

**MINUTES MEETING
Town of Halfmoon Planning Board
April 10, 2017**

Those present at the April 10, 2017 Planning Board meeting were:

Planning Board Members: Don Roberts –Chairman
Marcel Nadeau- Vice Chairman
John Ouimet-absent
Tom Ruchlicki
John Higgins
Tom Koval
Richard Berkowitz-absent

Planning Board Alternates: Cory Custer-absent
Mike Ziobrowski
Thomas Werner

Director of Planning: Richard Harris
Planner: Paul Marlow

Town Attorney: Lyn Murphy
Deputy Town Attorney: Cathy Drobny - absent

Town Board Liaison: John Wasielewski
Jeremy Connors

Due to a malfunction with the recording equipment, the meeting minutes were not recorded. Therefore, the Town Staff present at the meeting transcribed the meeting minutes from their handwritten notes and topics.

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

Marcel Nadeau made a motion to Approve the Minutes from the March 27, 2017 meeting. Michael Ziobrowski seconded. Tom Werner and John Higgins abstained due to absence at the meeting. Motion carried.

Public Hearing:

17.003/17.004 Fairways of Halfmoon Brew Pub (formerly Hand Hudson Brewing Co.) 17 Johnson Road - Site Plan & Special Use Permit.

Mr. Roberts asked if anyone would like the public hearing notice read. Seeing none, Mr. Roberts called the applicant to the podium to present the project.

Mr. Jeff Williams, Bruce Tanski Construction, summarized the proposal to construction an addition to the existing clubhouse/pro shop/banquet facility for the purpose of adding a craft beer brew pub and expanded pro shop.

Mr. Roberts opened the meeting to anyone from the audience that would like to speak.

Mr. Joseph Micklas, 5 Raylinsky Lane spoke. Mr. Micklas read the "Purposes section of the Zoning Ordinance to the Board (Sec. 165-2). Mr. Micklas expressed opposition to the proposal stating it will add to the traffic on Johnson Road, which is already a thoroughfare based upon current use; overcrowding of land and noise. He added that already there are noise issues with early morning lawn mowing, dumpsters, fireworks, golf clubs hitting balls, machine picking up the balls and smashing bottles. He cited statements made at the initial presentation by the applicant that 10 kettles will be produced and that his goal was to expand and sell the beer off-site. He also cited statements made by Board member Tom Koval at the initial presentation of the project, where he expressed concern about the proposed extent of beer production on-site and sale of kegs. Mr. Williams clarified the number of kegs to be produced at maximum production in a year (400). He stated they are not looking to create another Peddler's or Rusty Nail. Mr. Koval and Town Attorney Lyn Murphy stated that the project has since changed and further clarified by the applicant that less beer will be produced on-site than originally proposed. Ms. Murphy added that a letter has been received from the applicant's attorney stating that the craft beer license does not permit the sale of beer/kegs off-site and beer sales must be made for consumption on-site or in growlers (that may be taken home/off-site). Mr. Micklas cited Sec. 165-9.B.4., "Private or public recreation or playground area, golf club, country club, or other open recreation uses but not including commercial facilities or amusement parks." He stated he believes the proposed brew pub is not allowed under that provision and is not an allowable accessory use. He added that the original statement of the applicant at the initial meeting used the term "craft brewery". Mr. Williams clarified that it is a "brew pub", not a brewery. He believes this is a bar within a bar and not allowed. Mr. Micklas asked if the sewer will connect to the septic or the sewer line. Mr. Tanski responded the addition will connect to the sewer line.

Mr. Jim Hopeck, 29 Johnson Road, spoke and opposed the project. He stated he believes this is proposing another Rusty Nail and is not an allowed use. He stated the facility will add to the noise of the site and is changing the residential character of the neighborhood. He stated there is already enough hootin' and hollerin' going on there late at night.

Mr. Roberts asked if anyone else wished to speak. Seeing none, Mr. Roberts closed the Public Hearing at 7:36pm. The Board discussed any outstanding comments from the Town Engineer.

Mr. Williams added that he believes the comments of the Town Engineer have been addressed, including comments related to adding handicapped accessible parking spaces. Mr. Joe Romano, from CHA, spoke that most comments have been addressed but is awaiting a revised plan showing the parking spaces and that additional handicapped spaces have been added. Mr. Bruce Tanski indicated the handicapped parking signs have been installed.

Mr. Roberts stated that there are comments from the fire chief and asked if they have been addressed. Mr. Williams stated that there was a comment about adding a hydrant, but that there are two hydrants

nearby on Johnson Road. Mr. Tanski stated they will meet all building codes. Mr. Richard Harris stated that some of the comments of the fire chief, such as the comment regarding fire lanes and accessibility around the building, could effect the site plan, and should probably be addressed before the Board considers a vote on final approval. Mr. Roberts stated that the Board will table the item until the applicant further responds to the fire chief's comments. The item was tabled.

New Business:

17.062 The Kensington, 1 Kensington Court - Sign

This item was removed from the agenda at the request of the applicant.

17.063/17.064 American Promotional Events/TNT Fireworks, 1549 Route 9 (Walmart)- Change of Use/Tenant & Signs

Ms. Virginia Daniel, from American Promotional Events, stated they plan to sell legal fireworks in a tent in the Walmart parking lot similar to prior years, from June 20 - July 5. The tent will be smaller than last year, at 800 SF.

Mr. Ziobrowski asked if "exit" signs will be installed; Ms. Daniel responded "yes".

Mr. Harris stated that the fire chief reviewed the project and indicated that questions/concerns raised in prior years have been addressed.

Motion made to approve the Change of Use/Tenant and Sign requests by Mr. Nadeau, seconded by Mr. Koval - approved (unanimous).

17.065 Dorrough Construction Office & Storage Facility, 77 Ushers Road - Site Plan

Mr. Jeff Williams, Bruce Tanski Construction, presented the project to construct 4,800 SF construction office and storage facility on a 27 acre parcel on Ushers Road. The parcel was subdivided last year by Mr. Tanski.

Mr. Higgins asked whether there will be any outside storage on the site. Mr. Zach Dorrough, Dorrough Construction, stated that there would be little outside storage, if any, and that he plans to park construction vehicles and equipment in the garage area, with employees visiting the site to pick-up equipment.

Mr. Higgins stated that he would like to put a limit on how many vehicles and pieces of equipment can be stored outside, since in the past applicants often do. Mr. Dorrough stated he would be OK with that and would show an area on the plan.

Mr. Roberts stated that the project needs to be sent to County Planning, the fire department and CHA for review. The item was tabled.

17.060 Our Place Bar & Grill Seasonal Outdoor Patio, 46 Rt. 146 - Site Plan

Mr. Michael Colluccio, applicant and owner of Our Place Bar & Grill, stated he would like to rope off an area for 40 seats in front of the existing building to serve food outside. He stated he is aware that the Dept. of Health will only allow him to have either the inside seating or outside seating open serving food

at one time, and that he will do that. He added that he knows the Board may want some sort of bollards around the patio, and asked for advice on how many.

Mr. Koval asked if he planned to pour concrete or install pavers for the patio. Mr. Colluccio responded that he planned to sweep the area and install a top coat or sealer to make it look better.

Mr. Ziobrowski asked if he could move the proposed patio to the west or right side of the building. Mr. Colluccio said he could but it would be difficult to manage it on that side.

Mr. Koval stated his first concern is the safety of the customers and does not support it in the front.

After discussion regarding location of the proposed patio by several Board members and the applicant, Mr. Roberts stated that the items, including safety issues raised by the Board, should be reviewed by CHA and other agencies will need to review, including County Planning and fire.

17.051/17.052 Ellsworth I Solar, 100 Pruyn Hill Road - Site Plan & Special Use Permit
17.071/17.072 Ellsworth II Solar, 100 Pruyn Hill Road - Site Plan & Special Use Permit
17.068 Johnson Property Subdivision, 100 Pruyn Hill Road - Minor Subdivision

Mr. Daniel Band, from Cypress Creek Renewables, presented the project to develop two separate 2 mW solar arrays or farms on the property of Mr. Thomas Johnson, 100 Pruyn Hill Road. A subdivision is also necessary, and Mr. Band explained this is due to the limit on the maximum mW allowed under a NYSERDA grant. Mr. Band discussed the single point of access from Pruyn Hill Road, with a driveway splitting off into each project, Ellsworth I and Ellsworth 2. He added that a fence will be installed around the perimeter of each project; grading and some tree clearing will be needed; the arrays will be installed in the manner and shape due to the streams and topography of the land; the project will be largely separate from the homes along Pruyn Hill Road by distance, a steep grade change and an intermittent stream; noise levels will be undetectable from the adjacent properties/homes; no lighting will be installed. Mr. Band added that they will work with the local fire department to provide education either through the NY-SUN training initiative or direct assistance from their company.

Mr. Roberts stated the application indicates they will lease the property; Mr. Band responded, "yes", for 20 years; Mr. Roberts asked what will happen to the site and the equipment? Mr. Band responded that they submitted a decommissioning plan that includes restoration of the site to pre-development conditions. Mr. Roberts stated that the Board will likely require a bond or other security to ensure removal of the equipment if the lease is not renewed; Mr. Band responded that he understands and some municipalities require that. Mr. Band discussed the materials which the panels and cells are made from, including glass, metal and associated wiring;

Mr. Koval stated that the wires could contribute to an electrical fire; Mr. Band indicated that extremely high temperatures would be needed but that they also ensure the grass around the panels is kept short to reduce the "fuel" in such cases.

Mr. Roberts stated that the items will be tabled to allow review by the Town Engineer and other agencies.

Old Business:

17.007/17.009 Stewarts Shop # 305, 1859 Route 9 - Site Plan & Sign

Steve Kinley, from Stewart's Shops, appeared before the Board to present the project and update the Board.

Mr. Roberts asked Mr. Romano if all outstanding engineering comments have been addressed. Mr. Romano discussed the primary issue remaining was the need to retain or install additional landscaping along the northern boundary of the project; the plans show the utilities running directly through and disrupting the existing mature trees along this boundary. Mr. Kinley indicated they will preserve the existing trees and relocate the proposed utilities if necessary; they do not wish to relocate the building further south.

Mr. Ruchlicki discussed the need to improve the north side of the building, as people driving south on Route 9 will be looking at the building equipment and rear of the building; after discussion with Mr. Kinley and the Board, the Board indicated the proposed stone facade should be extended 30' along the rear wall from the Route 9 side.

Mr. Roberts discussed the proposed signage and requested that the new pylon sign be no higher than the existing pylon sign; Mr. Kinley stated he believes the existing sign is 12' high and they will adhere to that height.

Mr. Nadeau made a motion for approval of the Site Plan and Sign applications, and it was seconded by Mr. Koval with the following conditions: (1) The proposed stone facade shall be extended 30' along the north side of the building from Rt. 9; (2) The existing mature trees along the north side of the building shall remain; (3) The proposed free-standing sign shall be no higher than the existing free-standing sign (approx. 12'); (4) A revised site plan addressing these conditions and any remaining issues of the Town Engineer shall be submitted for review/approval of the Town Engineer. Motion was approved - unanimous.

Motion to Adjourn the meeting by Mr. Ruchlicki, seconded by Mr. Ziobrowski.

Adjourned at 8:34 pm