

**MINUTES MEETING  
Town of Halfmoon Planning Board  
May 22, 2017**

Those present at the May 22, 2017 Planning Board meeting were:

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

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

Town Board Liaison: John Wasielewski  
Jeremy Connors

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

*Marcel Nadeau made a motion to Approve the April 24th Planning Board Minutes. Tom Werner seconded. Minutes Approved.*

**Public Hearing(s):**

**17.077 Atlantic British Associates & Vending Property, 4 & 6 Enterprise Drive - Minor Subdivision**

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

**Duane Rabideau:** Duane Rabideau from VanGuilder & Associates here tonight representing Vending Properties LLC. located at 4 Enterprise Avenue which is this parcel right here and also Atlantic British Associates LLC located at 6 Enterprise which is this parcel right here, Enterprise Ave is right here, the two parcels are adjacent to each other and are both commercial properties the proposal is to adjust the property line between the two parcels along the center line of the stream that runs through lot 6, so basically we want to , lot 4 line is here now, we want to adjust the line up here and follow the centerline of the stream and incorporate this rear portion of lot 6 into lot 4 so basically the acreage for lot 6 would decrease from approximately 15 acres to just about 6.3 acres and lot 4 Enterprise would increase from approximately 11 acres to about 19 and 1/2 acres. The applicants are here only for the lot line adjustment and any further activity would have to be presented before the board for any future approvals, and thats our request.

**Don Roberts:** Ok, thank you Duane, would anyone from the public like to speak? Seeing no one wants to speak I'll close the public hearing, any comments by the board members? (no comments)

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

**Marcel Nadeau made a Motion to Approve Atlantic British & Vending Properties Minor Subdivision Application. Tom Koval seconded. Motion Carried.**

**17.074 Verizon Wireless Microcell (Walmart), 1549 Rt. 9- Amendment to Site Plan**

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

**Dave Brennan:** Good evening ladies and gentleman my name is Dave Brennan with the law firm of Young/Summer from Albany, here representing Verizon Wireless on the application they had a single microcell antennae at the back or the northeast corner of the existing Walmart at 1549 rt . 9 , when I was here previously we described the project which consists of a single antennae, the top of the antennae is approximately 5 feet above the rear para pit above the loading dock in this section right back here and then base station equipment is just to the south of these existing ballards there are ballards right here this is the equipment on the ground level , it sits closer to the wall of the back of the Walmart then the existing switch gear and all of the other electrical equipment that is contained within the ballards. The cabling runs up the back of the Walmart along the top of the wall along the parapit to serve the antennae and basically this is a project to relieve some of the existing capacity issues that we have in this area of the community. Basically what these do is they take some of the service that's on an existing typical tower and it soaks it up through these smaller sites and frees up capacity on the existing towers.

**Don Roberts:** Ok, thank you Dave, would anyone from the public like to speak? (No comments) Seeing no one wants to speak I'll close the public hearing, Board members any comments? (No comments) Rich the county has responded to this right?

**Richard Harris:** Yes they responded they have no energy impact.

**Don Roberts:** Ok, thank you Rich go ahead.

**Rich Berkowitz made a Negative Declaration Pursuant to SEQR. Marcel Nadeau seconded. Motion Carried.**

**Rich Berkowitz made a motion to Approve Verizon Wireless Microcell's Amendment to Site Plan. Tom Werner seconded. Motion Carried.**

Dave Brennan: Thank you

**17.101 Rolling Hills PDD Amendment, Liebich Lane - PDD Amendment Recommendation**

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

**Joe Dannible:** Good Evening Joe Dannible with the Environmental Design Partnership, here on behalf of the Clifton Park Materials Group an their application to amend the existing Rolling Hills PDD to include a 7-acre parcel of land in the northeast corner of the site highlighted with the heavy dashed line in the hatching on the screen behind you. The land itself is surrounded by the existing PDD on the south and west sides and residential properties off of Tabor road on the north and east side of the property. The property itself has no potential to have access to Tabor road as the residential properties along Tabor road are currently developed. This parcel of land is also part of the mine and is part

of the mining permit issued by the DEC for this parcel of land, the mining permit is active they have lowered the elevation of that area consistent with the remainder of the developable land within the PDD and the light industrial portion of that park, it seems to make logical sense that putting this in as a industrial use would make the most sense. What we're asking for again is to increase the overall allowable square footage within the light industrial portions of the project from 600,000 to 700,000 sq ft, currently there's about 230,000 sq ft of light industrial uses built out within the Rolling Hills PDD. All of the stormwater infrastructure, public water, and municipal sewer are all located within Liebich Lane, Liebich Lane is as your aware a completed street and dedicated and owned and operated now by the Town of Halfmoon. With that we're here tonight, we have to go back to the Town Board we're looking to get a positive recommendation from this board to authorize the amendment of this PDD, I'm here to answer any questions you may have.

**Don Roberts:** Ok, thank you Joe, ok we will open the public hearing, would anyone from the public like to speak? (No comments) Since no one wants to speak I'll close the public hearing, board members any comments or concerns? (No comments)

***Marcel Nadeau made Positive Recommendation to the Town Board for Rolling Hills PDD Amendment. Mike Ziobrowski seconded. Motion Carried.***

**Joe Dannible:** Thank you have a great night.

**New Business:**

**17.095      DeVoe's Rainbow Orchards (Shed Sales), 1569 Rte . 9 Change of Use/Tenant**

**Larry DeVoe:** Well the pictures up there, I don't know if you have any questions that you want answered?

**Don Roberts:** How many sheds are you planning on having at one time?

**Larry DeVoe:** Up to 10, I dont probably 5 or 6 but I never know whether or not, or how well its going to go, I might have to bring sheds in while I'm waiting for a delivery or something like that, thats why I asked for more than what I expected to display, 5, 6 shed should pretty much show what we have to sell and then you could mix and match whatever you want up to that point.

**Don Roberts:** Any questions by the board?

**Tom Werner:** Will the customers pick it up or will you deliver these sheds?

**Larry DeVoe:** Its entirely all , how we are doing is we are displaying it and selling the sheds then its all taken care of with the main office they take care of delivery they take care of the financing its quite a good product, excellent.

**Marcel Nadeau:** So Larry these are display units basically?

**Larry DeVoe:** Yea, and its one of the only sheds that I know of that have a 90lb snow load, the rest of them, most of them are about 50, 40 or 50 so it's well built.

***Marcel Nadeau made a motion to approve the Change of Use / Tenant for DeVoe's Rainbow Orchards (Shed Sales)Mike Ziobrowski seconded. Motion Carried.***

**Larry DeVoe:** Thank you, I just want to mention one thing and it goes back to the PDD next door to me , I came to the board and expressed my concern that I was going to have to keep my business going and both to the Planning Board

and to the Town Board now I know many of you people weren't here back when that was taken care of and this spring as soon as we started chopping brush there in the orchard we had a neighbor , now there was only two neighbors over there at the time, and we had one of them over there banging and climbing on the fence saying it was too loud so I knew that this sort of thing was going to happen I was told that I was exaggerating but I just wanted to , here we are we have only just started and god knows what your going to get when we have to run a wind machine at night cause there's times when we have had to star them at 10:30 , 11:00 o'clock at night and run them until 7 in the morning and all it sounds like is a helicopter sitting on top of your house , just to give you an idea , so .

**Marcel Nadeau:** Larry I think we did make that clear to the applicant at that time that the people living there would know that, to protect you .

Don Roberts: Right

**Larry DeVoe:** I know that thought was there but I also told you it wasn't going to work, it never has and its never going to cause all it will be is harassment and when I get the calls I'm going to pass the calls on, cause I've gone through that with our old orchard that we finally just got out of it, and It's only just begun, we only just started and those two houses that are town houses that are occupied was the furthest ones that they have built so far, its only natural for people to complain when there is noise or what ever, and so

**Don Roberts:** Well like Marcel Said, the meetings, the applicant was really given notice make sure that he made everyone aware.

**Larry DeVoe:** I thought since the people that bought that, I don't think they even know that, that's even in their deed.

**Lyn Murphy:** now Larry as you know, even when you were supervisor there is a right to farm law so the town is very much aware of your rights as it relates to your going forward with a farm.

**Larry DeVoe:** I dont think there's a right to farm law in the Town of Halfmoon.

**Lyn Murphy:** There is.

**Larry DeVoe:** I would like to see it cause I never have seen it.

**Lyn Murphy:** Stop by tomorrow.

**Larry DeVoe:** That would be great, but thats beside the point, no matter now many laws you've got , I've gone through this time and time again and our old orchard, one of the biggest reasons we got out was not only the complaints but you know when it got to the point there was 3 or 4 hundred bushels of apples walking away in a fall that got more than we could take care of so it was not a good move.

**Don Roberts:** Larry one last thing, when you get those phone calls do me a favor, don't give them my number,(laughs)

**Larry DeVoe:** I'll try not to if I don't forget. (laughs)

17.098      **J.W. Danforth, 5 Liebich Lane - Sign**

*Mike Ziobrowski recused himself*

**Steve Durano:** Hi Steve Durano from John W. Danforth, I think there was a request in for some dimensions of the sign I think they sent those in?

**Richard Harris:** Yea I had asked just on that sign there of the height that wasn't on the application there were two records one for the wall mounted and one was just a photo of a similar sign that you were going to put up , I just didnt have a height we didnt get so I did hear back Friday so it should be on there yea , so you should be all set there.

**Steve Durano:** 6' 6".

**Don Roberts:** It meets the Town standards, any questions by the board?

***Rich Berkowitz made a Motion to Approve J. W. Danforth's Sign Application. Tom Ruchlicki seconded. Motion Carried.***

**Steve Duarno:** Thank you.

**17.107      Hickok Subdivision , 43 Fellows Road - Minor Subdivision**

**Harold Berger:** Good evening everybody, Harold Berger engineer, I'm here tonight representing John and Nancy Hickok who live on Fellows road. They have a 10 acre parcel and they've lived there for many years and they would like to subdivide that parcel, cut out a 1.01 acre lot for their son Matt who wants to build a house. The survey was done by Russell Howard from Hudson Falls and the site work will be done by me and the utility design will be done by me. I'll certainly answer any questions you may have.

**Don Roberts:** Any questions by the board?

**Marcel Nadeau:** The Town water line runs down that road?

**Harold Berger:** Yes.

***Marcel Nadeau made a motion to set a Public Hearing for the June 12, 2017. Tom Werner seconded. Public Hearing Set.***

**Don Roberts:** See you June 12th Harold.

**Harold Berger:** Thank you very much.

**17.108      Lussier Commercial Garage / Office ,1385 Vischer Ferry Road - Site Plan**

**Duane Rabideau:** Duane Rabideau from VanGuilder and Associates representing Bill Lussier our request before the board is for an extension of the approval for the site plan located at 1385 Vischer Ferry Road, the plan there are going to be no changes to the site plan and the only reason we are here is because of an interpretation issue with the one year time frame of the site plan approval and that is our request.

**Don Roberts:** Ok thank you, any questions by the board?

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

***Marcel Nadeau made a motion to Approve Lussier's Commercial Garage Site Plan application. Rich Berkowitz seconded. Motion Carried***

**17.096 / 17.103 Northeast Spine Wellness, 306A Grooms Road - Change of Use /Tenant**

**Tom Babcock:** Good evening my name is Tom Babcock and I own the building on 306A Grooms road, I've been very happy being an owner of the building and one of the earlier business owners on Grooms road, once again thank you to the board. I have the good fortune that we have additional space on the side of our building that we've been leasing out to tenants the past several years and I'm here to hopefully get approval tonight for a Change of Use / Tenant in our building. For the past 5 years we had a CPA practice in there that worked out very , very well and they just had to do a little bit of relocating so I'm presently requesting that Northeast Spine and Wellness Center which is a chiropractor would like to move into that space, thats pretty much it.

**Don Roberts:** How many employees are there?

**Tom Babcock:** Including himself he has 2 full time employees and he has 2 part time employees but they wouldn't be there, it wouldn't make a total of 3 its probably 2 1/2 , his other part time employee would be there maybe once a week.

**Don Roberts:** Ok, no parking concerns right?

**Richard Harris:** No , I mean not only are the number of spots there consistent with the original building approval which is one space for 200 sq ft based on the way chiropractors schedule appointments and the number of employees they should be fine given your business there, its not like you have to have people waiting.

**Tom Babcock:** No that's not the case so.

**Don Roberts:** Ok, thanks Rich, any questions by the board? (No comments)

*Rich Berkowitz made a Motion to Approve Northeast Spine Wellness's Change of Use/ Tenant application. Tom Koval seconded. Motion Carried.*

**Don Roberts:** You also have a sign right?

**Tom Babcock:** Yes sir thats correct, so we have it up there all we are looking to do is to, that one panel comes out and then the new panel comes in , this is the Dr's insignia and it would be in black and white such as with the original sign that is there and that would just be inserted in.

**Don Roberts:** Ok, so I guess just replacing what was there before?

**Tom Babcock:** Correct.

**Don Roberts:** Any questions by the board?

*Rich Berkowitz made a motion to Approve Northeast Spine Wellness's Sign application. Marcel Nadeau seconded. Motion Carried.*

**Tom Babcock:** Thank you very much for your time.

**17.093 / 17.094 Threading Experts, 1471 Rte 9 - Change of Use/Tenant & Sign**

*Lyn Murphy recused herself*

**Hassan Kahn:** Hi how's everybody doing, I'm here on behalf of my wife Sarah Hassan.

**Don Roberts:** Say your name please and address, because this is recorded.

**Hassan Kahn:** Crescent Commons.

**Don Roberts:** And what's your name?

**Hassan Kahn:** Hassan Kahn.

**Don Roberts:** What's your address please.

**Hassan Kahn:** Where I live?

**Don Roberts:** Yes

**Hassan Kahn:** 22B Owl Avenue Albany N.Y. 12205,

**Don Roberts:** Now you're on go ahead.

**Hassan Kahn:** Thank you, we own two businesses right now, one in Colonie Center and the other one is 15 Park Avenue in Clifton Park for last 10 years we have been in business, threading is an ancient method of hair removal with the use of thread so there is no chemicals being used there. We are very successful in Colonie Mall and also in Park Avenue in Clifton Park and we got lucky, we love the place in Crescent Commons and the owner name is Mike Klimkewicz its my wife's dream to expand her business, she worked hard on it so we figured Halfmoon Town is beautiful and we figured it would be nice for them to welcome us and we can let everybody else know, people who are not from this community from other places they will come here and visit and get their hair removed.

**Don Roberts:** Does that hurt?

**Hassan Kahn:** She will tell you

**Sarah Kahn:** Yes.

**Don Roberts:** It does, you won't see me (laughs) Any questions by the board?

**Rich Berkowitz:** You're doing facials and waxes also?

**Sarah Kahn:** Yes, its threading, facials, and waxing.

**Don Roberts:** Anyone else? How many employees are you going to have there?

**Sarah Kahn:** Including me, three.

**Don Roberts:** 3 Ok.

**Sarah Kahn:** Our hours are going to be 11 to 7 o'clock.

**Rich Berkowitz:** How many stations?

**Sarah Kahn:** 2

**Rich Berkowitz:** 2.

**Sarah Kahn:** Yes

*Rich Berkowitz made a motion to Approve Threading Experts Change of Use/Tenant application. Tom Werner seconded. Motion Carried*

**Don Roberts:** You have a sign as well right?

**Sarah Kahn:** Yes we already have an application in.

**Hassan Kahn:** Its Capital Signs and Graphics they are going to be doing it Mark Hoffman in Albany.

**Don Roberts:** And you are just replacing what was there before from the other business right?

**Hassan Kahn:** Yea there was some other business there.

**Don Roberts:** Yea but you are taking theirs out and putting yours in?

**Sarah Kahn:** Yes.

*Tom Koval made a Motion to Approve Threading Experts Sign application. Marcel Nadeau seconded. Motion Carried.*

**Hassan Kahn:** And for you the first eyebrow is free.

**Don Roberts:** Ok, thank you ( laughs)

**Hassan Kahn:** Thank you.

**17.104 / 17.105 Belvedere Health Services, 1471 Rt. 9 - Change of Use/Tenant & Sign**

*Lyn Murphy recused herself.*

**Laurie Tylanda:** Im Laurie Tylanda and my address is 40 Princess Lane in Loudonville. I'm here on behalf of Belvedere also at 1471 Route 9 in Crescent Commons. They are located in Albany, they would like to open a small recruiting office to hire people from this area and they would have one person on staff in the office and anyone else that they are hiring would be working from their home or in the homes of the clients that Belvedere serves.

**Don Roberts:** Ok, questions by the board? One question I have is training, are you going to have training?

**Laurie Tylanda:** Yea so what they would be doing is when they hire their people they would have orientations maybe once or twice a month and it would be one or two people at a time.

**Don Roberts:** So it wouldnt be a whole big class?

**Laurie Tylanda:** The other thing I believe they put on the application was something they were hoping for in the future would be holding trainings for the personal care aids if they got that approved that it has to go through the state so that is a year or two out and those would be maybe 5 - 10 people maximum.



**Don Roberts:** We have a concern with the parking situation, that's why we don't want too many people there at one time.

**Laurie Tylanda:** And they would be employees of Belvedere at that point, they could park behind the plaza not take up any retail parking, and those things would happen maybe three or four times a year and they would happen for about 2 days when they happen.

**Don Roberts:** I just Tom keep my mind on it if there is a parking problem we will have to re address this ok.

**Laurie Tylanda:** Yes.

**Don Roberts:** Questions by the Board?

**Marcel Nadeau:** Again that's the maximum of people?

**Laurie Tylanda:** Maximum yes and again that would even have to be approved by the state for them to hold that .

***Tom Koval made a Motion to Approve Belvedere Health Services Change of Use/Tenant application. Marcel Nadeau seconded. Motion Carried.***

**Don Roberts:** Is there a sign also?

**Laurie Tylanda:** Sign also and it's to replace existing signage.

**Don Roberts:** But just what's there now right?

**Laurie Tylanda:** Yes

***Tom Koval made a Motion to Approve Belvedere Health Services Sign application. Marcel Nadeau seconded. Motion Carried.***

**Don Roberts:** Thank you.

**Laurie Tylanda:** Thank you.

#### **17.106 TowAway LLC, 3 Liebich Lane - Change of Use/Tenant**

**Ryan Bombard:** Hi I'm Ryan Bombard co-owner of TowAway LLC., we currently have a shop in Queensbury N.Y., Hudson Falls and Schenectady, and we are looking to move down here to the Halfmoon area to open up one of our satellite shops. All of the cars will be stored inside nothing will be stored outside, even employees cars will be inside , out of site out of mind, any questions?

**Don Roberts:** How many trucks will you have?

**Ryan Bombard:** We currently have 2 trucks at our Schenectady location which we will be moving to this one with a plan in the next 6 months or 3 to 6 months depending on how summer goes to add a third.

**Don Roberts:** Will the trucks be inside or outside?

**Ryan Bombard:** Inside.

**Don Roberts:** So there will be nothing outside at all?

**Ryan Bombard:** Well the drivers may take the trucks home which maximizes storage inside, if they work consecutive days they are allowed to bring them home because we are on the police rotations and we have guys that work overnight as well.

**Don Roberts:** Ok and your not going to have like an impound yard outside or anything?

**Ryan Bombard:** No absolutely not we currently in Queensbury we're actually working on a 6,000 sq ft where everything is inside the insurance companies are actually pushing it more too, to have stuff stored inside.

**Don Roberts:** Any questions? (No comments)

*Rich Berkowitz made a motion to Approve TowAway's Change of Use/Tenant application. Marcel Nadeau seconded. Motion Carried.*

**Don Roberts:** Is there going to be a sign in the future?

**Ryan Bombard:** Yes, we are working on that.

**Don Roberts:** You will come back for that right?

**Ryan Bombard:** Yes.

**Don Roberts:** Ok, you are all set thank you.

**Ryan Bombard:** Thank you sir.

#### **17.110      Advanced Power LLC. 3 Liebich Lane - Change of Use/Tenant**

**Tim Pale:** Hi, I'm Tim Pale from 17 Little Drive in Malta, and I'm the owner of Advanced Power and we want to move into 3 Liebich Drive also.

**Don Roberts:** And what do you do?

**Tim Pale:** We are a generator company; we do sales and service for home stand by generators.

**Tom Koval:** When we were talking earlier we noticed that you had a future use of an area out back you were looking to work on generators?

**Tim Pale:** Just storage of used generators , we swap out generators for customers we just want a place to store the old ones until we dispose of them and I thought if we had a setup like the dumpster has where its chain link fence around it and hidden

**Tom Koval:** Will that be trash generators where they will be salvaging parts off of them?

**Tim Pale:** We take them to the scrap yard for most of them yup. So we are just looking for a place to store them instead of tying up the square footage of the warehouse.

**Tom Koval:** Right, where you could get a metal dumpster eventually, and scrap metal dumpster

**Tim Pale:** We could do that but I think it's easier for us to just take them down to the scrap yard at the port and get rid of them.

**Tom Koval:** Are you going to be servicing generators onsite?

**Tim Pale:** No, Ill say no , very rarely do we work on generators onsite if we do we will be inside the building, everything we do is inside, where we are now Wood road we have nothing outside and everything is worked on inside.

**Don Roberts:** About How Many would you have outside for the trash?

**Tim Pale:** It could be 8 – 10.

**Tom Koval:** And that will be a fence in coral if we decide to put it in, we haven't even decided what we are going to do with that,

**Don Roberts:** You won be able to see through it right?

**Tim Pale:** Just like the dumpster set up I think they have the plastic ribbon through the chain link fence

**Tom Koval:** Would we need a change of site plan for that?

**Richard Harris:** Yea we would want an engineered site plan showing the location, just for future clarification for the record this plan updated to show the design that is being standard practice.

**Mike Ziobrowski:** is the building sprinkled the warehouse?

**Tim Pale:** Yes

**Mike Ziobrowski:** So do you plan to do load tests and so forth on the generators perhaps inside the building?

**Tim Pale:** There are times perhaps when we would run it and do a load bank yes.

**Mike Ziobrowski:** Ok, just as long as it is sprinklered I dont see he harm.

**Tom Koval:** Do you have means with carbon monoxide removal in the facility if you're running them inside, if you are working on them you are running them inside.

**Tim Pale:** yea we just open the over head door and let the exhaust blow out the door.

**Don Roberts:** Anyone else? I recommend, since it was brought up about the outside part here, I would recommend that we approve this contingent on you submitting an engineered site plan to our planning department and our engineer, we can do a contingent on you doing that.

**Tim Pale:** That is for the outside portion but for us moving in that isn't?

**Don Roberts:** Yea that's fine yea, ok

**Tim Pale:** That's future that isn't even.

**Don Roberts:** Unless you want to come back for that?

**Tim Pale:** Ill come back for that.

**Don Roberts:** Ok so right now no outside storage at all ok so what we have before us

**Rich Berkowitz:** I have one question

**Don Roberts:** Well go ahead

**Rich Berkowitz:** is there any NYS regulations concerning carbon monoxide venting outside as far as just opening the door vs a vent system

**Tim Pale:** I dont know I can't answer that.

**Lyn Murphy:** Code will know when they apply for a C/O Code will do an inspection and make sure that they are being compliant with the international building code which is now being followed by the State.

**Tom Koval:** This is shared space, this is part of a, it's not a free standing building correct?

**Tim Pale:** Correct

**Tom Koval:** The one concern we would have if you're running a unit inside the building that is producing carbon monoxide inside the building that carbon monoxide could leach into surrounding buildings no matter how tight they are.

**Tim Pale:** That's correct it could it could also be with the vehicles parked inside the buildings at any given time tow trucks and our vehicles would be doing the same thing.

**Don Roberts:** So the code will address that, ok yea Rich can take a look a that, make sure they

**Tim Pale:** Forklifts also put out carbon monoxide

**Tom Koval:** Yea I understand that but he's not running them at peak performance you're working on a unit that has issues so.

**Tim Pale:** Sounds like we are just making carbon monoxide tank doesn't it?

**Don Roberts:** Anyone else?

***Rich Berkowitz made a Motion to Approve Advanced Power LLC Change of Use/ Tenant Application contingent on no outside storage being used. Marcel Nadeau seconded. Motion Carried.***

**Tim Pale:** Thank you.

**Old Business:**

**17.036**      **Grace Fellowship Church Expansion, 1 Enterprise Ave - Site Plan**

**Jason Dell:** Good evening my name is Jason Dell and I'm an engineer with Lansing Engineering here on behalf of the applicant for the Grace Fellowship Church expansion. Just to familiarize everybody Grace Fellowship Church which is currently at the corner of Werner road , rte 146 and Enterprise Drive its currently occupied by the church and what the church would like to do is construct a 2 story about 8,315 sq ft addition , that addition will be 2 story so the footprint of the addition, that addition will be 2 story so the footprint of the addition has a little over 4,000 sq ft and in constructing the addition on the back side of the building they will lose an existing 40 parking spots in the back here so what the church would like to do is construct those 40 stalls in the front so they would expand the front parking lot to re-coop those lost stalls. So we did submit the detailed engineering plans to CHA for review, we do have CHA's sign off on the project, since the last time we were here one significant change that was made to the site plans I believe I mentioned that the existing monument sign that we were proposing to move it over here however the church has decided they would like to eliminate that monument sign so it will no longer be there. So we are here tonight to request an approval for the site plan so the church can get moving.

**Don Roberts:** Thank you Jason, questions by the board?

**Rich Berkowitz:** So this is just going to take the place of temporary classrooms?

**Jason Dell:** Yes it's for classrooms, offices and some storage space.

**Rich Berkowitz:** Now what is going to happen during the construction phase with temporary classrooms are they going to be moved somewhere on the site or are they just going to pack everything into the building?

**Jason Dell:** Well the existing classrooms are inside the building now so this would be for additional classroom space.

**Rich Berkowitz:** but there is already, didn't we approve temporary classrooms on that space?

**Jason Dell:** That was back here that's already been removed.

**Rich Berkowitz:** Ok

**Jason Dell:** That was the trailer building in the back there, yea that was removed a couple years ago.

**Tom Werner:** Can you explain what you are going to do in terms of the additional landscaping or trees to buffer the 40 spaces from

**Jason Dell:** We are proposing a couple of trees along the front here however you know the goal also is not to obstruct the view of the building it is a very nice building that they are proud of , it is certainly well kept , so we are proposing a couple of street trees along there however we are not looking to completely obstruct the view of the building, now right now there's not a lot of trees out there , there's a couple but we will be adding a few other trees, that was on the plans that were submitted to CHA for review.

**Marcel Nadeau:** Jason clarify that sign again, you said you're leaving it, what was there?

**Jason Dell:** There's an existing monument sign that's over here for the overall park, that's going to stay however there's a monument sign that's right in here that says the church, that's going to be removed and not reconstructed on the site.

**Marcel Nadeau:** Ok, thank you.

**Don Roberts:** Anyone else? You're all set right Joe? Rich? Paul?

*Rich Berkowitz made a motion to Approve Grace Fellowship's Site Plan application. Marcel Nadeau seconded. Motion Carried.*

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

*The applicant failed to appear.*

**17.058 Carol Jean Estates Storage Building, Cemetery Road - Site Plan**

**Jeff Williams:** Good evening Jeff Williams of Bruce Tanski Construction I think we were here last before the board in March where we introduced our hopes to build a construction maintenance storage shed at the Carol Jean Estates. Carol Jean Estates is an existing apartment complex off of Cemetery road, we wish to place the proposed storage building in an area where there is an existing single family home which we are going to take down and put the storage shed in the approximate area of the old house. The proposed storage building is going to be built instead of a previously approved 8 unit apartment building that the board approved last year, we feel the storage building will better serve the existing 96 units at the apartment complex. Proposing to construct a 40 x 60ft storage building it will be 16 ft tall it will have a 10 x 12 ft door, garage door with an entrance door and windows, the building will resemble a barn like structure, it will have earth tone for color, brown and tan I envision, the site will have a single entrance off the internal private roadway of the apartment complex there will be 4 parking spots provided along with a handicapped parking space. Public water and sewer will be provided and that will connect to existing infrastructure that's onsite. The building will be used to house different apparatus, hot water heaters, stoves, refrigerators, faucets, door assemblies, building materials such as trim, sheet rock, carpeting, vinyl flooring these are all used in case of emergency or continued upgrades as we have tenant changes. There will also be various outdoor maintenance equipment and tools stored at the barn. We responded to Clough Harbors April 11th comment letter with a May 1st response letter from our engineering consultants Lansing Engineering, we provided the total height of the building, the door sizes, the color scheme, we provided additional burm with 8ft x 10 ft spruce evergreen plantings to help to continue to help buffer it along cemetery road I think that was one of the concerns the board raised at our last meeting and then provided a lighting scheme for the building which is very minimal, less than what an average home would have. We received a May 4th letter from Clough Harbor stating that all their previous comments have been addressed and we're here in hopes of getting final approval tonight, thank you.

**Don Roberts:** Questions by the board?

**Tom Koval:** The only thing I didn't notice before was the soil, what is that just a small amount of top soil or something.

**Mike Ziobrowski:** Its part of the SWPPP plan.

**Jeff Williams:** Yea it's a storage area; while they are constructing and digging the foundation we will store the soil there it will be redistributed or taken away from the site.

**Don Roberts:** Joe your all set? Rich, fire is all set?

**Richard Harris:** Yes

**Don Roberts:** Anyone else?

**Mike Ziobrowski:** Thank you for the level of detail in the SWPPP plan that you picked up all of our comments, this is really good.

**Jeff Williams:** Tell Bruce that. (laughs)

*Marcel Nadeau made a motion to Approve Carol Jean Estate's Site Plan application. Rich Berkowitz seconded. Motion Carried.*

#### **17.034 Pinebrook Hills PDD, Farm to Market Road - PDD Recommendation**

**Mike Bianchino:** I apologize for the confusion I didnt know if you were going to have the traffic consultant go before me.

**Don Roberts:** No, good point and I think we should if you dont mind.

**Mike Bianchino:** Thank you very much.

**Don Roberts:** I didnt know who to point to first , we would like to have Mark from Creighton Manning to give us our traffic analysis, sorry about that

**Mark Nadolney:** Good evening as Chairman said my name is Mark Nadolney , project manager at Creighton Manning and we're asked by the town to conduct the traffic assessment for the proposed project so we contacted the Town and had a conversation with the Planning Department regarding scope, the proposed project is 66 single family homes on approximately 90 acre parcel thats going to have 2 access locations , 1 directly to Farm to Market road and a second connection to the VanWert Subdivision that will eventually get access through the Rolling Hills Subdivision. A development of this size necessarily wouldnt require offsite intersection analysis, however based on a conversation with the Town we did include an analysis of rte 9 and Farm to Market rd and Kinns rd, we counted that intersection in April of this year during the morning and afternoon peak commuter times at 7 to 9 in the morning and 4 to 6 in the afternoon, we also installed an automatic traffic recorder on Farm to Market road in order to get daily volumes and speeds on that road. Once we had an idea of existing traffic at that intersection and adjacent to the project site we contacted CDTC and got an idea of general background growth , that indicated that traffic in that area has been increasing by approximately 1 % per year , we also contacted the Town of Halfmoon and Clifton Park to get an idea of other developments that we should include in background traffic and they provided us with 13 other known developments so we increased traffic accordingly based on that input from CDTC and the Town. We then got an idea of trip generation using the ITE Trip Generation Manual, and the 66 single family homes will typically generate approximately 56 trips during the am peak hour and 72 trips during the pm peak hour , thats just the worst case hour, obviously it will generate traffic on either end of those worst case hour. We distributed that traffic onto the roadway network , some going through Rolling Hills subdivision approximately 10 % we put through that existing subdivision with the remaining 90 going down to Farm to Market road, and then we did an analysis of the signalized intersection on rte 9 at Farm to Market and Kinns road and that analysis was sort of two fold there is a Synergy Development that has been approved in the town of Clifton Park and as park of that

approval they are required to construct a right turn lane on Kinns road on the east bound approach so we did an analysis with and with out that right turn lane , now if that right turn lane goes in no improvements would be recommended for that intersection however if that right turn lane does not go in , delay would increase on the west bound Farm to Market road approach and we would recommend that signal time would be adjusted accordingly moving some time from the route 9 main line over to the side street in order to compensate for the additional traffic associated with not only this project but future development of those other 13 developments as well. We also reviewed site distance at the site driveway on Farm to Market road , the posted speed limit on Farm to Market is 45 miles an hour however the automatic traffic recorder indicates that motorists are traveling over 10 miles over the posted speed limit in some instances 15 miles , the site distance analysis was done for 55 mile an hour operating speed and adequate site distance was provided in all directions with the exception of site distances looking left , it was about 20 feet short for the 55 mile an hour design speed. I said thats 10 miles over the posted speed which is a little unusual, therefore we are recommending either that an additional enforcement would be added to Farm to Market road to change the driver behavior and or the instillation of driver feedback signs be installed on Farm to Market road to alert motorist of their current speed cause they are going quite a bit faster than the posted speed limit. We are also recommending vegetation, any signing associated with that driveway be at least 15 feet back from the edge of travel in order to maintain those site lines looking left and right from the site driveway. So that is a quick summary of what we conducted on behalf of the town for the applicant and I can answer any questions you have.

**Don Roberts:** Anyone?

**Tom Werner:** You mentioned the right turn lane if its built with the Synergy Development on the Kinns road approach if its not done it will result in a level of service E, how sensitive is that, I mean what's the level of service going to be if its built? Does it improve it that much because you're really talking about a west bound morning move that's opposed by through traffic and left turners, on an east bound approach.

**Mark Nadolney:** What that enables the east bound approach to do is it allows the right turners to make a move while the throughs and lefts are going on the east bound approach meaning that its more efficient on the east bound side , meaning you can get more traffic out east bound which creates more gas for the west bound because if they are all in a single lane on east bound , anyone approaching from the west has to wait for every single car where now if its a little more efficient there's additional gaps and its just a little more efficient and a single can react accordingly so it just creates overall efficiency for the entire signal by providing capacity on the east bound approach.

**Tom Werner:** Ok and you dont have any projected counts for peak hour for that move do you at this point?

**Mark Nadolney:** For volume?

**Tom Werner:** Yes

**Mark Nadolney:** Yes, we have.

**Tom Werner:** I can look at those later if you have the actually report I would be willing to look at it.

**Mark Nadolney:** Right well during the morning you have about 177 people right now making that right turn so by putting in a right turn lane you would be removing 177 vehicles from the single lane now and right now they are all stacked back in a single lane and your now providing a right turn lane for them to do that and in the future if Synergy were to go in your talking about that movement going up to about 210



vehicles so those 210 vehicles is the reason why that right turn lane was recommended as part of Synergy in order to improve the efficiency of the east bound move by having the added benefit of improving the west bound as well.

**Marcel Nadeay:** But you're talking basically that's on the Kinns road side.

**Mark Nadolney:** Correct

**Marcel Nadeau:** I understand what your saying , but the traffic coming from Kinns road off of Farm to Market still doesnt give that Farm to Market traffic a chance to turn left , two problems on that turning left , they have to travel slowly first of all , they have to put themselves in route 9 to make that turn and wait , wait until there is a gap, in the meantime you are stacking them on Farm to Market , wouldnt an arrow left turn a 10 , 15 second arrow , cause I believe Kinns road has that where the Farm to Market does not.

**Mark Nadolney:** I dont believe that Kinns has an arrow

**Rich Berkowitz:** I'm sorry you're correct, it's going south has the arrow, thats correct.

**Mark Nadolney:** That is an alternative, we did review, we did review putting up a left turn arrow on the farm to market road approach however that would be adding another phase to that signal which would have a detriment to the other movements so it would you would be sort of pushing some of the delay to the Farm to Market road approach over to Kinns road , because they now would have to wait for that protected left turn arrow so its kind of a pick your poison do you want to move delay from Farm to Market over to Kinns or to route 9 so there wasn't an obvious benefit by putting in the left turn, when it is an alternative we did review but it wasn't an oh yea moment that would really improve operations , it was an addition to putting in a phase your also additional loss time meaning your adding additional yellow and red time where the signal decreases its efficiently by adding that additional phase so we're trying to maximize that signal adding a phase that does not get the added benefit of separate left turn lane on farm to market if there was a separate left turn lane on Farm to Market I believe that would be a really viable solution but with out it your really just taking a single lane with sheer throughs and rights and lefts and giving them added green time over all the other movements on that signal so it is an alternative we reviewed and just didnt seem to have a real great benefit for the cost it incurred.

**Mike Ziobrowski:** The question is does it back up further on 9 or would it back up further on Farm to Market?

**Mark Nadolney:** It would depend on what you would do with the green time, so you could.

**Mike Ziobrowski:** If you looked at the study in the best case scenario its not a pick your poison you do a traffic study to determine do you back up further on 9 or do you back up further on Farm to Market thats a true study

**Mark Nadolney:** Yes and we can provide that assessment to show that say route 9 would say increase by 5 to 10 seconds just as an example but increasing 5 to 10 seconds on rte 9 now impacting more traffic because there is more traffic on rte 9 so

**Mike Ziobrowski:** But its equal, so should be equal on 9 as it is on Farm to Market.

**Marcel Nadeau:** I'll second that.

**Mark Nadolney:** Yes from a Town standpoint being equal is definitely an advantage to the town on that county road but DOT im sure would want to maintain Route 9, progression on route 9 as its a major arterial a collector road to get to the interstate so and from DOT perspective they are going to want to maintain operation on route 9 rather than balance it completely.

**Mike Ziobrowski:** I think that we have to try to create a balanced roadway the best we can whether it's the state or dealing with the town, we have to deal with that.

**Tom Werner:** Yea the State DOT wouldnt make the call there obviously cause of the State arterial but I think the whole thing eventually has to be submitted to them, I dont think this particular development is going to have that significant impact but as we look down the road there is going to be more and more traffic accumulating and its got to be dealt with somehow so I think its good we are starting this discussion there is certainly some computer modeling of the intersection and traffic assignments is something thats needed and I think we also need to have Saratoga County on board because it's their road, Kinns road and Farm to Market is a County road.

**Mark Nadolney:** It is definitely a cumulative impact with those 13 other developments I read every little drip and drab adds additional delay to that intersection so you know whose responsibility is it, is it the last man in or is it a cumulative amount of money that can improve it or is it a state improvement that they eventually come to the conclusion that yes that this intersection is not operating correctly it's on a State facility it's on a County facility and we need to improve that.

**Mike Ziobrowski:** The thing is with out the left turn lane there are times when the light will just turn green and no one can go.

**Tom Werner:** And really the issue is the left turn off of Farm to Market because most of the traffic wants to go south , if you've got 20 cars stacked up past the entrance to the Powers Pub I'm gonna just say that out of 15 cars 5 of them will make a right and go north and the rest are going to go south, that doesnt happen on the Kinns road side because they are making a right on red , and thats where the true delay takes place so if you were to actually delay the traffic on route 9 by an additional 10 or 15 seconds it's not going to impact that stack on 9.

**Mark Nadolney:** And that would be the recommendation if the right turn lane does not go in for Synergy, you know taking about 10 seconds from the main line and putting it on the side streets

**Tom Ruchlicki:** So as long as we are all aware of how that ends up being I think we are headed in the right direction should we put in a turn signal.

**Tom Werner:** I dont think you can lose site of the fact that your talking Synergy, that is a major park proposed there and it would in itself attract quite a bit of new traffic, there's no question about it, its up to 9 buildings at one time talked about for that as a tech park, I dont know where it is now.

**Mark Nadolney:** It was a phased development and I believe the right turn lane was recommended as part of phase 1 so it's in the early parts of that phase development.

**Tom Ruchlicki:** That may not take place for 3, 4, 5 years where our developments are happening so

**Mark Nadolney:** Correct, and DOT is aware of this issue, they have commented on it in the past and I believe they have recently re-allocated some green time to help traffic on Farm to Market road recently so if they come back out and if they get enough commenting questions from towns and from the public they

will go back out and re look at their timings and if they feel that route 9 has excess green time that they can allocate to those sites they will do that.

**Mike Ziobrowski:** Wouldnt your proposal right now , wouldnt your traffic study demonstrate that the traffic pattern in itself isn't timed efficiently so that you have equal back up on both 9 and Farm to Market or it doesnt do that?

**Mark Nadolney:** Typically we dont do that

**Mike Ziobrowski:** No, Farm to Market I'm not so concerned about Kinns, I'm concerned about this neighborhoods coming off of Farm to Market, the traffic study should address this.

**Mark Nadolney:** Usually we dont, when you are coming to a State facility like route 9 we dont say well lets make everything balanced, we will make sure that the minor approaches are not failing and leave the major approaches operating better than the minor approaches, minor approaches typically we allow to accrue more delays than the main lines because more people are using the main lines and thats just the way it is, we typically dont balance everything, thats just not the way we typically do it, we can ask.

**Mike Ziobrowski:** Right and what we are doing is we are creating a neighborhood that's creating more unjust balance.

**Mark Nadolney:** And like I said DOT will go out and monitor and if they feel they can give green time to Farm to Market they'll do that.

**Mike Ziobrowski:** This neighborhood may have some positive relationship but what I see right now is negative to the traffic pattern.

**Marcel Nadeau:** Ok what I think I'm hearing is we're using a common sense approach where your using a statistical approach, common sense doesn't work,

**Tom Ruchlicki:** and if I might keep in mind there were not always left hand turn lanes on route 9, they did that in the last what 6,7 years and they did that to improve just what your talking about, as far as main highway, they didnt take it into consideration that in doing that they also added more in the intersection for the two side roads, cause they wanted to keep that main road running.

**Mark Nadolney:** I would also argue that the left turns help the people in the afternoon.

**Tom Ruchlicki:** exactly, so all we are really asking is that we have the same type of fairness if you will coming off the side street, that's all, that's my take on it.

**Marcel Nadeau:** And I dont really think you dont need 30, 40 seconds you just need a gap to let these, get 3 or 4 out cause what's happening again a car gets in the middle and maybe 2 cars are going to get through that red light and then it changes and then they run the red light, but I know what your saying.

**Mark Nadolney:** Any development that adds any traffic to a traffic signal is gonna add delay right, it's just the nature of the beast.

**Marcel Nadeau:** The question I have, now you said something a couple areas you said 9 or 10 % increase is that for this project or all of the projects that you serve?

**Mark Nadolney:** Im sorry what was the figure?

**Marcel Nadeau:** I thought in the breakdown you showed 9 or 10 % increase is it for this site or for all of the ones that you reviewed?

**Mark Nadolney:** That was for all of the

**Marcel Nadeau:** This site so if we have 3 sites we could get a 30 % increase is what I'm getting at.

**Mark Nadolney:** I'm trying to see where that summary was pulled from, I mean at that intersection, at the intersection of Kinns road and route 9 this development would add approximately 1 to 2 % additional traffic at that intersection so Kinns road if your looking at the existing traffic at 9 and Farm to Market this development is going to add on the order of 40 cars and 40 cars is 1 to 2 % increase over what's there now.

**Don Roberts:** Ok, anyone else for Mark? I think you earned your money Mark thank you.

**Mark Nadolney:** Thank you.

**Don Roberts:** Ok Mike your turn

**Mike Bianchino:** I'm Mike Bianchino I am representing Ivan Zadrahal Associates to present this project with me today I have Don Z the attorney for the project who asked me to remind the board of that exact point, he whispered that in my ear so I thought Rich was kind enough to do that I appreciate it thank you.(laugh). One other thing I will remind the board in that is that the 1 to 2 % increase at the intersection for traffic I think, and Mark can correct me if I'm wrong is based on the total number of units of 66, right and just to remind the board this project is an approved subdivision that has already been approved for 49 lots so the incremental increase that we are asking for at this point in time is less although I do understand the boards point and concern as I've heard it for many years so I dont disagree.

**Rich Berkowitz:** Your on the other side now Mike.

**Mike Bianchino:** Yea I know but I dont disagree with the point but I do agree that that intersection does need some work. Just to update the Board on where we are at this point as we had originally proposed the PDD it was 73 lots and after listening to the board comments at the previous meeting we've revised the plan its been modified , the number of lots has been reduced down to 66 lots , one of the cull -de -sacs that had a wetland crossing that was located in this area here has been eliminated so that eliminates another area of wetland crossing it also increases the green buffer area , this is phase II of Arlington Heights so we've now provided all green space in that area so there will be no , there's a significant amount of upland area in that area that it will not be developed and that it will be left as green space. So again we've reduced the number of lots to 66 that's reduced the density down to .9 units per acre on the overall project, the common open space and the deed restricted areas for open space have now increased to 65.7 acres of the site of the total site acreage is 90.3 acres. That is basically the revision we've made on the number of lots and the additional green space, we did meet with the highway superintendent and we've shown an area up here for a right of way dedication in an area where the turnaround for the end of Angle lane can be installed and the highway superintendent agreed to that , we have provided a sketch to the town and to the town engineer for his review , but again the highway superintendent is comfortable with that area with the construction of a turn around for Angle lane. We also investigated as requested by the Board the interconnection between the project site in Liebich lane which is down here, the board can see there was significant wetlands and slope differential between this area and that area there is also some project development as board knows in this location of Liebich lane and also there is a storm water management

area actually 2 storm water management areas , one for the site plan in this location and the other one for the Liebich lane project, as a result of that analysis I think that we determined that interconnecting between here and Liebich Lane wasn't feasible and I think that was confirmed in the town engineers review letter to the board. Another question that was raised at the previous planning board meeting was the use of the trails onsite that are in the green area and I did confirm and it was in the narrative that those trails will be for resident use and not for public use, and the other item that was requested was the location of the storm water management areas on the site and we have shown those on the site conceptually and they are located in that area here which is the natural drainage areas through the site. I think as your traffic engineer indicated in general the project itself, the impact on traffic for this project is fairly minor, especially the incremental increase in number of lots we're proposing, and I think we've made an argument that the new proposal the PDD proposal is a significant improvement over the original subdivision proposal in terms of contiguous green space and open space, just to remind the board too the project does include not only the waterline extension on Farm to Market road and the upgrade in size from an 8 to a 12 between Angle lane and Moorling dr. we've also included public benefit to extend water on Staniak road north from Bent Grass to serve a number of residential properties in that area that at this point that do not have water. I think that addresses the issues that were raised I think we've addressed the comments raised by the board and I would obviously request that the board think about a positive recommendation to the Town Board. I'm available to answer questions.

**Don Roberts:** Questions by the board? We are going to have a public information meeting you do know that?

**Mike Bianchino:** Well yes, I've heard that rumor.

**Don Roberts;** Well we are going to do expanded notice, I would like to do it for expanded notice, right Rich?

**Richard Harris:** Yea, I mean given there isn't that many parcels, it's not that big so.

**Don Roberts:** So it will be 4 weeks out, have to be June 26th

**Mike Bianchino:** Can I ask, expanded notice so that includes Rolling Hills is that it, or what are you trying to....

**Richard Harris:** What we are talking about is at least to Ridgewood dr.

**Mike Bianchino:** On the other side of VanWert?

**Richard Harris:** Yes the other side of VanWert, several of them spoke actually positive about this development and came forward cause they wanted a connection on Farm to Market for VanWert, so the staff suggested we go over with Don, should we go to the Ridgewood Drive area of Rolling Hills, maybe come out to Farm to Market?

**Mike Bianchino:** The original subdivision didnt have expanded.

**Richard Harris:** The original subdivision didnt get built.

**Mike Bianchino:** No, I'm just, but it makes sense for doing it with the inter-connection, I'm just asking the question that's all.

**Don Roberts:** And its going to be 4 weeks out it will be June 26th

**Mike Bianchino:** And that's due to the expanded

**Don Roberts:** Yes, they are going to need time to get it all done properly.

**Rich Berkowitz:** May I ask one question, did we approve the VanWert subdivision?

**Richard Harris:** We are waiting for them to come back for final, they are going through the state reviews right now I had heard already a soon timeline but tomorrow I may get something.

**Rich Berkowitz:** Ok

*Marcel Nadeau made Motion to set a Public Information Meeting on June 26, 2017 with expanded notice for the Pinebrook Hills PDD. Rich Berkowitz seconded. Public Meeting set.*

**Don Roberts:** Ok going back now, Our Place Bar & Grill, Outdoor patio Route 146 site plan anyone here? We tried.

*Tom Ruchlicki made a Motion to Adjourn at 8:09 pm. Mike Ziobrowski seconded. Meeting Adjourned.*