

**MINUTES MEETING
Town of Halfmoon Planning Board, 2017
September 11, 2017**

Those present at the September 11, 2017 Planning Board meeting were:

Planning Board Members: Don Roberts –Chairman
Marcel Nadeau- Vice Chairman
Tom Ruchlicki-absent
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

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

Rich Berkowitz made a motion to Approve the August 28, 2017 Planning Board Minutes. Tom Koval seconded. Minutes Approved.

Public Hearing:

17.172 Superior Sedan, 10 Cooks Ct - In-Home Occupation

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

Daniel Milkiewicz: My name is Dan Milkiewicz and I am the owner of Superior Sedan Service, this is in consideration of an application for an in home occupation.

Don Roberts: Explain what you would do.

Daniel Milkiewicz: Actually I'm not sure what I really want to do I was sent a letter that said it was an unapproved business you know so I spoke to the Town and did the application process, but the more I got into this the more I realized that its not a physical business that I'm operation out of my residence there, so the more I became confused about what I was doing here.

Don Roberts: What's the number of vehicles onsite?

Daniel Milkiewicz: 5

Don Roberts: 5?

Daniel Milkiewicz: Yes

Don Roberts: How many are business, how many are personal?

Daniel Milkiewicz: 2 are business, 3 are personal.

Don Roberts: Ok, but in order to operate a business out of your home you need a special use permit from this Town.

Daniel Milkiewicz: But, that's what I'm trying to understand what exactly is that? I mean there is an Uber driver in my neighborhood does he have a special permit, there is lots of marked vehicles, literally with business names on them, phone numbers on them there is taxi cab companies in the neighborhood, you know the home owners association says no businesses can be run so I presume that they dont have those permits or that they are not allowed to do that.

Don Roberts: Look this Boards task is to make sure everyone follows the Town Code, we dont get involved with the Home Owners Association Code , we dont get involved in the Home Owners Association bylaws or anything like that , thats something for them to enforce, Lyn do you want to elaborate on that?

Daniel Milkiewicz: I dont want to address any questions I just dont really know what I'm supposed to say

Lyn Murphy: So basically what you are doing is running a Limousine or a Sedan Limousine Service out of your house, your business address, where's your business address?

Daniel Milkiewicz: My business address is Superior Sedan.com

Lyn Murphy: Where do you access that?

Daniel Milkiewicz: Where do I what?

Lyn Murphy: Access that, you must have a DBA you must have an address where your taxes go.

Daniel Milkiewicz: Yes my residence for correspondence. Yea.

Lyn Murphy: So at that point and time you are a business operating out of the house , the difference between an Uber driver is an Uber driver , Uber is the business , Uber is the company , they are located somewhere not in your neighborhood.

Daniel Milkiewicz: Ok so I need to take that address off, I need to change the address?

Lyn Murphy: No you are operating a business, your not just going to skirt it by parking all of your, parking vehicles.

Daniel Milkiewicz: Well Uber drivers park their cars in their driveways.

Lyn Murphy: But listen Im not going to argue with you Im telling you , you need an in home occupation , if you choose not to get one then you will be cited repeatedly , it s your choice.

Daniel Milkiewicz: Oh I understand whatever your questions are I'm happy to address.

Don Roberts: Well this is a Public Hearing for the purpose of getting a Special Use Permit

Daniel Milkiewicz: Well thats what I was saying so thats why you can look up on the board and see that I'm trying to make the point thats its not a physical operation so the one thing that you see thats absent from my business card is the address 10 Cooks Ct. , right you wont see that anywhere, the phone number right there thats not even a land line attached to the residence thats a cell phone, so thats one thing I'm going to flip through and show you the back side of that card, ok again there's the back side of that card and that 10 Cooks ct will show up no where , you cant find 10 Cooks Ct. associated advertising wise with my business, no customers, no signs , no staff, no advertising, I dont service the vehicles on site I take no deliveries I answer a cell phone, I respond to emails thats the physical ness of my business, and I dont run the business out of my house I run out of my house to run my business because I go to my customers, like the Uber driver, like the Cats eye guy, like the taxi company in the neighborhood like all, like L & R Construction that has his truck in the driveway up there. I go to my customers, my customers don't come to me so that physical aspect I struggle with.

Don Roberts: Is there any parking on the street?

Daniel Milkiewicz: Do I park on the street? No I have 5, my vehicles stay in my driveway, yea, no, I mean I jockey my cars around im not going to tell you I never have my car in the street, sure I back a car out to get to one in front of it out or something.

Don Roberts: We now have an idea of what you are trying to do so at this time I will open the public hearing if anyone likes to speak from the public, please come up and say your name and address and state any comments you may have, at this time would anyone like to speak?

Tim Geleta: Good evening my name is Tim Geleta I'm the President of the Rivercrest Home Owners Association and I'm here to speak on behalf of the community itself. First of all I just would like to say that the Home Owners Association is supportive of all of our members ok, if they decide that they want to go and be self employed of course we are not going to prohibit that obviously people need to make a livelihood right, Dan is an excellent member of the community , he keeps his house and his property well maintained and the cars are well maintained are always clean ok, to address some of Dans issues that he brought up here, we do have people in the association that do drive Cats Eyes vehicles ok , they do work for Cats Eyes they are given a company vehicle, the HOA is not going to prohibit them from bringing in their company vehicles to where they live, this is their livelihood ok , the difference is the fact that there have been issues where the cars have been parked out on the street. The HOA has not received a complaint until July 17, from a neighbor across the street ok, the complaint was that and really the complaint started coming about when a 20 passenger vehicle, a bus was being parked there, which caused other vehicles to be parked out on Cooks Ct. Where the residence is located is also a safety hazard where the Cooks Ct . bends there is also a blind area as your coming up and sometimes there is a car parked out there. Last week I received another email from a homeowner in the area that advised me that at one time their mail was not delivered because it was marked as blocked, mailbox blocked ok, you know that was directly from a homeowner in that area. The concern of the Home Owners Association isn't the fact that Dan is trying to make a living ok, the concern about the Home Owners Association is safety hazard of vehicles being parked out on the street, and in that area, and this isn't the only area that we have a concern with, we've also got a complaint about a boat being parked out on Crows Nest. The HOA does not own the streets itself so its hard for us to govern the streets alright, but our concern here really is a safety hazard of the vehicles being parked on the street if we can get the vehicles into the driveways alright where they are stored in the driveway I dont think the HOA will have an issue with it, alright I've actually solicited the 5 board members that are on the board and 3 of the board members said we would consider it depending on

certain contingencies, alright but the issue here isn't that the HOA doesn't want Dan to make a living we're just concerned about the hazard of where the cars are parked and yes they are parked on the streets. Right now I think there is 5 of them that are sitting in the driveway, I don't know which ones are personal which ones are business or things like that and like I said this is something that came up to the HOA through the complaint just in July, the board has not met in August so we were prepared to address this issue in September actually of this week but then all the sudden we got this hearing and here we are tonight so that being said it's kind of the position of the board itself, we kind of do have people that have Cats Eyes vehicles there, yes there is another person that has Palladian Taxi that's in Captains, that person has one vehicle and it's a caravan and it does say Palladian Taxi on it, I know the board had sent that person a notice on it but the board that operates today, we looked at these requests and we determine what is the impact on the community, is it a hazard or is it not? At this point in time we've never had an application for Dan to operate a business out of his home seeking HOA approval. So that being said I will summarize that with the HOA Board I hope that kind of clarifies the other side to this, I just want to go on the record that the HOA Board is not against Dan operating a business we're more concerned about the safety hazard and the concerns that some of the members of the association. Thank you.

Don Roberts: Ok, thank you sir, anyone else like to speak?

Rebecca Stilky: Hello my name is Rebecca Stilkey and I live at 32 Cooks Ct. and I do not have a problem with my neighbor as a person and honestly him running a business is none of my business I don't have a problem with that aspect of it but what I do want to say is that you asked him earlier how many vehicles he has and he stated that 3 are business and 2 are personal I visited his web site just the other day and he had listed what he has available for service and there were 5 different vehicles listed at being under service, I just looked at his website again I can't find that list right now so I will also state that when they are in his driveway I have no problem with it but he is on a blind corner and those cars are regularly one or more parked on the street, and the difficulty with that is if that were any other resident they have every right to park on the street, so in some senses I don't, ya know why call him out on being on the street when any other resident could park on the street but so I don't want to judge that either necessarily but I just want to get the facts straight that he had listed 5 different vehicles there are at least that many there on a regular basis and that they are in the street and do cause somewhat of a safety hazard, I did notice that just last year one of his vehicles that was in the street got plowed into the front of it and it was probably a hit and run, and so that was unfortunate but it just goes to show that there are issues that are around that corner, thank you.

Don Roberts: Ok, thank you, anyone else?

Scott Batchel: Hello my name is Scott Batchell I live at 1 Cooks Ct. I will say that it is a blind corner, many cars have been parked on that corner over the fifteen years that I've lived there, it's a very bad corner people drive too fast for the neighborhood, we have addressed it several times through the HOA and we've had law enforcement stop and everything else, it's not just Dan I park my cars on the street, my son, we have three cars that I park in my driveway periodically we have to move cars around to get cars out, we park then on the street ok, it happens, it's not against the law to park cars in the street. Not just us there is a car parked all over the place. I just find it hard to believe that if there are cars parked on the street I actually prefer it because it will slow traffic down. I've had altercations with other people who live in the neighborhood where I would holler slow down because there are kids in the neighborhood and when there are cars parked there they seem to slow down because they can't see, if that's a benefit of cars parked on the road I'm happy with that, I don't want to see kids get hurt, I used to take and throw a ball out in the middle of the street just to stop cars, to slow them down I mean one altercation was when I threw the ball out he said well I almost hit the ball, I'm like what if a kid was chasing it, alright, I mean they cruise through probably 30, 35 miles an hour through the neighborhood which is a pretty high rate of speed for the corner that we are addressing, I find no issue what so ever with people parking on the street at that curve. Thank you.

Don Roberts: Ok, thank you, anyone else?

Roberts Stuart: Hello my name is Robert Stuart I live at 20 Cooks Ct. just down the street from Dan and he is a good neighbor he keeps an eye out for everyone, he is trained in that field of interest and I personally appreciate that but that really has no bearing on this but I have no personal disagreement with him operating his business and parking whatever vehicles he needs to run his business in his driveway, as occasion may present itself like others have addressed there may be some vehicle jockeying to get one out and another one back in so that would preclude temporary parking on the street and like the other guy said it does slow traffic down which I personally also believe is way too fast even though it may be below the posted limit which is I believe is too fast so with that said I don't have any disagreements with Dan doing this and I give my support and I hope the Board votes to allow it.

Don Roberts: Ok, thank you, anyone else? (no comments) Ok, we have received a number of letters Rich you want to explain that please.

Richard Harris: Sure, I do want to add that one of the letters discuss speeding concerns in the road, traffic I did pass it along to Supervisor Tollisen who reached out to the Sheriff and got back to me today that the Sheriffs have been alerted by him to check out the neighborhood that they have been out there over the summer apparently had issued tickets regarding speeding, what's that , sorry?

Tim Geleta: That was at the request of the Home Owners Association from complaints of running stop signs; we reached out to the city, to the Town and to the Sheriffs for assistance.

Richard Harris: He just wanted me to pass that along to the Board that he did reach out again and they will revisit that when they can.

Don Roberts: We also received a number of letters some for some against but in the interest of time

Richard Harris: All of the Board members and the applicant some were late today so I apologize to the Board we received 9 letters some which were in favor some opposed and some expressed similar concerns as tonight, no objections to the business but the street parking was a concern with the number of vehicles, the letters are in your packets the applicant has been provided them. Rather than take time to read all of them into the record they will be part of the official record, file and we will record them in the minutes.

Richard Harris - RE: 10 Cooks Court Public Hearing - In Home Occupation 9/11/17

From: [REDACTED]
To: <rharris@townofhalfmoon-ny.gov>
Date: 9/7/2017 9:48 AM
Subject: RE: 10 Cooks Court Public Hearing - In Home Occupation 9/11/17

Good morning,

I am a resident of Rivercrest Estates and would like to express my opinion regarding this resident's request to operate the business "Superior Sedan" out of their home. I live on Anchor Drive and have to drive on Cooks Court every morning and evening on my commute to work. My concern with this request is that there are definitely more than 2 black luxury vehicles stored at the property and parked on the street - one being a large bus, I'd guess a 20-passenger. This makes the busy drive on that end of Cooks Court extremely dangerous for anyone pulling onto Cooks Court from Route 9. Also, there are kids living in the houses surrounding this property, and parking large vehicles on the road for extended periods of time makes driving simply unsafe, especially when trying to look out for children.

I have no problem with this business being run out of the home with the clause that no vehicle, business or personal, be parked on the street for any long period of time. Since the Town has jurisdiction over the streets, perhaps this is something that can be added to the agreement.

Thank you,

Kate Fisher

Richard Harris - Planning board hearing Sept 11th

From: [REDACTED]
To: "harris@townofhalfmoon-ny.gov" <harris@townofhalfmoon-ny.gov>
Date: 9/7/2017 8:54 PM
Subject: Planning board hearing Sept 11th

Good evening,

We are emailing you in regards to the planning board hearing on September 11th for 10 Cooks Court as we are unable to attend.

We live two homes away and have lived here for 9 years. We would like to make it known that this has never been an issue for us nor has it been any inconvenience for us.

We do feel however on a somewhat unrelated but related area, if others would slow down and drive the speed limit any cars parked on the side of the street would not be an issue for them. We have had many speeding issues in this neighborhood and partially in this area as residents head to Route 9. Many of times we have pulled out of our driveway with no one in sight only to then have a car on our bumper as they drove down the hill fast. 10 Cooks Court has no affect on this. Many of cars are parked on the side of the street throughout the development where it can be an inconvenience at times to take a walk or when your child wants to ride their bike. Our son was almost hit by a speeding car in this neighborhood.

Driving through our neighborhood or living next to 10 Cooks Court as we do, you would never know a business even existed there.

Please feel free to contact us with any questions.

Thank you,
Melanie and Modesto Lugo

Richard Harris - Superior Sedan

From: [REDACTED]
To: <rharris@townofhempstead-ny.gov>
Date: 9/7/2017 8:17 PM
Subject: Superior Sedan

My name is Donna Kuchis and my husband George and I reside at 22 Cooks Ct. We would like to let you know that we have no problem with a business being run out of the residence at 10 Cooks Ct and hope they are successful. Thank you for your time.

Sent from AOL Mobile Mail

Page 1 of 1

Richard Harris

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From: [REDACTED]
To: "charis@townofhallincom-nj.gov" <charis@townofhallincom-nj.gov>
Date: 9/7/2017 11:13 AM


I am sorry but I have to vote against this business being run out of the home. I am not sure about 2 vehicles being used for this business. On MANY occasions when I have to drive by this house they are 4 or 5 vehicles parked in the road and driveway. There is frequently a bus size vehicle parked there recently.

The house is located on a bend at the very beginning of the development and it's frequently difficult to see oncoming traffic. We don't allow residents to park a single boat or other occasional use vehicle in their driveway so why should we allow someone to run a business where there are ALWAYS 4 or 5 vehicles on the property.

Thanks
Kyle

Kyle Kincaid
Vice President
Global Receivables
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File:///C:/Users/Hallinson/AppData/Local/Temp/XPGrpWise/59B129BC/Dom_HallinsonPri... 9/7/2017

From: [REDACTED]
To: <tharrs@townofmattituck-ny.gov>
Date: 9/11/2017 11:50 AM
Subject: Superior Sedan Application - In Home Occupation
Attachments: HOA Response to Town Hearing - 9-11-2017.pdf; Patty Piel Savino complaint - Limo Service - July 2017.pdf; 10 Cooks - Limo Service.jpg; 20170908_064509 - Friday - Morning.jpg; 20170909_134512 Saturday 1230pm.jpg; 20170911_Monday Morning.jpg

Hi Richard,

Please see the response from the HOA Board and attached documents regarding the above subject matter.

I've also included the Times Union Link that had an article regarding this business back on July 3, 2017.

<http://www.timesunion.com/e/news/article/Luxury-car-service-enters-ride-hailing-market-11263818.php>

Thank you,

Tim Celesta
Riverview Estates HOA



Rivercrest Estates HOA

c/o Diamond Realty Management, 790 Waterlily Shaker Rd, Latham, NY 12110-2267
 518-783-5000 • Fax: 518-795-1178 • E-Mail: service@diamond.net
 Request management services and info on-line: www.diamond.net
 Association information on-line: www.rivercresthoa.org

September 11, 2017

Town of Hallmoon
 Richard Harris, Director of Planning
 2 Hallmoon Town Plaza
 Hallmoon, NY 12205

Re: - Superior Sedan – 10 Cooks Court – In Home Occupation.

Dear Mr. Harris and Members of the Town of Hallmoon Planning Board,

My name is Tim Gelata and I am currently the President of the Rivercrest Estates Homeowners' Association (HOA). Please accept this letter as a formal response to the above reference matter on behalf of the HOA Board.

The Rivercrest Estates Homeowners' Association (HOA) Board is currently comprised of 5 volunteers from our community. Along with myself, Jim Allen, Margaret Breen, David Mills and Daniel Fisher are also volunteers and serve as HOA Board members. When the notice was provided to the HOA, the notice was shared via email with each member. The HOA Board also agreed to email the public notice to the community so that our members were aware of the hearing and had the opportunity to comment. For the community, the Board's records as of June 7, 2017, shows the HOA has email contact with 178 of the 244 homes in our community.

The HOA has specific rules & regulations in place within the community to preserve and protect home values and our community. These rules & regulations were just recently updated in June 2017 and all members, including the applicant in this case were mailed a copy of the attached Resident Guide. At this time, the HOA would like to share the following information from this Resident Guide, which is the same that was issued the last time the Resident Guide was updated back in April 2008:

Page 14:

A. Permissible Use

1. Use of homes and lots

Except as otherwise provided in the Declaration and By-laws, the Units shall be used only for residential purposes and purposes incidental and accessory thereto.

Page 23

III. Vehicles and Parking

A. Registration, Parking and Storage of Vehicles on Lot

1. Authorized Vehicles

Resident owned automobiles, which are operational, properly display valid license plates, registration and inspection stickers are permitted in the driveways. Parking or driving on grassy or unimproved surfaces anywhere in the community is not permitted. The storage of vehicles on lots is prohibited.

2. Unauthorized Vehicles – Trailers, Campers, Boats, Snowmobiles, Recreational Vehicles

No campers, trailers, boats, snowmobiles, personal watercraft, limousines, RV's, ATV's, etc. are permitted to be stored on a unit's lot or driveway unless properly graged.

Vehicles which are not properly registered and inspected or which reasonably appear to be abandoned and/or inoperable are prohibited. Commercial "box" trucks, "semi-trucks/trailers" and other vehicles in the determination of the Board of Directors as unacceptable are not permitted.

This HOA Board was not aware of any complaints filed regarding the operation of the limousine business from 16 Cooks Court until recently, when it received the attached complaint on July 17, 2017. The HOA Board did not meet in August and was planning to address this matter in our September meeting later this week. Over the past couple of days since receiving the public hearing notice, I was also informed that at least one HOA member in that area has not received mail from the U.S. Post Office due to their mailbox being blocked.

The HOA also has concerns about the application filed with the Town. In the application, it states the member utilizes 2 cars at the residence however this has not been the case. The HOA submits the following pictures, all taken this weekend as evidence of the storing of multiple cars and even one 20 passenger bus at the residence. These pictures were taken on Friday morning, Saturday afternoon and this morning. This morning's picture clearly shows the black Audi parked on the street, in front of a neighbor's home. It should also be shared with the Planning Board that on Thursday evening, one Board Member reported as they pulled into the community using Lansing Lane, the applicant was out with a number of people and had cars parked on both side of Cooks Court, with at least one car parked in the blind spot of the curve. Only one car could get by Cooks Court at a time. The application also states no customers are received or visit the residence however in the complaint filed with the HOA, it does appear this takes place, which includes leaving their personal cars park in the community.

The HOA is fully supportive of our members and under no circumstances does the HOA want to negatively impact one's livelihood. However, when it comes to operating a business from the

residency/community, the HOA Board must take into consideration the impact on the community when considering such a request. For this member, this HOA Board can attest that it has never received a request for HOA approval to operate a limousine business from the residency. It's also to our knowledge, that no such request has ever been filed with the HOA Board in the past. While the HOA may support the applicant being self-employed and operating his business, the storing of these vehicles at the residence, filtering on to the street, negatively impacts the community. This entry into our community is used by several members as well as the public and the location of the residency sits on a bend in the road that leaves a blind spot. This is a hazard to other drivers that commute in and out of the area when the cars are parked or stored on the street. It is especially a hazard with black cars parked/stored on the street overnight.

The HOA Board asks the Town to consider the information and concerns above. As mentioned, the public hearing notice was also shared with our community so we ask the Town Planning Board Members to weigh heavily on the comments provided from our individual community members as well.

The HOA Board also believes the Town is better suited to address this issue. For this reason, it is the wishes of the HOA Board that the Planning Board deny the request for this application due to the hazardous driving issues the business creates within the community. While the HOA supports the applicant for being self-employed, it appears the business has grown to a point where it may be time for the applicant to find an alternative storage facility for his fleet of cars.

In closing, should the town decide to approve the applicant's request, the HOA may seek further consultation to address the concerns of our members.

On behalf of the Rivercrest Estates Community, we thank the Board for addressing this issue.

Sincerely,

Tim Geleta

Tim Geleta
President
Rivercrest Estates Homeowners' Association.

CC: Dan Fisher, David Mills, Jim Allen, Margaret Brown

Richard Harris - URGENT : Town Hearing September 11, 2017

From: [REDACTED]
 To: <rharris@townofhalfmoon-ny.gov>
 Date: 9/6/2017 9:58 PM
 Subject: URGENT : Town Hearing September 11, 2017
 CC: [REDACTED]

I am a resident of 52 Cooks Court, Waterford in the Town of Halfmoon. I am also a member of the Rivercrest Estates Home Owners Association and a former Board member.

Late this afternoon I was alerted to a Private Group Social Media Post via Face Book of a Town Hearing Monday September 11, 2017 to consider a petition by a private residence at 10 Cooks Court, Waterford, in the Town of Halfmoon to run a business out of this address, to be called Superior Sedan.

I must first object to the extremely short notice to our HOA concerning this meeting. The Town has provided our Board with less than three days to consider this notice and publish it to the 244 homeowners that are part of this Association. The Face Book private group is comprised of less than 50 member of the Association. The Board must confer concerning notices to the Association and the Town has not allowed sufficient time for this conference and notice to occur to the maximum number of homeowners. Even if this notice is emailed to the Association, less than half of the Association members are on file with the Board with an email addresses. If the Town Planning Boards intention is to notify the Association Members, it should be by regular mail to all 244 member of the Association which certainly can not be accomplished by Monday September 11, 2017. The deadline date for mail comments of record that same day with the notice sent today does not even allow for sufficient time to write a letter and mail it hand have it received by the Town Planning Board to meet the deadline date.

I also must strongly object to the Town Planning Boards misrepresentation of the truth of this application stipulating that this homeowner "operates its business with two unmarked vehicles for business and their own personal use". If the Town had checked they would find there have been four black vehicles parked in this private residence driveway for well over a year. Additionally a black 20 passenger bus has been added to the driveway. It is not unmarked and has been parked at the corner of Lansing Lane and Route 9 clearly advertising that it is for hire. This is a well established business, well advertised on the Internet. The number of vehicles is clearly shown on this businesses web site at the following link: www.superior-sedan.com/. The Towns Hearing notice grossly misstates the extent of this business to homeowners.

Lastly I would like a better understanding as to the Legal Standing the Town is using to consider this application at a Public Hearing when the bylaws of the Rivercrest Estates Homeowners Association clearly stipulates that business may not be run out of private residences. This type of HOA rule is completely "typical" of the types of regulations that Associations use to manage their HOA. What is the legal precedent the Town is using to convey this Hearing and consider this application - especially considering that this business is well established and has been running for quite some time without making application for a "In-Home" Occupation to the Town.

I certainly object to this business and will make formal comment before the deadline date of 12 noon Monday September 11, 2017. The purpose of this letter however is to request to Town Planning Board to reconsider the timing of this hearing to allow for proper notice to the 244 residences of the Rivercrest Homeowners Association and for the Town to provide legal standing to interfere in the bylaws of this Associations' rules and regulations concerning businesses run out of private residences. If the Town can "over-rule" HOA bylaws its sets a precedence for HOAs to loose all standing of their rules and regulations stipulated in their bylaws.

Your prompt response to this email is appreciated.

Yours truly,

Patricia L. Pfeiffer

Richard Harris - Superior Sedan-10 Cooks Court

From: [REDACTED]
To: <rharris@townofhalfmoon.ny.gov>
Date: 9/9/2017 3:13 PM
Subject: Superior Sedan-10 Cooks Court

My name is Sophia Dezzutti, my husband Anthony and I reside at 21 Cooks Ct. We would like to let you know that we have no problem with a business being run out of the residence at 10 Cooks Ct and hope they are successful. Thank you for your time.

Sophia Dezzutti

Richard Harris - Planning Board Meeting

From: [REDACTED]
To: <rharris@townofhalfmoon-ny.gov>
Date: 9/10/2017 6:53 PM
Subject: Planning Board Meeting
CC: [REDACTED]

This is in response to the notice of public hearing on Monday, September 11, 2017 regarding the issue of In - Home Operation of a business known as "Super Sedan" at 10 Cooks Court, Waterford, NY 12188.

Unfortunately due to work schedules I am unable to attend the meeting.

My wife and I reside in Rivercrest Estates at 31 Cooks Court, Waterford, NY 12188 and have lived in the neighbor for over 20 years.

I can only let the Rivercrest HOA representatives comment on whether this type of operation is permitted in the HOA Rules and Regulations.

I am all for small business operations. My main concern as I believe with many other residents is the traffic and parking issues that are currently occurring and the potential for issues moving forward.

Many times I enter Cooks Court from Route 9 and the "Super Sedan" vehicle(s) are sometimes parked on either side of the street or at times on both sides. Navigating around the vehicles is at times difficult particularly with the curves in the road in that area.

I am not sure what the zoning is for 10 Cooks Court? In reference to the town zoning map Rivercrest is zoned a PPD. Is this Planning Board meeting for a zoning variance if one is required?

If this is for a zoning variance, I am against granting the variance.

That is my brief comments and concerns.

If you have any questions, please feel free to contact me

Regards,

Tim Lachell

--

Tim Lachell
518-257-9351
lachell.tim@gmail.com



Pamy Piel Savino

Hi Tim I live on Cooks Court and there is a neighbor that lives at 10 Cooks Ct. who is running his limo business out of his home. He currently has 5 to 7 vehicles parked in his driveway and on the street in front of his home and across the street from his home. His business is a limo driving service. There is also a commercial limo parked in his driveway all the time as well the parking of these vehicles on the street causes visual problems for people driving cooks from house 9 as we cannot see around the bend especially when he has vehicles parked on both side of the street. He at times uses his house for drop off and pick up of passengers. Three weeks ago on a Saturday morning had several passengers leave their cars parked on the street and in front of his house all weekend and then had the cars back to his house to be dropped off and get back in their vehicle and leave. Last summer one of his vehicles which was parked in the road right at the bend got hit really bad by a driver leaving cooks from heading out to 9. This caused a large bang and woke the neighbors not to mention caused extreme damage to his car. I read the new TOW rules and it clearly states that a homeowner cannot park a commercial vehicle (large truck etc. limo) at their house or store a commercial vehicle at their home nor can they run a business out of their home and this man is doing both and has been for several years. There was an article in last 8 months Times Union regarding his car business (Limoc) and he stated that he is in fact based out of Waterford NY. This situation is unfair to the neighbors due to cars parked all over the road all the time, the noise and the large amount of cars parked in his driveway and the eye sore of the limo. Please let me know what can be done about this and who I can contact. I did not buy a home in a subdivision to live right next to a car dealership/limo service. This is a commercial business in a residential area. Obviously his business has expanded like he stated in the TU article so maybe its time he found some commercial space to store his vehicles and run his business. I appreciate any help you can give me. Thank you

Jul 17th 11:14am

You accepted Pamy's request



Pamy

Tim

Hi Pamy We are in receipt of your note and will discuss this at the next board meeting. You can also contact the Town highway department however the town may have some code about storing the cars or large limo in the driveway. I am not sure if they do or not. Tim

Also, can you copy your note into an email and send it to DRUM at services@drum.net so we have a formal record of this. Thanks

From: [REDACTED]
To: "tharris@townofhempstead-ny.gov" <tharris@townofhempstead-ny.gov>
Date: 9/7/2017 12:40 PM
Subject: 10 Cocks Court

Mr. Harris: Where will the vehicles be parked? -Ellisa Griffin

Sent from Ellisa's iPad mini

Don Roberts: Very good thank you Rich, at this time I'll close the Public Hearing, Board members any comments or concerns?

Tom Koval: Dan the only question I have regards the 20 person bus, where is that normally kept?

Daniel Milkiewicz: It's kept at a private storage lot, its Mabeys on Rt. 9

Tom Koval: Alright, one of the residents had pictures of it in your driveway is that just a fluke thing, stop home for lunch?

Daniel Milkiewicz: I drive it so occasionally it will be there if I am in between jobs I'll come home I'll rest I'll eat maybe I'll clean it out so but it doesn't stay there its never , in fact you know it was there in June when I first took possession of it and I think that's what sort of started this whole thing because it was there for about a week maybe even 10 days as I was getting it ready but then that's it once I got it prepared and got all the systems operating cause it was convenient for me to do right there in my driveway then I stored it and so that's it that's where the bus lives now and it doesn't stay in my driveway anymore. I mean temporarily I'm not going to tell all these folks that they will never see it there because that wouldn't be true

Tom Koval: It's not going to spend nights there?

Daniel Milkiewicz: No, no no no. That goes home

Mike Ziobrowski: I think the big thing is the safety and the potential of it being in the road.

Daniel Milkiewicz: I'll say this , as part of my argument, I don't know how long these folks have been in the neighborhood how long he has been the president of the Board of the HOA but I moved there in 2002 and I was running my business in 2002 and I've been running it every day till today, until I got a bus nobody noticed I was discreet, I respect my neighbors I respect their privacy I respect their property , you won't find me parking in front of their driveways or on your lawns , the cars that are out there that Scott mentioned they are not my cars, maybe they are neighbors maybe they're mine temporarily but I'm very respectful and discreet , my cars are unmarked they look like any other car better than most of the other cars in the neighborhood if I may say.

Mike Ziobrowski: I don't think this is an issue of running the business out of your home its more of a safety issue with the bus, the potential of the bus in the road.

Daniel Milkiewicz: Well and that's the other thing, that I think is the big thing I can tell them to rest assure that bus does not live there.

Mike Ziobrowski: That's what we want to hear, the bus will not be there.

Daniel Milkiewicz: I wouldn't want to look at that every day even so.

Marcel Nadeau: You said you had 2 personal vehicles and 3 for the business the neighbor said you had 5 which one is it?

Daniel Milkiewicz: Yea I will speak to Rebecca's comment, in my business what I call that is market testing so I got two cars that are registered to a business so I'm testing a market so I got pictures on my website I got limo's I got cars that I don't own , cars that I never owned its market testing so I'm trying to create a demand for the Suburban , the BMW if I get enough of a demand then I'll register them to my business and it will be justifiable but if I can't get enough demand or interest in those cars there is no sense me putting them into the business so its really just market testing Rebecca, I do advertise them but if you look at the driveway that I have you'll see that the BMW is the farthest car to the garage because it gets used less and the Suburban is also the first car , everything else is behind those two cars every day, that's my strategy cause they don't move, but I do advertise them yes Sir , Mam. And another thing is there was a lady that lives 2 doors down from me she was the one who talked about the speeders, Scott and I were standing at the edge of the driveway one day and somebody was coming down the street towards route 9 on Cooks ct., this was a couple years ago probably and Scott

and I both sort of gestured to the person to slow down you know we did this , the person stopped the car , got out of the car and confronted us and was going to get physical with us, look we don't want to have a hazard there any more than , we live there and the people that live there are the least complaining about what I do there, I'll make that point so , the cars that are on the street do slow them down and thats a good thing, we dont want to change that because those folks that are racing by 10 Cooks ct everyday to get to work and racing by coming back from work they're the hazard not my cars in the road.

Marcel Nadeau: Your marketing tactic, you said your testing the market and your said its possible you may get more vehicles where you going to put those vehicles?

Daniel Milkiewicz: Yea, I don't know yet, I got to get the customers before I

Marcel Nadeau: At this location?

Daniel Milkiewicz: No there is no more room for anymore , listen there is 5 spaces on my driveway there will never be more than 5 cars there, I wont leave cars on the street I can promise you that , I dont want my cars out on the street and she is right a car did get plowed into but it wasn't somebody coming to and from work it was three in the morning and it was a drunk driver and I had to chase her barefoot in pajamas down the street to get her plate so , and she lives in the neighborhood I dont know who she is but she definitely lives in the neighborhood.

Don Roberts: Now you said currently you have 2 vehicles for your business

Daniel Milkiewicz: Yes it's a Lincoln MKS and a Chrysler 300c

Don Roberts: That's all that will be stored there for the business?

Daniel Milkiewicz: Listen I don't have any more room, I couldn't store another car if I wanted to

Rich Berkowitz: Unless you register the BMW and the Suburban for the business

Daniel Milkiewicz: Yea if things get going pretty well then yea, sure I'll switch the registration to those

Rich Berkowitz: Cause you can use your personal vehicle for a business vehicle.

Daniel Milkiewicz: Yea I mean for market testing sure, yea

Rich Berkowitz: As long as there is nothing parked on the road.

Daniel Milkiewicz: Yea, yea I dont intend on parking anything on the road absolutely.

Rich Berkowitz: I drove by your house and 5 vehicles fit in your driveway quite comfortably

Daniel Milkiewicz: Yea, comfortable yep

Rich Berkowitz: You agree to that limitation of 5 vehicles limit?

Daniel Milkiewicz: Yea absolutely, it's not even whether I agree I physically can't

Rich Berkowitz: I know but with no parking on the pavement or the road

Daniel Milkiewicz: I absolutely would not do that and besides I think during the winter months its actually maybe illegal, yea there is a November to April

Rich Berkowitz: October to April is what I think it is illegal

Daniel Milkiewicz: You know we are not going to do anything against the law for sure.

Rich Berkowitz: Ok Ill make a motion to approve the in house occupation contingent on no more than 5 vehicles being in the driveway and no parked vehicles on the pavement.

Mike Ziobrowski: I'd like to second that.

Don Roberts: All in favor?

Rich Berkowitz: Dan I'm going to amend my approval also with that bus not being parked anywhere on the road.

Daniel Milkiewicz: On the road?

Rich Berkowitz: And if it is parked in the driveway you need to move those other cars up to another area, whether it s your other business in Latham or where ever cannot be in the neighborhood.

Daniel Milkiewicz: Oh yea, temporary always.

Marcel Nadeau: Rich I thought we determined that we didnt want any bus there?

Rich Berkowitz: Well he said he keeps it there temporarily if he is going to lunch or something

Daniel Milkiewicz: Right, but that's, lunchtime fine if I'm there to have lunch and then go back to work

Rich Berkowtiz: If you have an hour or whatever time between pick up and drop off that's Daniel

Daniel Milkiewicz: That's all I need

Don Roberts: Public Hearing is closed but you can make a comment if you wish because we did amend it.

Richard Harris: The motion includes no overnight of the bus?

Rich Berkowitz: No overnight of any cars on the pavement, limitation of 5 cars in the driveway

Richard Harris: You said pavement you mean the road?

Rich Berkowitz: The road, the road, the Town road, because the Town does own those roads?

Daniel Milkiewicz: You are talking about my cars though, if a neighbor has a car out there that's not mine

Rich Berkowitz: That's not your car

Daniel Milkiewicz: Ok

Rich Berkowitz: And if I'm right the Town supercedes any HOA rules?

Lyn Murphy: We don't enforce HOA rules

Rich Berkowitz: So the Town supersedes any, the Town Laws supercedes any rules of

Lyn Murphy: Just your using a term, we don't enforce the HOA laws so you can approve this regardless of what the HOA says with no van.

Rich Berkowitz: Ok, no bus, no overnight parking of the bus

Don Roberts: No overnight parking of the bus

Daniel Milkiewicz: I agree to that

Don Roberts: The public hearing is closed but a resident can make a statement.

Marcel Nadeau: Just clarify for me, 2 personal cars and three

Rich Berkowitz: No no no I'm not making the difference between personal and business 5 cars total because he can use his personal cars as business

Marcel Nadeau: That's what I want to know.

Rich Berkowitz: 5 cars total, no overnight parking on a road and the bus cannot be there overnight, it can be there for during break time or what ever.

Don Roberts: Ok, before we vote the Public hearing is closed but the President of the HOA can speak.

Tim Geleta: I want to thank the Board, I want to thank Dan too, one of the things that I just wanted to point out that was also in his application there was discussion about clients coming into the community and pick up the cars and leave he says that doesnt happen is there a way we can put that in part of the amendment as well?

Daniel Milkiewicz: What do you mean by my clients?

Tim Geleta: Your customers, so if we could put that in so the customers aren't parking on the street as well.

Rich Berkowitz: Ill put that in that his clients cannot come to his establishment, his home and park in his driveway or in the road.

Tim Geleta: Ok, that's all, thank you.

Rich Berkowitz made a motion to Approve Superior Sedans In Home Occupation application contingent on no more than 5 vehicles being in the driveway , no parked vehicles on the pavement or roadway overnight and the bus in not allowed to be parked anywhere on the roadway overnight nor are clients allowed to park neither in the driveway or the roadway. Mike Ziobrowski seconded. Motion Carried

New Business:

17.78 Merrill Lynch - Bank of America, 453 Rt. 146 (Parkford Square II) - Sign

Carl Wheeler: Hello Carl Wheeler from A.J. Signs representing Merrill Lynch , we are proposing a sign that is approximately 15 ft x 3 ft, the Merrill Lynch letters in the logo are lit the Bank of America Corporation are flat cut letters on the wall.

Don Roberts: That's all?

Carl Wheeler: Thats it, actually no there is a second sign that I'm not sure you guys are aware of they want to put a little plaquered behind the building next to the door, its kind of just identifying the back door where they are.

Richard Harris: That is your second one right?

Carl Wheeler: Yep

Don Roberts: This all meets code

Richard Harris: Yes

Don Roberts: Questions by the Board?

Rich Berkowitz made a motion to Approve Merrill Lynches' Sign application. Marcel Nadeau seconded. Motion Carried.

Carl Wheeler: Thank you.

17.182/17.185 Total Mortgage LLC, 10 Executive Park Drive - Change of Use/Tenant & Sign

Michele Tyree: Hi my name is Michele Tyree and I'm from LMLS Holdings who owns the building and we are proposing Total Mortgage as a new tenant and that sign. It's an office park there are 3 suites in the building 2 of them are occupied this would fill the building.

Don Roberts: How many employees?

Michele Tyree: 12 at the new place.

Don Roberts: 12, hours of operation?

Michele Tyree: 9 to 5 they dont have customers its an online business you go and apply online for a mortgage and the people in the building are just processing whatever paperwork they have to do.

Rich Berkowitz: You have 9 to 7 on the application.

Michele Tyree: Oh is that what it said?

Rich Berkowitz: Yea you want to keep it at 9 to 7?

Michele Tyree: Yea

Don Roberts: Questions by the board?

Rich Berkowitz made a motion to Approve Total Mortgages application for Change of Use and Tenant and Sign. Tom Werner seconded. Motion Carried.

Michele Tyree: Thank you.

17.157 The Garage Sale, 45 Route 146 - Change of Use/Tenant

Lisa Cooper: Hi I'm Lisa Cooper with The Garage Sale; I'm looking for a change of tenancy to open a thrift store/flea market.

Don Roberts: Ok, once again how many employees will be there?

Lisa Cooper: 1 full time and possibly 2 part time.

Don Roberts: Hours of operation will be?

Lisa Cooper: 11 to 7 most days.

Don Roberts: Most days?

Lisa Cooper: Subject to change depending on holidays, weather things like that.

Don Roberts: Comments by the Board?

Rich Berkowitz: Any truck traffic as far as deliveries?

Lisa Cooper: Not really just maybe a pick up bringing in some product

Rich Berkowitz: No tractor trailers, no furniture?

Lisa Cooper: We will have some furniture something that fits on a pickup

Rich Berkowitz: Ok

Lisa Cooper: Nothing new though so we're not ordering any big furniture items from, that would come on a tractor trailer.

Rich Berkowitz: Is the public allowed to drop things off on the doorstep?

Lisa Cooper: No, they can bring it in if they like but it's not like a salvation army to drop it off outside or anything like that

Rich Bekowitz: No outside boxes, outside storage?

Lisa Cooper: Nothing changing on the outside at all

Marcel Nadeau: Your narrative said Monday through Friday 12 to 7 and Sunday 12 to 5?

Don Roberts: Now if you get approved if you want a sign you have to come back for a sign you know that?

Lisa Cooper: Yes we know, if anything we would like to put something up over , there looks like there was a sign over the door but right now we're deciding on what we would like to do and then we'll come back and do whatever needs to be done.

Rich Berkowitz made a motion to Approve The Garage Sales Change of Use /Tenant application. Tom Koval seconded. Motion Carried.

Lisa Cooper: Thank you so much

17.176 Secure-It Self-Storage, 443/445 Route 146 - Site Plan

Nick Costa: Good evening my name is Nick Costa I'm with Advanced Engineering and we prepared the Site Plan for the, well its a mixed use Self Storage and Commercial Development at 443/445 Route 146. This is a parcel that's about 13.7, 13.8 acres it has 2 homes that are located on the site currently, those homes are along 146 one is located right there and another one here and then the rest of the site is fairly open and vacant it was formerly used as a , I think they drew sand out of the site. It was mined the sand. The site does have some wetlands and those are delineated along this area right here , the drainage is basically towards the wetlands and then there is a culvert that crosses under 146 and some of the drainage does go to the neighboring properties in this area. What the applicant is proposing is to develop a mix use with an access drive located right here very near where the existing driveway is to the home, that driveway would be, further developed to enter the site here where the climate control building is located right here and then there would be a secured gate that would allow access to the rest of the storage buildings, the development would be started out at least the way its envisioned right now is to have a Phase IA which would include those storage buildings that are delineated by the dotted line here and the climate control building and then Phase IB would be the rest of the storage buildings and Phase II would be the commercial building. There are utilities along the road there is a water main and a force main they are located on the side of route 146 and those are currently serving the two homes that provide municipal water and sewer to the two homes and we're going to be connecting to those existing utilities to serve the climate controlled building and the commercial building , one story commercial building, with regards to the sanitary sewer we are going to be going gravity to a grinder pump located right there and then connecting it to the force main. Stormwater we are re-grading the site so that we can get the water over to a bio-filter system that is going to be developed here, some of the site is going to be developed with porous pavement because of the sandy nature of the soils that are on site and the site will have about 52% green when its fully developed and there will be 17 total buildings, storage buildings, one climate controlled building and the rest of them are cold storage buildings. The site is located on a C-1 Commercial District and by our calculations the site requires 50 parking spaces and we're providing 50 parking spaces and that's pretty much the proposed development of the site if there are any questions I would be more than happy to try to answer them.

Tom Koval: Is there going to be 24 hour access to this site for renters?

Nick Costa: I believe there would be, this is Mike Satterly, the applicant

Mike Satterly: So the gate would be open 7 to 10 and the office for the office personal would be 9 to 6.

Tom Koval: 7 to 10 at night?

Mike Satterly: 7 am in the morning to 10 at night gate access to gain access to the storage

Tom Koval: The pictures don't, your plans don't show it but what is the alignment with your access road, your exit to the houses that are across the street from there, people pulling out are their headlights are going to be directly in somebody's front window?

Nick Costa: You're talking about the proposed access drive?

Tom Koval: Yea

Nick Costa: We located that almost at the exact same location where the existing driveway is

Tom Koval: A driveway is much different than this though.

Nick Costa: No, understood, but it is the best location for the driveway

Tom Koval: For, in terms of what?

Nick Costa: Well, grading onto the site, to try to, because the site rises quickly and for us to have the proper grading to get up to the site it needs to be at this location if we try to move it anywhere else it would be getting into driveways slopes of 10%.

Tom Koval: Before this comes back again I would like to see a site plan that represents where the existing homes are directly across the street.

Nick Costa: That's, we can add that.

Rich Berkowitz: Also that's a tight turn for the entrance and exit if you're going to have retail there and have some stacking in that area

Nick Costa: Yes there will be some stacking

Rich Berkowitz: Is there a way to get access to Crew road, and you might need this anyway just for emergency access you might need a back entrance onto Crew road just to get into the self storage area.

Nick Costa: The only place where we really would have access would be either this location here or somewhere in the back

Rich Berkowitz: Im talking in the back, because that's a tight turn if you had to get emergency access into that area and you have cars stacking it's probably not a good idea

Nick Costa: And that's why that radius is enlarged right here to try

Rich Berkowitz: and also those two homes that you show on the map right there, they are no longer homes they are non existent

Nick Costa: They were removed?

Rich Berkowitz: If I'm correct is that where Scott Earl put one of his buildings?

Tom Koval: That's further.

Nick Costa: That's further down I believe, I think those are still there.

Mike Ziobrowski: What is the added acreage of impervious surface?

Nick Costa: Impervious?

Mike Ziobrowski: Yes

Nick Costa: Well 52% would be remaining green so 48% minus the two homes which are you know and the driveways which is probably I would say 45 %.

Mike Ziobrowski: So have you done engineering studies to determine that this bio retention will be able to handle 2 inches of rain per hour, what is the rate that this bio retention swale can handle rain?

Nick Costa: Well its a bio- retention system , its not just a bio-retention swale , and its been modeled in accordance with the NYS DEC Stormwater design manual which requires 1 year , 10 year and the 100 year storms so we have modeled that and there s been a report generated that shows all those calculations.

Mike Ziobrowski: Ok so there is a civil engineer report that understands that you've now created 45 % impervious surface that this is going to have to handle for a 100 year storm?

Nick Costa: That is correct

Mike Ziobrowski: Ok

Tom Koval: I drove down Crew road the other day and I noticed there are some single family homes that abut this property

Nick Costa: They are all along here

Tom Koval: Right is landscaping going to address to buffer this from those homes cause right now they are just sitting in the woods, but once this goes in they won't be.

Nick Costa: Right we are not removing any, unless we look at an access road we are not removing any of the vegetation, the clearing limit line is all the way back here, all that vegetation that's in here is going to remain.

Rich Berkowitz: Rich how close is that to that garage we just approved?

Richard Harris: Your thinking of Freeman Lane?

Tom Koval: This is Crew road where DOT, that garage just was up further west; this area screws me up all the time too.

Tom Werner: What about any buffering from 146 as far as visual in?

Nick Costa: We're doing a limited amount of landscaping here mostly because of the existing utilities, there are existing utilities and I dont believe that they would allow us to do a large amount of landscaping in close proximity to those utilities, but we are showing some limited landscaping.

Mike Ziobrowski: I mean that's something we ask for in almost every building that is installed is that something of nature we would ask for a border along that 146 passage.

Nick Costa: Ok , well we do have some room I dont want to say we have no room but its a limited amount because there is force main and a water main that are right next to each other.

Don Roberts: Joe, when you look at this Joe maybe you can recommend, ok thanks, anyone else?

Richard Harris: I have a quick question, are you going to consolidate the lots for purposes of this, its going to be consolidated?

Nick Costa: Yes its three lots right here.

Richard Harris: It's not something this board...

Don Roberts: Is that a yes?

Nick Costa: Yes

Richard Harris: Ok, the assessor should ask...

Nick Costa: Yea

Don Roberts: Rich I think we should refer this to Clough Harbor for further review, Joe you will look at the burning at 146 alright; you will check that out, Saratoga County Planning Board, and the Fire District right? Ok, all set thank you very much.

Nick Costa: Thank you.

The Board tabled Secure-It Self-Storage's Site Plan application pending further review by the Saratoga County Planning Board and the Fire District.

Old Business:

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

Jeff Williams: Good evening Jeff Williams Bruce Tanski Construction and Development I'm here representing Dorrough Construction. On the original Site Plan application and at 2 Planning Board meetings one in April and one in August I miss communicated I miss calculated the proper size of the building we were proposing on 77 Ushers road if you remember its an office storage bay building that we got approval in April on the application I said it was 4800 sq ft and when in fact the two story office building and the storage bay building is 5,676 sq ft thats a difference of 876 sq ft. that being said the footprint of the building and the location of the building and all other improvements of the site plan are not changing , basically is what I believe I did is I did not calculate the second story of the two story office building. Originally I did submit an elevation of what the building would look like it represents the second story and I also mentioned that it was a two story office building during my presentations to the board. Im here to amend the original site plan application to take off that 4800 sq ft and put on the proper 5,676 sq ft that reflects the building plans that have been submitted for building permit, and again I sincerely apologize for the miss communication and confusion regarding this matter.

Don Roberts: Alright Jeff, essentially what you are saying is square footage was misinformed and you're changing that now and the rest of the Site Plan remains the same?

Jeff Williams: Yes

Don Roberts: That's just what it is right? Comments by the Board?

Mike Ziobrowski made a Negative Declaration Pursuant to SEQR. Marcel Nadeau seconded. Motion Carried.

Mike Ziobrowski made a Motion to Approve Dorrough Constructions Amendment to Site Plans application. Rich Berkowitz seconded. Motion Carried.

17.158 Graybar Electric Co. Inc., 2 Werner Road- Site Plan

John Montagne: Good evening everyone John Montagne with Greenwood Pedersen Engineering , we are back here to start our Site Plan application process , what I wanted to do this evening is update you on what happened when we went and met with the Town Board and show you some of the modifications to the site plan let you know that I have had a chance to meet with Clough Harbor about our storm water and our site plans and all of our other studies to them for review, so what has changed since you saw this last is really has to do with landscaping and buffering up in the north west corner of the site we have added burning in here and additional landscape screening, evergreen screening of the site we wanted to establish all of this now so that it has a chance to mature before any future development happens and in addition all of the woods that are in here as we had talked about before will still remain and the Town Board asked us to add an additional row of larger evergreen screening on our side of this right up against the wood line. Our intent is to make sure that we dont disturb any of the existing mature woods out in here , the mature woods out in here and the mature woodland out in here. Other than that, Paul can you, there was one other image on there it was just the lighting plan, they just asked us to do a point by point lighting plan for them to show that we didnt have any spill over onto the adjacent properties and thats in the set that I gave you tonight just to show that we meet the Town requirement for zero light emission and 90% cut off on the light fixtures on all of our poles. That's it.

Don Roberts: That's it, comments by the Board?

Tom Werner: Yea could you comment on the site distance that you cited in your report at the entrance?

John Montagne: Our site distance?

Tom Werner: Yea the site distance didnt meet the minimum standard.

John Montagne: Our site distance does meet the minimum standards; you're talking about here at our intersection here?

Tom Werner: Yes.

John Montagne: Yes we meet the minimum standards its all in there, there was an independent traffic study review that was done by MJ Engineering and we didnt have any issues with that.

Don Roberts: Anyone else?

Rich Berkowitz: I'm all for better screening so.

Don Roberts: Ok, well fire district is all set with this right?

Richard Harris: Yea they reviewed the PDD.

Don Roberts: So refer it back to Clough Harbor for review and also Saratoga County Planning Board.

Richard Harris: County Board reviews the site plan separately and we will send it to them.

Don Roberts: Alright and you will hear back from us alright, ok thank you John.

John Montagne: ok, thank you very much.

Marcel Nadeau made a Motion to Adjourn the Planning Board meeting at 7:52pm. Rich Berkowitz seconded. Meeting Adjourned.