

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

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

Planning Board Members: Don Roberts –Chairman  
Marcel Nadeau- Vice Chairman  
Tom Ruchlicki  
John Higgins  
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 7:01 pm*

*Rich Berkowitz made a motion to Approve the November 27, 2017 Planning Board Minutes. Tom Ruchlicki seconded. Minutes Approved.*

**Public Hearing:**

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

**17.192                    Subdivision of Lands of Crescent City Mobile Home Park, 1407 Rt. 9 - Minor Subdivision**

**Duane Rabideau:** Duane Rabideau from VanGuilder and Associates here representing our client Richard Medick before the Planning Board for a two lot subdivision and a mobile home park amendment for the Crescent City Mobile Park , and tonight's a continuation of the public hearing for the subdivision portion of the application. The mobile home park is located at 1470 route 9 at the intersection of route 9 and 236, the proposal is to subdivide out a .81 acre parcel around Mr. Medicks house which is the first house in on the right going into the mobile home park , the lot will be created around the house and his improvements and it will be cut out from the overall mobile home park which is approximately 18.67 acres , in order to do this we're not proposing any changes to the subdivision we are creating a 35 foot wide reciprocal ingress -egress easement and the utilities went along the main entrance to the park where both lots 1 and 2 will benefit and be subject to this easement. Like I said there are no changes or improvements being proposed the intent of this subdivision is for estate planning only, both lots will be Zoning compliant and that is our request before the Board tonight.

**Don Roberts:** Thank you Duane, would anyone from the public like to speak? (no comments) seeing no one wishes to speak I will close the public hearing , comments by the Board members?

**John Higgins:** Duane I know this is kind of off the subject but what are they going to do for an address cause isn't the address everything right now?

**Duane Rabideau:** That I'm not sure, I would assume that is correct yes.

**Tom Koval :** Doesnt the Town Clerk issue a new 911 address at the time?

**John Higgins:** I dont know thats why I was raising the question.

**Paul Marlow:** Rich usually does addresses so he can work with him on that.

**John Higgins:** Ok , thank you.

**Don Roberts:** Anyone else? (no comments)

**Rich Berkowitz:** I make a motion for a positive amendment recommendation and approve the minor subdivision contingent on the Town Board approving, go ahead

**Lyn Murphy:** So the subdivision is fine the amendment would be contingent on the Town Board.

**Rich Berkowitz:** Ok, so we have nothing to do with it

**Lyn Murphy:** Correct.

***Rich Berkowitz made a motion to Approve the Minor Subdivision. Tom Koval seconded. Motion Carried.***

**Duane Rabideau:** Thank you.

**New Business:**

**17.223                      Newmeadow, Inc., 23 Sitterly Road - Signs**

**Andrew McKenzie:** Good evening Andrew McKenzie Executive Director, Newmeadow.

**Don Roberts:** Just explain the signs you want.

**Andrew McKenzie:** Yea absolutely the Newmeadow is requesting the placement of two signs on their new facility at 23 Sitterly road, one to be a monument or freestanding sign out by the driveway on the east side and the other to be a fixed over the main doors.

**Don Roberts:** Are they going to be lit or no?

**Andrew McKenzie:** The monument sign the freestanding sign will have ground flood lighting to illuminate.

**Don Roberts:** Will you make sure they are not facing the traffic, they are facing away?

**Andrew McKenzie:** Absolutely, yes sir.

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

**Tom Koval:** How far back from the road is this monument sign, my only concern is site distance for cars exiting the property.

**Andrew McKenzie:** Right, so the sign itself will be more than 25 feet back from the centerline of the road which is I'm told by our town highway superintendent is the set back requirement and then it will approximately 21 feet east o the driveway and set back from the mouth of the driveway if you will by some 12 to 15 feet, so cars looking to exit, the sign will not in any way shape and form be in their point of view.

**Tom Koval:** But the curbs there just make sure

**Andrew McKenzie:** Yea absolutely we went through a lot with the curbs so we appreciate that.

**Tom Koval:** Thank you.

**Andrew McKenzie:** Thank you.

**Don Roberts:** Anyone else?

**Rich Berkowitz made a motion to Approve Newmeadow, Inc. Sign application. Marcel Nadeau seconded. Motion Carried**

**Andrew McKenzie:** With my thanks.

**17.238                    Mr. Formal Wear, 1505 Route 9 (Glennpeter Jewelers Plaza) - Sign**

**Justin Wilock:** Good evening I'm Justin the owner , I'm looking to update my sign replace it, right now I'm looking for a lit up sign to replace a wooden sign and that is pretty much it, everything is really the same with it, its just going to be a lit up sign compared to the wooden sign.

**Don Roberts:** How is it going to be lit?

**Justin Wilock:** It is going to be lit

**Tom Koval: Internally**

**Justin Wilock:** Im sorry interiorly illuminated cabinet, yep

**Don Roberts:** Ok , just for the record, any questions?

**Tom Koval made a motion to Approve Mr. Formal Wear Sign application. Marcel Nadeau seconded. Motion Carried.**

**Justin Wilock:** Thank you.

**17.241                    The Klam'r Tavern & Marina, 32 Clamsteam Road - Sign**

**Paul Dubec:** Hi my name is Paul Dubec, we're here for replacement of a sign onto our building, we want to fasten this sign with metal fasteners to the facade of the building, and we will have three lights up above it in a goose neck fashion shining onto the sign.

**Don Roberts:** Very good, questions?

**Tom Koval made a motion to Approve The Klam'r Taverns Sign application. Rich Berkowitz seconded. Motion Carried.**

**Paul Dubec:** Thank you very much, Merry Christmas

**17.242                    The Garage Sale, 45 Rt. 146 - Sign**

**Robert Murray:** Good evening, hi my name is Bob I'm here to looking for approval to have two 4x6 signs mounted on the building , one has a flood light above it, above the door, one is on the east side of the building for west side traffic as you can see in the picture.

**Rich Berkowitz:** Are they going to look similar to the ones that are there?

**Robert Murray:** Those are the ones sir, yes, we took that into account.

**Rich Berkowitz:** *made a motion to approve The Garage Sales Sign application. Marcel Nadeau seconded. Motion Carried.*

**Robert Murray:** Thank you, have a good holiday.

**17.239/17.240     International Plumbing Inc., 425 Route 146 - Change of Use/Tenant & Sign**

**Tara Alberto:** Hi my name is Tara and we're looking to change just the lettering on the sign.

**Don Roberts:** We have one slight issue here, this is not Clifton Park it's Halfmoon so you've got Clifton Park up there

**Tara Alberto:** I didnt even realize.

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

**Lyn Murphy:** There is a use change as well.

**Don Roberts:** Ok, explain what you want to do.

**Tara Alberto:** We're doing drain cleaning, we're just, we do drain cleaning, we store stuff for our equipment there and that's it.

**Don Roberts:** How many employees?

**Tara Alberto:** We have three employees

**Don Roberts:** Ok, hours of operation?

**Tara Alberto:** 24 hours, seven days a week.

**Don Roberts:** 24 hours ok, parking is adequate?

**Rich Berkowitz:** Any outside storage?

**Tara Alberto:** No

**Rich Berkowitz:** Trucks are in the back or the front?

**Tara Alberto:** The back.

**Don Roberts:** Any other questions?

**Mike Ziobrowski:** Will the sign be lit?

**Tara Alberto:** No.

**Richard Berkowitz** *made a motion to Approve International Plumbings Change of Use/Tenant & Sign application, with no outside storage. John Higgins seconded. Motion Carried.*

**Don Roberts:** Good Luck.

**Tara Alberto:** Thank you.

**Old Business:**

**17.232 Ifixandrepair, Wal-Mart, 1549 Route 9 - Change of Use/Tenant**

**Rick Beaver:** Hi how are you doing my name is Rick Beaver I'm the co-manager over at the Wal-Mart in Halfmoon, we have a new tenant that came in , we have some arcades in a certain section of the building and a new tenant came in through Ifixandrepair , I was unaware that I had to go through this because our corporate office actually sent them all in one day we had nobody , next day they moved in so the store was unaware until so they were there the next day so.

**Don Roberts:** Questions? What do you fix and repair I guess?

**Rick Beaver:** They fix and repair cell phones screens, so they also sell otter boxes and different retail items like that and accessories for your phone, but they fix and repair the screen if it cracks.

**Don Roberts:** There will be no signs on the outside or anything?

**Rick Beaver:** No its all internal

**Don Roberts:** Ok

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

**Rick Beaver:** Alright, thank you very much.

**17.171 Power's Irish Pub, 130 Meyer Road - Change of Use/Tenant**

***John Higgins recused himself***

**Bryah Gifford:** Bryah Gifford owner of Powers Pub also Giffys Barb-B-Q, looking to add Giffys Bar b que to the barn we have restored on the same property as powers.

**Don Roberts:** Now you do know there is a couple issues that have to get resolved

**Bryah Gifford:** Absolutely, yes

**Don Roberts:** And you heard it before but the ramp has to be gone , the dumpsters have to be put back in the place on your property , original, ok and at this point in time you have no intention of having anything go on inside there right?

**Bryah Gifford:** At this point in time no , at this point in time this will be used for Giffys to use as a commissary for catering kitchen prep for our off site events, nothing to be done retail or in the building at this time.

**Don Roberts:** If that changes you've got to come back.

**Bryah Gifford:** Correct, and if at that type changes we will come back with permission for that

**Marcel Nadeau:** Don am I am understanding that was catering only in that building is that correct?

**Bryah Gifford:** A catering commissary so it will be used for kitchen prep , prepping items, preparing items , storing items , storing the chicken , storing our items for our catering and bar b ques but then everything taken off site for our catering I mean minimal things are prepared there you know but its not for retail or service.

**Marcel Nadeau:** Right , nothing to do with the restaurant

**Bryah Gifford:** Nothing to do with the restaurant, its a catering facility, correct.

**Rich Berkowitz:** How about the delivery trucks that are parking out on the road?

**Bryah Gifford:** So delivery trucks , we've discussed the delivery trucks again we always try to keep them in the parking lot and have them come in and out that way , we do have a gravel area between the barn and the Powers building on the south side , and there is also a gravel area on the north side , delivery trucks we would keep off on that gravel area , the ZBA did ask that we also put signs up there saying that that is for a loading zone area that way its marked to folks and thats where I would use as well to for my trucks to come in unload - reload and then move them to a different spot you can see that in one part of the parking spot I do have two trucks there of my trucks but I also have a spot in Ballston Spa where I store a majority of my trailers and trucks so it leads to kind of a coming and going.

**Rich Berkowitz:** When you do get a delivery is there somebody from your organization out there to meet them?

**Bryah Gifford:** There is yes, so we get a deliveries just on Tuesdays and Fridays I apologize there is a daily produce that comes on but the bulk of the deliveries are on through Ginsburgh Food Services that come on Tuesdays and Fridays they do come in the morning time usually somewhere between 8 and 11 is when we try to get them targeted for the best as they can fit us in, I myself or my two chefs are there and we greet them yes.

**Rich Berkowitz:** Are they regular drivers or...

**Bryah Gifford:** Typically yes you do get a new person and we have to run out there and move them around but most of the time we try to have, they try to give us the same drivers.

**Rich Berkowitz:** Ok so those drivers will know to park in those gravel areas?

**Bryah Gifford:** Correct

**Rich Berkowitz:** Ok

**Marcel Nadeau:** That gravel area is off the road enough?

**Bryah Gifford:** That gravel area is completely off yes so its not a pull in say you parallel park on it but all four tires could get of yes

**Mike Ziobrowski:** One of the things we talked about the last time you were here was providing the Town with a drawing and you said you had drawings that you could provide?

**Bryah Gifford:** I can I dont have drawings of the actual building itself right now , yea we do have drawings I can ask the owner Peter Hoffman he has drawings of them absolutely yea.

**Marcel Nadeau:** I have a question on the dumpsters now

**Bryah Gifford:** Rich may even have drawings

**Richard Harris:** I think you might be talking about the renovations you did inside and I think, correct me if im wrong in order to get approved by this board you were planning to submit an accurate building permit plans, the building dept. they dont have plans to show the plumbing and those things

**Bryah Gifford:** The plumbing and those things absolutely and we do have those

**Mike Ziobrowski:** Yea that's what I'm talking about its current use that we dont have plans for that at all

**Marcel Nadeau:** I have a question do we have a current site plan?

**Richard Harris:** we have a copy of the most recently approved site plan which is...

**Bryah Gifford:** 2012, there was a 2012 one submitted with water that was put in, its 2012 yea.

**Lyn Murphy:** The building isn't moving the site plan hasn't actually changed it's just the use that's changed which we will bring to your next point

**Mike Ziobrowski:** Right just for catering, the plans that show for its current use what he is asking for now just for the catering purposes.

**Lyn Murphy:** The building hasn't moved

**Richard Harris:** But he does have to submit a building permit after this updated internal he would normally give a plan to codes and building

**Marcel Nadeau:** But I would like to see a site plan so we can determine where the dumpsters are going to go

**Tom Werner:** Yea because the parking lot has changed over the last 5 years

**Lyn Murphy:** Lets take just a step back , the dumpsters are going to go where you approved them last time because he has not made an application to move them , the sidewalk has got to be jacked out or removed because the application that he submitted this site plan doesnt show that.

**Marcel Nadeau:** ok and refresh me as to where the dumpsters were.

**Bryah Gifford:** They are just on the south side of the barn.

**Marcel Nadeau:** They are not where they are going to be now?

**Lyn Murphy:** Correct

**Bryah Gifford:** they are not, no

**Don Roberts:** And you do know that the ramp has to go, you know that?

**Bryah Gifford:** Yea, I have no problem with that.

**Rich Berkowitz:** How quick can you get rid of that ramp and the dumpsters?

**Bryah Gifford:** The dumpsters probably with in a week its just calling County Waste and asking them to move them, the ramp I dont think will take very long either, I feel like that could be easily done with in a couple of weeks, its lining up a couple of people to do it but it is a just a pad of cinderblocks, its easy to remove and if there is some type of timeline that you wanted for that I dont have a problem with that either.

**Tom Werner:** What was the purpose of the ramp- originally?

**Bryah Gifford:** Thats a good question , the purpose of the ramp , the owner of the building that I am hoping to lease this from put the ramp in thinking that he needed to have a handicapped accessibility to get in and out doors and stuff and unfortunately it was not put on there. When we had gotten the approval for them to be there we had taken pictures to prove to the Town that all the trucks could get into the dumpsters, this is where they've been approved since 2011 to be, I do agree with you I would love to discuss moving them in but this is where they are currently which was approved in 2011, we did have to take pictures to prove that the truck could fully get off of the road.

**Marcel Nadeau:** Was there recently some kind of a permit for the pad to be there?

**Bryah Gifford:** No,

**Tom Werner:** There was a permanent pad there and in deep enough so the truck wasn't out in the road you could always put it back on that pad so the truck would always be off the road

**Bryah Gifford:** There was there was gravel there

**Tom Werner:** What happened is it was only eased out onto the road and its easier for them it doesnt matter which direction they are coming in , if they are coming this way then they shoot in and thats why I've seen them where they weren't completely off the road.

**Marcel Nadeau:** So how do we get then off of the road if this was a previous, this isn't showing the dumpsters there ok.

**Lyn Murphy:** They have to go wherever in 2011 they were approved.

**Tom Koval:** If they are going to be coming in front of us again in the near future to redo this all, then at that time if we would like them moved we can ask them to be moved but we have already approved them in that spot.

**Richard Harris:** Im thinking we give them approval on the last approved location in 2011

**Bryah Gifford:** The only reason for that date was that was just the last time I was here when I came to say you know can I take over the building..

**Marcel Nadeau:** The minutes reflect that they are supposed to be between the building and

**Lyn Murphy:** So what your faced with right now is you dont have authority to move those dumpsters its not on his application to move those dumpsters so what he has to do is comply with whatever you said he could do previously , I think the question is that what we can clarify the fact the dumpsters are before the board , like the dumpsters didnt go before the ZBA either, so I keep telling them if he wants to move them where they are currently located he has got to go to the ZBA and then he's got to come back here

**Don Roberts:** Well we can act on the ramp

**Lyn Murphy:** And you can make your approval condition on the dumpsters being where they are supposed to be

**Marcel Nadeau:** That's, pertaining to Toms comments that the dumpsters, the garbage truck is on the road, that's a safety issue

**Bryah Gifford:** I completely agree with the dumpsters and the ramp , the reason why I didnt put in with the immediate permit when I originally did the application with the ZBA was at first I didnt realize that the dumpsters were such a large issue and I was initially just trying to get the approval for Giffys to be able to move forward with building plans to get it renovated and get these in the commissary there as you know Giffys has been a restaurant in Clifton Park on route 9 for 14 years and I've had the ice cream stand for 22 years also in the Clifton park driving range which has been sold, so I am currently a company that is homeless, luckily I am seasonal company but my season starts in three months and it is going to take time to get permits to get everything done in the basement to get a health permit and hopefully still be able to pull off starting off my seasons so thats why I said to them at the ZBA I will defiantly come back and discuss the dumpsters I would like them out of the way as well , I dont want them next to either building , I've no problem moving them I just wanted to be able to move forward with the tenancy change to be able to try to get Giffys in the and then definitely continue the ZBA discussion or any discussion with moving the dumpsters.

**Tom Ruchlicki:** And if I may not to blame the whole thing but as I recall where the dumpsters originally were the whole issue was your septic and all of that when that was all disrupted, thats when I realized that the dumpsters got moved and they never got back there because of that ok, even after it was done I think thats how we got to where I would see the truck backed out on the road.

**Bryah Gifford:** And to that unfortunately I cant answer to the truck I've never seen them do it , its usually 6 o'clock in the mooring and im not there so Ill be honest in the 6 years I've never seen the dumpster once

**Tom Ruchlicki:** Having said that I mean we understand that the whole thing with this septic took place and that's kind of what started the whole thing so,

**Bryah Gifford:** There is no longer a septic or a leach field or anything there it's all on public water and sewer

**Tom Ruchlicki:** Whatever it takes to get them back to where they originally were where the trucks wouldn't be backing out with the back end of the truck would be out on the road I guess is really what we want it's that simple,

**Don Roberts:** Anyone else? If we vote on this any approval has to be conditioned on the ramp and the dumpster being, the ramp being removed and the dumpsters being put back in the originally approved location, currently approved location. Last approved location that's how we will put it ok and we should give a date as to when the removal of the ramp should take place and the relocation of the dumpsters,

**Bryah Gifford:** They had asked for loading zone signs

**Don Roberts:** ok and they are not hard to put up, right they are not difficult to put up you can put them up in a couple of weeks too right?

**Bryah Gifford:** Absolutely yea

**Rich Berkowitz:** It's outside of part of the original site plan so does that make it change of site plan?

**Lyn Murphy:** No this is saying the ZBA

**Rich Berkowitz:** I make a Motion to Approve Power's Irish Pub Change of Use/Tenant application contingent on the original site plan being enforced with the dumpsters being in the originally placed, and the ramp being removed by January 2nd is that good enough?

**Bryah Gifford:** I believe so

**Don Roberts:** And the dumpsters being put back in their last approved site, January 2nd works for you Bryah?

**Bryah Gifford:** Those dates work fine

**Rich Berkowitz made a Motion to Approve Power's Irish Pub Change of Use/Tenant application contingent on the original site plan being enforced with the dumpsters being in the originally approved site, and the ramp being removed by January 2, 2018.**

**Tom Ruchlicki made a motion to Adjourn the Planning Board meeting at 7:26 pm. Rich Berkowitz seconded. Meeting Adjourned.**