a bit of renewed interest in this type of project in this type of development out there. So the applicants are back to get the PDD reinstated. So the proposed project is located along NYS Route 146 along the northern side of Route 146 that encompasses a little over 65 acres and the applicants are looking to do a commercial and light industrial uses out there. On this current plan, we're showing about 500,000 sq. ft. of mixed use type of buildings this PDD and this PDD development, as I mentioned before, is based upon the original Pino PDD with a couple of differences from that the first of which the original PDD called for a 200 ft. buffer along Route 146 the applicants are requesting to reduce that from 200 ft. down to 100 ft., which still provides an ample buffer to Route 146 to the development. The second is the applicants are seeking to eliminate the maximum number of lots for the proposed development the original PDD called for 5 lots, however, on this particular plan, we're showing 10 lots, however, the applicants wish to have quite a bit more than the original approved 5 lots and as we had indicated at the last meeting, the applicants have restored the originally agreed to public benefit some of the \$75,000 in addition to the water line that's already been run out there. So as I mentioned we had a total of 500,000 sq. ft. We've got one road coming off of 146 where all of the different entities would be able to access Route 146 at one point, water will be extended into the facility, sanitary sewer service will also be extended and stormwater will be managed in accordance with all requirements. As I mentioned at a previous meeting, this is only one of many different examples of how this site could be developed this was kind of a maxed build-out type scenario any and all future proposals will have to be brought back before this Board for review

at that time. So, I'd like to turn it over now to Wendy to address the traffic comments that you folks had at the last meeting.

Donald Roberts: Thank you Jason.

Wendy Holtzberger: Good evening, for the record, Wendy Holtzberger from VHP so we did complete an updated traffic evaluation and consistent with the previous evaluation completed in 2006 the focus was primarily on the site access driveway with Route 146. Just a couple of things to point out; as was mentioned the size of the proposal has increased, however, based on updated information from the Institute of Transportation Engineers, which is where we obtained our traffic volume information from, generated from site. That is actually showing the rates have decreased so even though we're actually proposing more the peak hour volumes that are coming from this development will now be less than what was proposed in 2006. The analysis results consistent with the previous analysis were recommending a left turn lane into the site based on the warrant guidance that we looked at were saying at about 150,000 sq. ft. that left turn lane should be installed when that development reaches 150,000 level it should be looked at and then based on the updated numbers and we're showing that the signal warrants we're seeing are not necessarily met so we're saying at this point we're not seeing the need for a traffic signal which was part of the previous development at the site. So we did receive a comment letter from CHA today I think in general they agreed with our analysis they did bring up some good questions though we think that we can work through those technical questions most of them were in regard to the total, the geometry at that intersection and kind of timing of when the left turn lane would be put in and confirming the signal wouldn't be needed so, and since it's on Route 146 all of that mitigation is really under the jurisdiction of the Department of Transportation so we think we can, ya know, we need to get into that process again with DOT and I think we can work through those comments and really DOT has the final say on the timing and the overall geometry of that, that intersection so, we don't have any issue if this board recommendation includes that compliance with the Department of Transportation, we're fine with that.

Donald Roberts: That's it?

Wendy Holtzberger: That's it, for now unless you have questions.

Donald Roberts: Thank you Wendy, maybe later. At this time I'd like to open up the public hearing. If anyone would like to speak, please say your name and address.

Doreen Potter: 14A Route 146, Mechanicville. My house is right next to that eastern border and just making a comment on traffic in general. You take your life your hands just trying to get out of my driveway the traffic has really picked up since we first moved there. The original PDD had a frontage of 200 ft. I'd like to see that reinstated and I would like to see on the eastern border where you can see it just about touches the property line I'd like to see that increased to (I wish I had a pointer, oh is this a pointer, oh it is, how does this work?)... . Ok, so you see, this looks approximately about 100'. I'd like to see that continued right along the edge there, of course, if this was increased to the original 200' that'd take it into about here and then have a buffer, a no cut buffer here. In addition, since our driveway's right there and our house is like located right here I would love to see some spruce trees planted about 10' apart just for some additional privacy. Thank you.

Donald Roberts: Jason, would you like to respond to that please?

Jason Dell: Right along here currently on this plan as I had mentioned, this plan is just one example we are about 10' off of the property line I know it doesn't appear that way this property line is widened to just, to clearly depict it. In speaking with the applicant before the meeting, he would be

open to a vegetated buffer along here we could pull this in a little bit further and planting spruce trees along there, right now if you're all aware, a no cut buffer really wouldn't be appropriate as it's an open field, but rather the applicant would be willing to have some sort of a planted landscape buffer along there, consisting of the evergreen trees.

Donald Roberts: Ok, thank you. Would anyone else like to speak?

Doreen Potter: It's gonna be...

Donald Roberts: Your name and address again please:

Doreen Potter: Oh, I'm sorry. Doreen Potter, 14A Route 146. I would like to see the buffer the no cut buffer in the front of 200' as it was originally in the 2007, when Pino was there and, while I can appreciate you increased it a little bit. A little bit not's enough, I want to know the number of feet. I think 10 feet is way too small amount right against that eastern border right there since my house is right there so, let's, ya know, I'd take 50 feet, ya know, let's make a compromise if you're gonna vote on it tonight, let's know what's going on. If, ya know, that's what I'd like to know.

Donald Roberts: Jason, would you like to, go ahead, go ahead.

Richard Harris: For what? On a site plan its 50' with a fence, 100' with nothing.

John Higgins: Right.

Jason Dell: We could do a 50' buffer. We could do a 50' buffer with trees.

John Higgins: This is not a PDD

Donald Roberts: Go ahead Jason:

Jason Dell: Right along here. Starting at the 100' back, we could a 25' buffer along the area of the house over here, but once we get into here you can see the topo drops off significantly, so I think it'd be appropriate to limit that to along this area right here.

Tom Koval: What is the drop off, so it's going from where their house is and it just drops

Jason Dell: No, no, no, no, I'm sorry, so I misspoke then, you can see the topo here Tom it starts to fall away as we go down the hill so right along here is what I'm talking about, yeah, as we get back in here this is our quality open space.

Tom Koval: We are putting a tremendous burden on these people, it's a house and you want to put an industrial park in their backyard for lack of a better term, light commercial, I think we should give them as much buffer as we possibly can. 10 feet is an insult quite honestly, if it were my house and you put something 10 feet from my house I would go berserk, I realize your adding lights and its going to be down lights and everything is going to be all designed properly but no matter how much down light you have its still light on the facility, I would suggest the minimum that we would allow on any commercial residential whether it was PDD or not for buffering, I also would like to say yes I did realize your house was there when you first came up and said you would like to reduce down to 100 ft , 200 ft would make your side yard more of a green zone but that would mean we're looking at a parking lot, we've got to keep in mind we keep putting these projects in with not a tremendous amount of regard for the surrounding properties and this is the only time we can do it, your adding a lot of square footage to this from the original, we have to do something to keep these neighbors happy and somewhat of the nature of the property that they have lived with all these years back, the

only other thing I had mentioned earlier , , its the only other thing for right now is the public benefit you said you are almost going to retain it all?

Jason Dell: No, the public benefit as we mentioned at the last meeting

Tom Koval: It's been retained at the 75?

Jason Dell: Yes, sir.

Tom Koval: When you spoke earlier I thought you said it was so I wanted to make sure something hadn't changed there

Jason Dell: My apology.

Donald Roberts: So what can you do about the buffering?

Ed Able: Ed Abele, Abele Builders

Ed Abele: In the area of

Donald Roberts: Ya have to say your name and address

Ed Abele: Ed Abele, Abele Builders, in the area of the first lot I think a 50' buffer would be ok and the other request for having some evergreen trees seems reasonable to me too and if the Board were inclined to recommend that I certainly would condition the recommendation on that and make sure we would

Donald Roberts: I think we would, yeah.

Ed Abele: Incorporate it into the site plan when the first part of that lot is developed, but as you proceed into the development I think what Jason was trying to say is the topography drops off so you have a lot of natural distance anyway if that's correct.

Jason Dell: What I was mentioning more was back here the TOPO as we come back here the extent of that buffer is far as it goes back.

Ed Abele: Right.

Jason Dell: It doesn't help us as much down here.

Ed Abele: Right.

Tom Koval: I'm more concerned about the neighbors and I know there is not a lot now but

Ed Abele: Right.

Tom Koval: The other thing that I thought about previously when Wendy was speaking , we had spoken a little bit at the pre-meeting about the traffic, the way the southbound where the two lanes end was that all taken into consideration that its not just one lane of traffic? Stopping right there if we put in a turn lane, because as she said, it's difficult getting in and out of there so now you get two lanes of traffic merging and at one point directly in front of you the turn lane isn't gonna do a lot for people trying to turn out of this project the traffic light is really the only thing that can make this

safe for people getting in and out of here and per the neighbors quite honestly, because now you're going to increase the amount of traffic.

Wendy Hertzberger: Great, so in regard to what you're calling southbound which I call the westbound. But yea so, coming up the hill essentially, so yeah the driveway is in a transition area for sure so one of the things, and that's part of the DOT component is it as an un-signalized intersection, it definitely makes sense to try to get that merge so that it is a narrower lane at that point so that it's not, ya know a, the wider it is

Tom Koval: If someone is looking over their shoulder they are not looking ahead

Wendy Hertzberger: Right, right so the in the previous it, ya know, with the end as a traffic signal, kinda the opposite was done where the two lanes were actually striped a little further to bring two lanes into that intersection which is ok for a signal if the signal does not happen then it makes sense to work with DOT to try to get that transition sooner so that it narrows down that width so that the, ya know, left turners get into their left turn lane and then they only have one lane to cross similarly leaving ya know, it narrows out the width that they are leaving.

Tom Koval: So how does this all play out with DOT because even with one or two buildings in there they are going to create that issue immediately?

Wendy Hertzberger: Right. So essentially our next step is to resubmit to DOT if the Town hasn't done that already so, and then they would, they would, ya know, review the same information that you have that CHA reviewed as well and look at, ya know the warrant criteria that we look at which, ya know, they are guidelines there's no, there's no like exact answer It's a guideline so there's discretion that, ya know, that we use at DOT to uses that, ya know, they can say they want it sooner or later but based on those guidelines and the numbers we're saying that trigger point at about 150,000 sq. ft. if that is sooner that's fine the applicant, ya know, knows that it's happening so I think he, ya know, whatever needs to be done if that's, DOT wants it sooner if they wait and again with the signal too I mean the previous had the signal but again we have to look at the criteria that, that is part of the warrants and the guidelines and right now with the different volumes it's not showing that.

Ed Abele: That's a big build-out before anything is done 150,000 sq. ft. That's a lot of traffic for this address

Lyn Murphy: You acknowledge however, that because you don't know the actual uses, each site plan will have to come before this Board for approval depending on it would be my intention, should either of the Boards go forward to put in language in the PDD that mandates that each use be re-evaluated for trip generation because you don't know what you're getting in there so, you're first use could be an extremely intensive trip generated use which may mandate whatever requirements way before that 150,000 sq. ft. build-out so, it would not be my intention to lock either Board into that square footage. Just so the applicant is aware.

Ed Abele: I don't have a problem with that at all and I think you're right about that you really don't know the first use and despite what our internal traffic report says, our feeling is DOT was basically gonna call the shots on that as to when the turning lane comes, if the traffic light is needed, and we're ok with that. We realize that and we're ok with that.

Marcel Nadeau: Just a question on your turning lane. You're saying that your left turn will be going east, towards the city.

Wendy Hertzberger: Correct, the left turn lane would be for vehicles turning into the site left turn lane, left into the site.

Marcel Nadeau: Because, as you know now, the people race to get to the top of that hill depending on which lane you're in and the driveway is a bottleneck right at that peak.

Wendy Hertzberger: Right, and that's what we were just talking about is, was working with DOT on that geometry because it is that transition, that transition area so, especially as an un-signalized intersection, yes.

Marcel Nadeau: It should be looked at closely

Tom Werner: Wendy do you, do you know what's happening across the street there with the gravel mine as far as trucks coming in out of there and what volume of trucks because they're slow moving vehicles also and they would be obviously intermixing with whatever trucks are generated.

Wendy Hertzberger: You're talking, on the Clemente site?

Tom Werner: Yes.

Wendy Hertzberger: Yeah, so...

Tom Werner: That's directly across the street from, isn't it?

Wendy Hertzberger: Right, so right now the, we're not including a lot of volume over there. The previous counts that were done aren't showing a lot of peak hour traffic at that intersection, but we could certainly look at, try to get some more information on other times of day and that interaction. Again, the previous study had a full build-out of that site across the street and the Town is kinda, ya know, taken that off the table as far as adding that into the background condition so there's much less happening there, but we can certainly look at it more closely.

Tom Werner: I think my concern's not so much volume, but the actual operational impacts on a number of trucks I mean gravel trucks are gonna be slowing down going westbound to make a left turn and, so the whole thing needs to be looked at from an operational point of view, not just the volumes.

Wendy Hertzberger: I understand.

Tom Werner: I would suspect that that's something DOT should or would be doing.

Wendy Hertzberger: Ok, will do.

Donald Roberts: Ok, getting back to the public here that's gonna sum up the chance, you were up twice anyone else like to speak? Ok.

Doreen Potter: 14A Route 146 Mechanicville I didn't know there was gonna be lights so, is this gonna be like a lit up parking lot too?

Rich Berkowitz: Oh yeah, safety sake.

Doreen Potter: Because it's bad enough

Donald Roberts: They shine down, but Jason, go ahead, explain.

Jason Dell: As each individual tenant is identified

Donald Roberts: Jason, use the microphone please.

Jason Dell: Jason Dell Lansing Engineering. As each individual site plan comes in, there will be detailed engineering plans that go along with it and as part of those engineering plans there will be a lighting plan that is developed that shows the location of all the lights and the intensity of all of the lights on the site plan itself. The lights will be downward facing cutoff type fixtures. The goal of those being to reduce any offsite spillage of lights.

Donald Roberts: And this Board will approve the lighting package as well, so.

Doreen Potter: Ok, because now more than ever I really want it back and I want a buffer and I want the trees and I wish you would reconsider like, see how this is parking back here right? I mean could you make it so it's more like, like all the parking's in the front. I know you own that piece of land over here because you're gonna put a duplex in there, but, I just, I, ya know, I'll be dead in 30 years or less and you can do whatever you want.

Donald Roberts: Well, you're real optimistic aren't you?

Doreen Potter: Alright, no ok, I'll be dead in 5 years, ok, but the thing is that, ya know, cause it's changed so much and by the way the traffic and the trucks all those trucks go out day and night, day and night and they make left they're heading west and the traffic, there is a lot of traffic. It's grown like crazy and I'm all for you to develop your land I just, ya know, I've been spoiled there cause it's been like a big meadow and then when you get over here, there's my house and Erv's barn's over here and then there's like a meadow and nothing and a drop off, so, I mean, this looks really great and you have a good reputation of buffers and green zones and we really appreciate that and you're our favorite builder and developer, but ya gotta do a little better here tell me what you're gonna do.

Don Roberts: Go ahead Ed.

Ed Abele: This plan is actually an illustrative plan to show how many lots you could fit, so, the first use, the first user we don't really know who it is, what I would say is one of the reasons why we requested a less of a buffer is from our experience trying to get a project off the ground it really helps when people can see it and actually 200' is quite a ways back so if you look at how things have transpired over the last 10 years, nothing to write about it's been terrible so that was the rationale for our request to try to move something up and, ya know, I have greater visibility and make it more attractive. So, that's kind of the rationale for that. The buffering I don't see any problem with a 50' buffer. I don't see any problem with putting some evergreen trees to try to break that up a little bit. We just don't know who the first user is.

Doreen Potter: So, in the front, how deep are we talking sorry.....Doreen Potter, 14A Route 146 Mechanicville. So what is the final thing on the frontage and what is the final thing on the east boundary? What are we talking?

Ed Abele: Well actually that's the Board's decision tonight we're asking for a 100' buffer set back from the road for the first building, I'm not sure of the outcome of that, but...

Doreen Potter: How about 75' along the east border? Just

Lyn Murphy: Instead of haggling back and forth at a meeting it really isn't appropriate, I will say to the applicant that pursuant to 16562 when you're doing an industrial PDD and you about a

residence the side yard minimum is 25' or 100' of open space when abutting residential so it's 100' of open space when abutting residential uses or districts. 50' of which should be used for landscaping at the discretion of the Planning Board so at 51' you can have a parking lot but you have a 50 minimum with landscaping.

Marcel Nadeau: Ed did you look at; think about a berm in that area?

Ed Abele: We really haven't given it much thought to that we figured when we attracted the first user we would look at that because obviously it's gonna come before the Board for a site plan approval and obviously you would, you folks would have a lot of input on that.

Marcel Nadeau: I think that what you're hearing is that this Board's got more concern with your neighbor than with your projects; you need to think about that.

Ed Abele: Right. Yeah, I mean we're open to it and, ya know, your comments aren't unreasonable. We just would like to try to get back in the game with the PDD recognizing that each time we come through with site plan, the Board's gonna have a lot of input and obviously we're gonna try to comply with requests.

Donald Roberts: Yeah, you'll be back before us anyway so we can work on all that as you come back to us also Right?

John Higgins: And as I've mentioned previously, the GEIS which was a lot of time and effort was put into that, calls for 200' now, I know you want visibility but the size of the building you're putting there, whether it's 100feet or 200 feet you're gonna see it.

Donald Roberts: Ok, all of that being said, would anyone else like to speak? Ok, Rich we also have two letters say essentially the same thing that we'll put into the record, alright Rich, we'll put them into the record. Ok sir you wanna speak, ok, go right ahead.

Dale Rice: Names Dale Rice 14A Route 146. I've bet you've heard that before tonight my concern is for that lot I'd like to know what facilities are you going to have sewers in there, good sewers and water? I understand the water's down there. Im very concerned with sewage because this is a huge aquifer and the more development on it with just normal septic tank sewage is kind of a not a nice thing to have because the aquifer still serves many, many people coming down Farm to Market Road and, of course, it serves me so I have nice water there I don't want anything to happen to it. I don't wanna connect with the water which is very close now to my property line, I'd rather keep my well system that I have made and keep it going and it's a very good one. The other thing I have a concern with is the effect that all the development of Farm to Market Road is saving on wildlife in the area, it's a I have a standing group of 60, not any less either, turkey's and about 25 different deer that I can identify that our feed bill is getting to be more than our own bill for food so we need to let them spread out and do what they're supposed to do that's the only thing my concern is for. A good setback on the side spruce trees planted in a 15' interval, not blue spruce, made of black spruce or white spruce and the setback from the road is it looks adequate to me at 100' there. Ok?

Donald Roberts: Thank you. Jason?

Jason Dell: That's a good question on the sanitary sewer there will be no septic systems out there sir, we will be serviced by the sanitary sewer that will run along the proposed road and out to the trunk line that runs down Route 146 down to the sewage treatment plant so it will be all handled by a public sewer.

Donald Roberts: Anyone else like to speak? Ok, since no one does ok Rich.

Richard Harris: Yes, you mentioned letters I received. We did receive a letter signed by Mr. Rice and Mr. Potter and a similar letter was submitted by Irvin Krank, requesting also the 200' no cut buffer from the front yard and also additional the trees and land preservation along the eastern boundary similar to what was stated, you do have copies. They were reviewed at the pre-meeting, so you have those for a record and we will incorporate those in the minutes.

Town of Halfmoon
Richard M. Harris, AICP
Coordinator
Building, Planning & Development
2 Halfmoon Town Plaza
Halfmoon, NY 12065

July 21, 2018

RE: July 23, 2018 Notification of Halfmoon Commercial, LLC Planned Development District (former site of the Pino PDD), NYS Route 146 -PPD Recommendation.

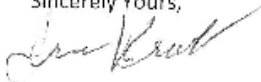
Dear Mr. Harris and Whom It May Concern,

As my property borders the east side of the approximately 63.8 acres (SBL# 267.-2-11.1) where Mr. Abele is requesting a change in zoning for Light Industrial – Commercial zoning to establish the Halfmoon Commercial, LLC PDD, I am requesting the following:

- 1) **There be a 200 foot no cut buffer/land preservation area along the frontage bordering NYS Route 146.**
- 2) **Along the entire eastern border of the above-mentioned property there needs to be a no cut buffer/land preservation area of 100 feet or more. And on this no cut buffer/land preservation there be a row of spruce trees planted 15 to 20 feet from the eastern boarder 10 to 12 feet apart up to 1200 to 1600 feet along the eastern border.**

With the above inclusions, I would not be apposed to the changes requested by Mr. Abele.

Sincerely Yours,



Irvin P. Krank

Town of Halfmoon
Richard M. Harris, AICP
Coordinator
Building, Planning & Development
2 Halfmoon Town Plaza
Halfmoon, NY 12065

July 21, 2018

RE: July 23, 2018 Notification of Halfmoon Commercial, LLC Planned Development District (former site of the Pino PDD), NYS Route 146 -PPD Recommendation.

Dear Mr. Harris and Whom It May Concern,

As our property borders the east side of the approximately 63.8 acres (SBL# 267. 2-11.1) where Mr. Abele is requesting a change in zoning for Light Industrial – Commercial zoning to establish the Halfmoon Commercial, LCC PDD, we are requesting the following:

- 1) **There be a 200 foot no cut buffer/land preservation area along the frontage bordering NYS Route 146. (I believe this was also in the original expired PDD.)**
- 2) **Along the entire eastern border of the above-mentioned property (which borders our property) there needs to be a no cut buffer/land preservation area of 100 feet or more. And on this no cut buffer/land preservation there be a row of spruce trees planted 15 to 20 feet from the eastern boarder 10 to 12 feet apart up to 1200 to 1600 feet along the eastern border.**

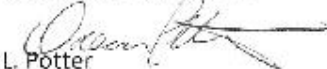
With the above inclusions, we would not be apposed to the changes requested by Mr. Abele.

Sincerely Yours,

Dale T. Rice



Doreen L. Potter



Donald Roberts: Thank you Rich, at this time we will close the Public Hearing, Board members any comments?

John Higgins: Sorry, on the upper end what's the setback along the road?

Jason Dell: This is a 50 foot set back

John Higgins: 50 to the pavement?

Jason Dell: From the right-of-way line to the front setback is 50 feet.

John Higgins: The whole length?

Jason Dell: For the whole length, yes.

Donald Roberts: Anyone else? And the applicant is looking for a recommendation to the Town Board. What's the Board's pleasure?

John Higgins: I have one question regarding the traffic light. Now, previously, back in 2007, it was an agreement between you and Clemente that you were gonna split the costs of the traffic light when it was warranted or required by DOT. Is that still in existence, that agreement?

Ed Abele: Yes, it is and...

John Higgins: Go ahead Lyn.

Lyn Murphy: The issue is the Clemente PDD was never built out so it expired it doesn't exist

Ed Abele: ok

John Higgins: So what happens if this project starts and then Clement comes in and wants to do something over there and DOT requires a traffic light. Who pays for the traffic light? That's my question.

Lyn Murphy: Clemente would have to go before both Boards again, get a new PDD approval he's not done anything with the approval that he had so it expired so right now he's back to his underlying zoning. So in order for him to proceed along the lines of what was proposed way back when, he'd have to go before the Town Board and before you again and do the same thing that this applicant is doing. So you'd have the ability to control that and

John Higgins: But my question is if we don't address it at this point, this applicant

Lyn Murphy: Is responsible.

John Higgins: Oh, is still responsible?

Lyn Murphy: This applicant would be responsible because they're the only one generating trips.

John Higgins: Right.

Lyn Murphy: That would be part of the PDD that's what they're saying they don't want, they don't really want to be responsible for the lights because they're saying DOT isn't saying, recognizing

that at this point in time is the necessary improvement and our engineer just sent them a comment letter asking them to revisit that issue.

John Higgins: Ok.

Marcel Nadeau: John, I think John on the first PDD it was a shared situation. DEC was ready to, DOT was ready to, and ya know require it.

John Higgins: Right,

Donald Roberts: Joe, you'd like to add something to this?

Joe Romano: No, I think the, ya know, our comments have been summarized with respect to the, our recommendation would be as should the Boards move forward with this project that as individual sites come in that the trip generation and the traffic impacts are evaluated as tenants are known and we have a clearer understanding of what the trip generation is.

Donald Roberts: Now, Ed, now you're aware of a neighbor's concern about the buffering and all, I mean, ya know.

Ed Abele: I am again; I think ya know, we're not quite sure where your home is relative to the property line.

Richard Harris: It's down around here

Ed Abele: But, ya know, clearly I think 50 foot wouldn't really affect us too much and I think we could tolerate that in addition to doing the spruce trees, which is reasonable and I know, ya know, we cooperated when we did the clearing right for your driveway we did do some right-of-way clearing a couple of years ago that was your driveway and I think that went pretty well, but if we can get the PDD back on track, clearly even the very first application for a site plan, we can confirm these things but condition any recommendation on the 50 foot today if the Board is inclined.

Donald Roberts: I think we should, yeah. Yes.

Lyn Murphy: You have to...

Ed Abele: There's no issue with that and also with the trees we certainly condition that incorporate it into a site plan for the first user.

Tom Koval: When you come back to that site plan, I'd like to see their neighbor's structures

Ed Abele: Yeah, that would be helpful.

Mike Ziobrowski: That first plan should involve the concurrence with the NYSDOT as well.

Ed Abele: Yeah, the DOT again, they're gonna call the shots.

Mike Ziobrowski: Exactly.

Ed Abele: I think on that and I don't know how much influence we'll have on that but my understanding is it's a State road and DOT's gonna have what they require.

Donald Roberts: Right, Rich, you got something?

Richard Harris: Yeah, I just wanna add what Lyn had said, the PDD portion of the Town Code does require the 50 foot green space or no cut buffer area, but it also requires the building to be 100 foot set back from the side is that 100 foot? It looks about, it is 100? It looks the same as the front yard buffer; I just wanted to verify that, thanks.

Tom Werner: I have a comment. Regarding I realize it's just the rendering, but as you develop that first site building, I think it should, it would be cognizant of where do you put your loading docks for those trucks.

Ed Abele: Yes

Tom Werner: Where they are now, of course, they're near the neighbors. The concern would be for noise, the backing up, the back up alarms that type of thing where they might want to flip that totally so that the truck loading's on the other side away from the residence; I think you gotta be cognizant of that. The noise and fumes and that type of thing, late hour operation.

Ed Abele: Obviously, we will look at that. I'm not quite sure what our client will require I would say a lot of people, quite frankly, may not want to have the loading facing them as on their doorstep too, so hopefully we can find, ya know, a good balance.

John Higgins: Just for my own clarification, in addition to the \$75,000 public benefit, the project also has all the other GEIS fees associated with it.

Ed Abele: Yea we're in.

John Higgins: OK. I just wanted to make sure.

Ed Abele: Also, the water line we brought down a couple years back too.

Marcel Nadeau: I make a Motion to make a Positive Recommendation to the Town Board.

Rich Berkowitz: I second

John Higgins: Now, we're going with the 100' setback or the 200' setback?

Tom Koval: No, that's part of the site.

Marcel Nadeau: That's gonna be part of the site plan.

Donald Roberts: Can we have a motion and a second for a positive recommendation? All in favor.

All: Aye.

Donald Roberts: Opposed. Motion carried.

Jason Dell: Thank you.

Ed Abele: Thank you very much and again on that first plan, we'll have some good details. The water line, like I said, three of us cooperated to bringing that down Bruce Tanski and ourselves Carl Clemente so that was a positive. Thank you very much.

Donald Roberts: Ok. Thank you guys, that's it for the public hearings

Marcel Nadeau made a Motion to make a Positive Recommendation to the Town Board. Rich Berkowitz seconded. Motion Carried.

18.122 Mother Teresa Academy, 1 Halfmoon Executive Circle – Sign (18.122)

Darla Douza: Darla Dolezal from Ray's Sign in Schenectady. Mother Teresa Academy would like to install a non-illuminated 32 sq. ft. wall sign on their building, they just recently moved from one side of the part to the other this will have vinyl graphics and it's pretty self-explanatory.

Donald Roberts: The size of the sign is?

Darla Douza: 4ft x 8ft .

Donald Roberts: Any questions?

Tom Koval made a Motion to Approve Mother Teresa Sign application. Marcel Nadeau seconded. Motion Carried

Darla Douza: Thank you.

18.124 Grace Fellowship Church Sign, 1 Enterprise Avenue – Sign (18.124)

Lisa Tymchyn: Lisa Tymchyn from Saxton Sign Corp, basically what we're looking for tonight is a renovation of the sign package that's existing right now they have facing, 146 they have an existing sign that's 40 sq. ft. and what they'd like to do is put their logo up and make Fellowship conform to their current logo. Their branding, re-branding all of the campuses and so they'd like to be consistent with what they're doing there. It's an increase of 16 sq. ft. as I understand it, they are allowed 300 sq. ft. per the sign code. The side entrance of the building, the Grace would be removed and the G changed to the current color of the logo. And that would be the only change there which is a reduction of about 12 sq. ft. in signage of that side of the building. And then lastly, on the back side of the building where the new construction is, they would like to place another sign that mirror's the one that faces 146 as that's going to be the main entrance, especially during the week for deliveries, staff, etc. etc. and that's another 56 sq. ft. So, we're looking at a total proposed of 128 sq. ft. They had a freestanding sign out front when the site plan was changed and the expansion done that sign was removed.

Donald Roberts: And these are all internally lit?

Lisa Tymchyn: Well, the G logo is front lit and the Grace Fellowship are, like they are existing now aluminum letters, halo lit from the back.

Donald Roberts: Ok, thank you. Any questions by the Board?

Richard Berkowicz: I make a motion to approve the signs.

John Higgins: What's the total square footage?

Lisa Tymchyn: 128

Marcel Nadeau: For all three signs?

Lisa Tymchyn: For all three.

Tom Werner: I'll second it.

Rich Berkowitz made a Motion to Approve Grace Fellowship Church Sign application. Marcel Nadeau seconded. Motion Carried.

Lisa Tymchyn: Thank you very much.

Donald Roberts: You're welcome.

18.108 Grace Fellowship Outdoor Children's Play Area, 1 Enterprise Avenue – Site Plan Amendment

Jason Dell: Jason Dell Engineer with Lansing Engineering here on behalf of the applicant for the site plan amendment here. This site plan for the Grace Fellowship expansion was approved back in August of 2017 and we're back before the Board requesting a site plan amendment to install a small playground equipment. It's about 40' x 20' and it encompasses this area here is about 2,000 sq. ft. It will consist of kinda your typical kids play-set, Rainbow play-set with a swings, a slide, a little tower area, as is typical with children's play equipment. There will be a fence around it internally, there will be rubber mulch installed there will be no reduction in parking, it won't impact any of the site utilities at all, and however, it is a modification to the site plan so we are here this evening to request approval for it.

Donald Roberts: Any questions by the Board.

Tom Koval: I'll make a motion to approve

Donald Roberts: Rich, you got something?

Richard Harris: I just want to add, it did get, we were required to refer to County Planning and they reacted last week and found no significant impact.

Donald Roberts: So the County's all set?

Richard Harris: Yes

Don Roberts: Ok. Thank you. Go ahead.

Tom Koval made a Motion to Approve Grace Fellowship Site Plan Amendment. Rich Berkowitz seconded. Motion Carried.

Jason Dell : Thank you.

18.123 DiSiena Garden Center, 1470A Route 9 – Change of Tenant/Use (18.123)

David DiSiena: David DiSiena 1470A Route 9. What we wanted through our original application we left out adding fresh produce, Christmas trees, pool supplies, doing screen repair, no glass repair at all, and we just wanted to add these products into our present garden center.

Donald Roberts: What are your parking plans?

David DiSiena: No change in parking at all.

Donald Roberts: You're not expecting any increase of

David DiSiena: Well, there may be an increase but not enough that the, we have about 12-14 spots that I don't think the additional business will consume those spots totally.

Donald Roberts: Questions by the Board?

Richard Berkowicz: What kind of pool supplies you gonna have?

David DiSiena: Basically, pool chemicals, nets, skimmers, that type of stuff. Maybe a few odds and end pool toys, but just a general not like a Concord Pool or somebody like that.

Richard Berkowicz: No outside storage or..?

David DiSiena: No, just maybe like 8' of chemical shelving. Ya know, like PH plus, chlorine stabilizer, that type of stuff.

Marcel Nadeau: So, you're talking about gallon containers, you're not talking tanks or anything?

David DiSiena: No, tanks at all.

Tom Koval: Are you gonna do the 5 gallon refillable jugs of chlorine?

David DiSiena: Only 2 ½. We don't do the 5. We won't do the 5.

Tom Koval: Are they stored inside?

David DiSiena: No, no nothing will be stored inside.

Tom Koval: So that's outside storage

David DiSiena: Yes, there will be a place to put the product, yes and they'll only be like 10-15 of them there at a time, we have another location we sell it at and we would only bring up 10-15 containers at a time. So there wouldn't be more than 30 gallons of chlorine, liquid chlorine around at any one time.

Richard Berkowicz: Where in the site plan would that be?

David DiSiena: The, for the storage.

Richard Berkowicz: Yea.

David DiSiena: Would be in the front of the place to the left of the door.

Richard Berkowicz: Is it by any parking?

David DiSiena: No.

John Higgins: Where's the vegetables and pies....

David DiSiena: Ok, that stuff would be located in the left, front corner of the fenced in area, it would be just basically put up a 10x20 canopy from now until mid-September, take it down and it

would be in the corner, it would be inside the fenced in area, it wouldn't be outside of the parking lot, we wouldn't consume any parking spaces for this tent, and it would be a 10x20.

Tom Koval: Where's your other location? Mechanicville you sell the chlorine?

David DiSiena: Yes, in Melrose actually

Tom Koval: Melrose?

David DiSiena: Schaghticoke, Town of Schaghticoke.

Tom Koval: My concern is that the fire department may have concerns with the jugs of chlorine, Im not positive Im not in the fire service but what, can I ask what does Melrose require for you to sell those?

David DiSiena: Actually, nothing that it would be nothing other than just out of the way people

Tom Koval: Nothing, for New York State?

David DiSiena: No. No, that one you, no because we don't have enough of it, if you go over, I believe it's, you go over some quantity, you need maybe locked in storage, ya know, fenced in areas.

Richard Harris: We are unaware of the tent idea. The Board has some discretion to determine whether that's a significant change to the site plan or not to require an updated site plan. A 10' x 20' for a Commercial purpose would likely require a building permit to ensure that it's affixed to the ground properly, we have required that in other parts of Town where something was put up over a patio for a restaurant.

John Higgins: They're going to be keeping inventory out there around so, I guess we really need to take a look at that.

Richard Berkowicz: Just based on prior applications of tents fronting Route 9 might not be aesthetically pleasing.

Richard Harris: Yes, correct. There have been some temporary tents in town for uses that are, there's something in the code that does not require site plan approval if four times a year for no more than three days at a time the Town Supervisor, Director of Building, Director of Planning sign off on it. The Town did an amendment to the Town Code two or three years ago to allow that temporary use, and we've had a couple of churches in town take advantage of that and apply for that type of permit. It's kind of like the difference between a special event tent for one day and permanent approval.

Richard Berkowicz: Yeah, this is for a permanent though.

Donald Roberts: Yeah, is this a permanent tent?

David DiSiena: Well, no no. It's only gonna be up for maybe 6-8 weeks.

Richard Berkowicz, et al: That's more than, more than yeah.

Richard Harris: Four times three.

Tom Koval: We just have to treat it as we do Lowe's or Home Depot with seasonal outdoor storage

Richard Berkowitz: Yea but they dont have tents

Richard Harris: No, but that is a good comparison in terms of you've had approval for an outdoor patio that you gave temporary approval to last year, but the applicant came back. That was an affixed structure to the ground. Yeah, this would probably be normally something that we would bring to the Board as a seasonal use. We don't often require engineered site plan for something like that since it's not going to stay up 12 months of the year. It's not 80x100 but it is on Route 9 so I would think it's something that.

Donald Roberts: I think we would want a date when it would come down.

Richard Berkowicz: Yeah, what if you built an awning?

David DiSiena: Excuse me.

Richard Berkowicz: If you built an awning. Something that covers, that's attached to your roof that covers the front part instead of a tent.

David DiSiena: Well, we could, we could take the canopy and put it right outside the front door and take it away from Route 9.

Richard Harris: Could you show where that would be on here, there's a laser pointer there. Just to give us a, myself a better sense of.

David DiSiena: OK. Ok, it would come right off of here, right here there's an aisle. Ya know, the sign's right her and here's the front door to the, to the building. It would come right off of there then, rather than be out here.

Richard Berkowicz: It's still facing Route 9.

Richard Berkowicz: I'm trying to talk about, you see how Lindsey's does it. They have that awning or roof over their front door and they have the apples there, they have produce, they have whatever they're going to be selling and it fits into the style of the building.

John Higgins: But he doesnt own this

Richard Berkowicz: I know, but it's, I'm just using that as an example.

Tom Koval: What's this area right here?

David DiSiena: That's parking. This is all parking, you can fit about 8 cars in here and then you could fit about 8-10 on this side, there's parking on both sides. You can come in this way or you can come in this way. And it's surrounded by a fence as you can see the white fence right here.

Tom Koval: It's a short fence though.

Dave DiSiena: Right, it's a 3 foot fence. We originally wanted to put it in this corner, but if you felt it was intrusive, then we could move it and even put a smaller one right off the front

Tom Koval: It really isn't conducive to what we want out on route 9, and other businesses have been turned down in that very vicinity for wanting to put a tent up on route 9

Donald Roberts: I think maybe you might want to have some, a couple of members go out and do a site visit on this and see what the best solution might be. Any volunteers?

Thomas Werner: I'll go out.

Donald Roberts: Tom. Anyone else?

John Higgins: I'll go.

Donald Roberts: Ok, Tom and John. Ok, we'll do a site visit and they'll try and recommend what the best course of action. Cause as you can see here, a tent close to Route 9, that's not really good.

Tom Koval: We should also, in the meantime, have some conversation with the Fire Department about the chemicals

Donald Roberts: Yeah, Rich can you line that up.

Richard Harris: Yep, sure.

Donald Roberts: Ok.

Dave DiSiena: OK, in the meantime, if we had it indoors, the vegetables and produce....that's not an issue.

Tom Werner: Correct.

Donald Roberts: But we're not gonna take action tonight, we're gonna have someone take a site visit so that you're aware. Ok?

Dave DiSiena: Alright.

Donald Roberts: Alright? Ok, thank you. Next item, Fast Lane Automotive.

The Board Tabled DiSiena Garden Centers Change of Use application until a site visit can be done to determine an appropriate place in keeping with Code to display a vegetable stand and some summer products.. Tom Werner and John Higgins will be making the site visit.

Fast Lane Automotive ,1623-1637 Route 9 – Change of Tenant/Use & Sign (18.125/18.126)

Yuvgeniy Litvinov: Hello, my name is Yuvgeniy Litvinov I'm here on behalf of Fast Lane Automotive, 1627 Route 9.

Donald Roberts: What do you want to do?

Yuvgeniy Litvinov: I'm here on behalf of; I'd like to open up an auto repair shop at the location 1627 Route 9.

Donald Roberts: Auto repair?

Yuvgeniy Litvinov: Light auto repair shop like oil changes, brakes and light duty.

John Higgins: Are you one of the owners?

Yuvgeniy Litvinov: Yes, I'm Vice President.

John Higgins: Oh, ok. The only reason I'm asking is because the application has a different name.

Yuvgeniy Litvinov: Oh, yes. That's my partner. So, we have, we're just two partners.

John Higgins: Ok, thank you.

Donald Roberts: So, how many vehicles would you plan on having on site at one time?

Yuvgeniy Litvinov: Typically, no more than 10. There are 48 parking spots in front and 27 in back.

Donald Roberts: Ok. Questions by the Board.

Tom Koval: Are you occupying just the back building?

Yuvgeniy Litvinov: Right, just the back building.

John Higgins: So, you're gonna have the sales office in the back building?

Yuvgeniy Litvinov: No

John Higgins: You're not gonna have anything out front?

Yuvgeniy Litvinov: Well.

John Higgins: We're asking you because this site has gone through a bunch of different variations over the years and we just wanna make sure we understand correctly what you're trying to do.

Yuvgeniy Litvinov: We're, strictly for now, operating an automotive repair shop, but in the future, if we do decide to do automotive sales, we can, we'll come before the hearing again.

Donald Roberts: You'd have to come again before us, yes.

Yuvgeniy Litvinov: Ok

John Higgins: What we're talking about tonight is strictly the back building and repairs.

Yuvgeniy Litvinov: Right. Yes.

Richard Berkowicz: What type of repairs?

Yuvgeniy Litvinov: Light duty automotive. Nothing heavy duty.

Richard Berkowicz: No body work?

Yuvgeniy Litvinov: No body work. Just repair. Strictly.

John Higgins: And what's gonna be out in the front parking? There's an awful lot of parking out there.

Yuvgeniy Litvinov: Just parking and there's just parking. There's a building in front, but we're located in 1627 in the back, but this is the whole entire property.

John Higgins: Right, well that's why we were asking because in the pre-meeting, we weren't sure whether it was just the rear area or the whole site, but it is the whole site?

Yuvgeniy Litvinov: It is the whole site

Richard Harris: Can I just clarify. So, you're gonna be using the building back here for repairs, correct?

Yuvgeniy Litvinov: Right, yup.

Richard Harris: Ok. So you said 10 cars at a time?

Yuvgeniy Litvinov: Well 6 cars, 6 cars can be fit in one building, in the building.

Richard Harris: In that building.

Yuvgeniy Litvinov: Yes.

Richard Harris: So, how many will be outside, visible, maximum at one time?

Yuvgeniy Litvinov: At a maximum I don't see more than 10 cars visible? The back area is so large that it

Richard Harris: Will you be storing them back here, or will they be, because this fits about 70, this site plan shows about 70 cars and I think you've had a couple of different tenants at one time and I know probably prior to myself here 10 years ago, there was a lot of discussion then I think of how many's allocated to the one business, and how many other when you had two at one time, am I correct in that?

Richard Harris: Can you come up just to clarify, because you all know the history probably better than any of us.

Dan Cummings: Dan Cummings 5 Sweeny Road, Mechanicville. Yeah, through the years we've had address changes there where they weren't going in the right direction so we modified the addresses. At one time the back was 1625A and tenants got moved around and the addresses kind of got mixed up, so now 1627 is the front and the rear lot address wise. These guys, they wanna occupy the rear building for the light automotive repair. But they will be utilizing that building for the office that's in the front.

Richard Berkowicz: You were talking about we're talking both buildings? There is only one building on the site plan right now

Richard Harris: No, two.

Donald Roberts: Yeah, see, we wanna make sure that there's not too many vehicles there that may, gets out of hand.

Dan Cummings: Correct, absolutely. Yeah, I agree. Yeah, there's 76 total front and rear, 48 in the front and 28 in the rear.

Donald Roberts: Ok, so you're saying 10 at the most?

Yuvgeniy Litvinov: Right, yeah Yuvgeniy Litvinov, we're planning on just repairing so no more than 10 I assume because people are gonna take their cars back so.

Donald Roberts: Ok. That works, I think.

Tom Werner: Now, do they need to come back before the Board if they expanded into car sales?

Donald Roberts: Yes.

Tom Werner: Ok.

Donald Roberts: Yeah. If you expand to car sales then you have to come back again.

Yuvgeniy Litvinov: Yeah.

Donald Roberts: You're aware of that?

Yuvgeniy Litvinov: Yes.

John Higgins: Would you like us to make it to 15 tonight so that gives you a little flexibility as far as the number of cars stored outside?

Yuvgeniy Litvinov: Yes, sure, thank you

John Higgins: And you're going to prominently park them in the rear.

Yuvgeniy Litvinov: Right, yes.

John Higgins: Area and then employees can park in the front or whatever as long as they're not cars that are for sale.

Yuvgeniy Litvinov: Correct, we don't have any employees now, but we will park in the rear and you will not see the cars because the building blocks everything

John Higgins: Ok and as far as tow trucks, flatbeds, trailers, anything like that? Dan knows, we went through a list through the years, so we'd rather ask the questions now than have a problem later on. So, it's just gonna be strictly repairs. If you need a tow truck, you'll hire somebody to bring the car in and be dropped off and leave.

Yuvgeniy Litvinov: Yes, we have one guy that does towing and he just picks up the cars and drops them off. He doesn't store his tow truck there.

John Higgins: Ok. Thank you.

Donald Roberts: Ok, and also for your address. It should be Halfmoon, Ok, because you're in Halfmoon. It's not Clifton Park.

Yuvgeniy Litvinov: Oh, right, I'm sorry; it must have been a typo

Donald Roberts: Alright, ok.

Richard Berkowitz: And that building's set up for repairs with oil disposal, and

Dan Cummings: Yeah, there's a waste oil tank

Richard Berkowitz: There's a waste oil tank and

Yuvgeniy Litvinov: In the back, we cleaned it out.

Richard Berkowicz made a Motion to Approve Fast Lane Automotives Change of Use/Tenant contingent on no out door sales, repairs only and no more than 15 Cars . Marcel Nadeau seconded. Motion Carried.

Donald Roberts: Good luck.

Yuvgeniy Litvinov: Thank you.

18.026 ValuSpace Personal Storage, 1607 Route 9 – Site Plan (18.026)

Gavin Villaume: Good evening, Gavin Villaume with Environmental Design representing the applicant, Rosenblume, this project was last in front of the Board, I believe in March. At that meeting we presented the conceptual plan for, I think at that time it might have been for personal storage buildings. We are proposing six. I'll just give you a quick runaround the site. This is obviously the main structure that's the most prominent building on the site. That would be a self that would be climate controlled storage building. Approximately 90,000 sq. ft. and it also would be a three-story structure as opposed to a single story for the remaining buildings. So again, that one's the largest of the six buildings at around 90,000 sq. ft. The other buildings are your more typical self-storage structures that range from about 1,000 sq. ft. or 1,500 up to 6,300 sq. ft. and that would be those long linear buildings to the rear. The original layout also did show a driveway, I believe on this side of the property. We've eliminated the driveway there. So now we just have one single access off of Route 9 along with our single access we have parking. Essentially, more for employees and potential visitors. So that's pretty much the layout. We also have made some minor changes in additions based on some of the Clough Harbor comments that we received. The first one was some additional landscaping that we've added along the front here. So we are interested in obviously making sure that that's very attractive at the front of the parcel. We really don't have much else going on there so it's really just the building and then a very generous green space. The other comment that is worth noting was the comment to make sure that we could get fire trucks and tractor trailers around the property. This particular drawing really doesn't show that but we did put together a turning radius template overlay together and we just forwarded that over to CHA this afternoon so they'd have an opportunity, I think, to look at that, and then the only other remaining comments were more storm water related, they were more technical in nature and I think Joe had given it a quick look but he's gonna have to go through all those technical comments if we receive any kind of approval.

Donald Roberts: Ya happen to have a rendering of what it's going to look like?

Gavin Villaume: Yeah. That's still good right? Yeah.

Donald Roberts: And while that's being done, Joe any comments from your end?

Joe Romano: No, I think Gavin summarized. We would, ya know, if the Board does take action tonight, we recommend a condition on our final signoff.

Donald Roberts: Final review, ok, Rich, fire, county. All set?

Richard Harris: Yeah, on County, County did approve it with a comment to the Planning Board that they ensured that the landscaping proposed on the Route 9 side's adequate or satisfactory and no concerns, or sorry, concerns were fire, were reiterated by Joe regarding ensuring there's adequate turning radius which stated, he'll have to review as part of their most recent submittal.

Donald Roberts: Any comments by the Board members? See the rendering there.

John Higgins: As far as the front, it just says the law area. Ya gonna put some trees in there?

Gavin Villaume: Yeah, yeah you can see on the drawing here we've got trees along the front, along with some shrubbery along the foundation.

John Higgins: I see two trees out by Route 9.

Gavin Villaume: There's these two plus this one would be three. I mean we want to make sure obviously that we're somewhat visible for the

John Higgins: Somewhat visible, you're three stories tall. I mean, c'mon.

Donald Roberts: Somewhat visible.

Gavin Villaume: We wanna make sure it's good from the Northway. If you would like some more, additional....

John Higgins: I would like some more trees on the lower level, yeah, and certainly along the lower edges,

Gavin Villaume: Ya know, we could always add a few evergreens.

John Higgins: Ya know, the County said that also so it's not just this Board.

Gavin Villaume: Yeay, no we're ok with that.

Donald Roberts: And don't forget for advertising, you're in Halfmoon for advertisement purposes.

Gavin Villaume: Yes,

Donald Roberts: Anyone else? If you're ready, we need a seeker, a negative n SEQR first.

Richard Berkowitz: made a Negative Declaration Pursuant to SEQR. John Higgins seconded. Motion Carried.

Rich Berkowitz made a Motion to Approve Fast Lane Automotives Change of Tenant/Use application, contingent on Clough Harbors final review. Mike Ziobrowski seconded. Motion Carried.

John Higgins: Whose gonna ultimately look at the Clough Harbor's gonna look at the green in the front also?

Gavin Villaume: Yeah.

John Higgins: Ok, fine I just wanted to make sure someone was going to

Richard Harris: Usually it is somebody appointed by Don

John Higgins: I just wanted it on the record that somebody was gonna look at that. Thank you.

Richard Berkowicz: Yup.

Gavin Villaume: Ok, thanks.

18.016 421 Halfmoon Flex Park (Parkford PDD), 421 Rt. 146 – Site Plan (18.016)

Jason Dell: Good evening, Jason Dell Engineer with Lansing Engineering here on behalf of the applicant for the 421 Site Plan amendment. We were last before the Board not too long ago with the subdivision for the front 15,000 sq. ft. building that was constructed and we're back this evening with the remaining site plan and we are seeking a site plan approval for the 10,000 sq. ft. or 10,500 sq. ft. building in the back and the larger 65,000 sq. ft. building in the middle. We continue to show this smaller building up front. It's about 10,800 sq. ft. That's conceptual. We're showing it on there to show the future intent of that area, but for right now we're seeking approval on the two larger buildings. The delay in coming back before this Board as we were in the process of acquiring the two properties over the front on Parkford Drive. The applicant has now acquired those properties so you'll see one of the big changes to the site plan from the last time from when we were in here was that we now have an access road out to Parkford Drive. If you recall our secondary point of access, we left it on the plan here to show where it was that came over and went through the old Spare Lots office building site plan. The new building is over here and you guys recently approved this building down here, however, this emergency access road is no longer needed since we will be accessing directly out to Parkford Drive. One other substantial change that we made on the site plan was at the request of the Water Department. We are now, instead of just feeding the water in to supply our facility. The request was made to loop the waterline along 2 Parkford Drive. So, that has been shown on the site plan. At this point we have addressed all of CHA's technical comments and we are back before the Board this evening to request an approval.

Donald Roberts: Thank you Jason, Questions by the Board?

John Higgins: As far as the 65,000 sq. ft. building, I assume Scott's gonna use that for prestige?

Jason Dell: That is correct. Scott's intent is, they call it a fulfillment center I believe where they'll fulfill orders, fill trucks and send them out to various entities.

John Higgins: What are you gonna do for truck parking? Because where he is now, he's fairly congested, plus he has a bunch of trucks parked off site

Jason Dell: So, we've got a fairly sizeable loading dock area in the back here you can see here. We've got additional 30 ft. wide, excuse me, 30 long parking stalls for his various pump trucks, but we are, ya know, we do show a substantial loading dock area in the back here, right now, it's only depicting 4 trucks, however, it could fit probably at least another 4-5 trucks along the back there. Those are just shown for intent the whole backside of that building would be loading dock.

John Higgins: Yeah, I'm thinking more of the stray jobs the smaller trucks because like I said he's got bunch of them.

Jason Dell: Yup, along the back here, we're also proposing the longer 30 ft. wide stalls. Excuse me 30 ft. long, still 10 ft. wide.

Mike Ziobrowski: Right, they can park on top of that infiltration system. It won't affect them at all right?

Jason Dell: That is correct.

Donald Roberts: Anyone else? Rich, you're ok with fire, Saratoga County?

Richard Harris: Yes

Donald Roberts: How about the Fire, you're all set with fire?

Richard Harris: Yes

Don Roberts: Joe, no problems?

Rich Berkowitz made a Motion to Approve the ValuSpace Site Plan application. Tom Koval seconded. Motion Carried.

Joe Romano: Thank you

(18.089/18.097) First New York Federal Credit Union, 1533 Rt. 9 – Site Plan & Special Use Permit

Greg Ursprung: Good evening, I'm Greg Ursprung with Bergman here representing First New York Federal Credit Union. This is the first plan review a full site plan, First New York's proposing a 2,250 sq. ft. bank with a two-lane ATM drive-thru at 1533 Route 9. A special permit is required for the drive-thru. A site access is provided by two full access driveways onto Route 9. Plans were submitted to DOT last week so we're waiting for their review. The parking, there's 17 spaces required assuming a maximum of 5 employees and 18 parking spaces are provided. Landscaping, the existing trees are gonna be protected as shown on the landscape plan and then we've added screening at the southeast corner at the request of the Planning Board that's shown on the landscaped plan, they consist of Balsam fir, Fraser fir and White spruce at an 8 ft. installed height. Lighting is down lighting with cutoffs on 22 ft. poles. No spillage onto the adjacent properties. Storm-waters has been designed in accordance with the Town standards. It's comprised of catch basins and storm sewer pipes that discharge to an infiltration basin up in the northeastern corner of the site maintaining peak runoff rate to pre developed rates. We plan on doing infiltration testing the first week of August just to confirm the design. Water service will be from a main on Route 9 and sewer will be in onsite sewage disposal system which is located in the southeastern portion of the site. We're in receipt of CHA's comment letter dated July 6. We've provided the response letter to the Board dated July 13 and I think we're pretty much in agreement on the comments and will finalize those. At this point we would just request that the Board set a public hearing.

Donald Roberts: Thank you. Joe, you got any comments Joe?

Joe Romano: I think in general they addressed our comments. We'll just have to do all the rough final technical review after the public hearing. We did have a comment regarding the access to the site which they have submitted this to DOT and I think we've really got to wait to see what DOT says regarding their curb cut access. Our recommendation was – I limit the curb cut to a one in and one out.

Donald Roberts: I like your recommendation better.

Joe Romano: What's that?

Donald Roberts: I like your recommendation better.

Tom Werner: I really don't see a need for a left turn in that northerly most driveway curb cut. I mean most of your left turn vehicles are either gonna go in and go around to the drive-thru or into the parking spaces at the south end of the building so just to eliminate the confusion I just really see no other....Unless we go to just one curb-cut.

Joe Romano: Yeah, I wouldn't think just one curb-cut would work but circulation, I mean because then you gotta bring everybody that's going in the drive-thru around the front of the building. I would think a scenario of one in and one out would work.

Tom Warner: Yeah.

Joe Romano: Would work well, but I mean again they submitted to DOT

Tom Warner: Yeah,

Joe Romano: We'll see what DOT has to say.

Donald Roberts: Anyone else? Any comments? Now if we set a public hearing we're gonna have to set it for 8/27. Push it out a bit here.

Richard Berkowicz: *I make a motion to set a public hearing for First New York Federal Credit Union on 8/27/2018. Tom Werner seconded. Motion Carried. Public Hearing set.*

Greg Ursprung: Great. Thank you very much.

Donald Roberts: Last, but not least:

Faye Inovlotska Wholesale Bakery & Residence, 10 Route 236 – Site Plan & Special Use Permit (16.169/16.154)

Faye Inovlotska: Good evening my name is Faye Inovlotska. I appeared in front of you last time and it was contingent to the approval of Town Engineer that I have to prove sewage collection. It was a problem because was no sewage connection. It was very difficult to create sewage connection. Right now I am extremely lucky that sewage connection basically came to my property. So, basically engineer, Town Engineer reviewed that and he was in favor of approval with the sewage connection that this came basically to my property. So I'm asking this committee to allow me to make it a beautiful business. My property is right in; it's in businesses and its look very natural that I will be able to benefit this community with nice fresh baking bread.

Donald Roberts: Now as you're aware your property does not meet the requirements for lot size, lot width and setback requirements. Right, the right the front setback requirements? So, we're gonna have to deny this application and then go to the Zoning Board of Appeals. But before we do that any questions by the board comments?

Marcel Nadeau: Again, it's strictly wholesale correct? No retail?

Fay Inovlotska: Oh yes, only.

Marcel Nadeau: Thank you.

Donald Roberts: And, deliveries? How's that gonna be handled?

Fay Inovlotska: What?

Donald Roberts: Truck. Delivery of product to your....

Faye Inovlotska: Ok, the truck has enough space to egress on my property. It's more than enough which shows on the plans. So it's only one truck. It's a small operation.

Richard Harris: You had mentioned Faye that you expected one possible delivery to the site per day.

Fay Inovlotska: Yes, only one.

Richard Harris: And then one out for delivery to businesses is that correct?

Faye Inovlotska: Yes.

Richard Harris: Correct?

Faye Inovlotska: Yes.

Rich Berkowitz: The trucks delivering and picking up will need to be on the property; they cannot be loading or unloading out on the road.

Faye Inovlotska: Yes, understood.

Mike Ziobrowski: And I would think you'd need Board of Health approval for your bakery as well.

Fay Inovlotska: What did you say?

Mike Ziobrowski: Your bakery itself should have Board of Health approval as well.

Faye Inovlotska: Yes, of course, yes

Mike Ziobrowski: Ok.

Donald Roberts: And as I said we need to deny this because it doesn't meet the setback requirements.

Marcel Nadeau made a Motion to Deny Faye Inovlotska Wholesale Bakery & Residence Site Plan application being it does not meet the setback requirements. John Higgins seconded. Motion of Denial Carried.

Don Roberts: Good Luck

Fay Inovlotska: Thank you.

Marcel Nadeau made a Motion to Adjourn the Planning Board Meeting at 8:50 pm. John Higgins seconded. Motion Carried, meeting Adjourned.

