

**MINUTES MEETING  
Town of Halfmoon Planning Board  
December 12, 2016**

Those present at the December 12, 2016 Planning Board meeting were:

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

Planning Board Alternates: Margaret Sautter  
Cory Custer  
Mike Ziobrowski

Director of Planning: Richard Harris  
Planner: Paul Marlow

Town Attorney: Lyn Murphy  
Deputy Town Attorney: Cathy Drobny

Town Board Liaison: John Wasielewski  
Jeremy Connors

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

*Rich Berkowitz made a motion to Approve the Minutes from the November 28, 2016 meeting. Tom Ruchlicki seconded. Motion Carried.*

*Marcel Nadeau and John Ouimet abstained from voting to approve the minutes.*

**Public Information Meeting:**

**16.184            Lands of Kilmer & Fronczek, 57 & 59 Ushers Road - Minor Subdivision**

**Don Roberts:** Would anyone like the notice read? (No comments) Ok please come up and explain what you want to do. Can we have your name and address for the record please?

**Ed Fronczek:** Ed Fronczek Im doing a lot line adjustment to get access to our line (inaudible) back of the property

**Don Roberts:** That’s it?

**Ed Fronczek:** (inaudible)

**Don Roberts:** Ok, would anyone from the public like to speak? (no comments) seeing no one wishes to speak I’ll close the public hearing, board members any comments?

*Marcel Nadeau made a motion to Approve Lands of Kilmer & Fronczek's Minor Subdivision application. Tom Koval seconded. Motion Carried.*

**New Business:**

**16.189                    LMLS Holdings, LLC, 10 Executive Park Drive - Sign**

**Michele Tyre:** Michele Tyre, 10 Executive Park Drive. We have a small office building and we just subdivided it from two suites into three suites so I need to make the sign on the road a little bit taller so we can fit in a third logo. So we are adding 6 inches to it, the structure is staying the same they are just putting new aluminum panels on it, and we need to approve the new logo for the new tenant, the buyer McCauley.

**Don Roberts:** Ok, any questions?

**Lyn Murphy:** You didnt actually subdivide anything right? She's just saying she

**Richard Harris:** The inside space, subdivide means land.

**Michele Tyre:** Oh yea yea yea, sorry just subdivided the interior into three offices.

*Rich Berkowitz made a motion to Approve LMLS Holdings Sign application. Marcel Nadeau seconded. Motion Carried*

**Michele Tyre:** Thank you very much.

**16.203                    The Brody Apartments, Sitterly Road - Sign**

**Justine Stoddard:** Hi my name is Justine Stoddard on behalf of the Solomon Organization. We purchased Pine Ridge I off of Sitterly road and changed the name to The Brody as of January 2016. We didnt change the size of the sign, the initial sign we just changed the name and the color.

**Don Roberts:** So same exact dimensions

**Justine Stoddard:** Yes

*Rich Berkowitz made a motion to Approve The Brody Apartments Sign application. Marcel Nadeau Seconded. Motion Carried.*

**16.190                    Arborecare Landscape Services & Products, LLC, Hudson River Road - Site Plan**

**Mark DePaul:** Good evening my name is Mark DePaul Sr. and basically tonight I'm looking to do a site plan and have a business of a tree farm and I'll be seeking your approval for that. The property was planted years ago with a bunch of pine trees out in the back and their kind of heavily planted, now they would need to be spaced and re-done but its a perfect spot for a tree nursery, obviously someone made that decision in the past and we just want to keep doing that. We dont really have any office space there, my whole business I run out of my home in Mechanicville and this is just a growing farm basically.

**Don Roberts:** Thank you, any questions?

**John Higgins:** I know previously that site was here years ago and there is a lot of wet lands out back?

**Mark DePaul:** Yes, correct in fact when I had this done Dave Flanders, I hired a company another guy Dave Ingals from Schenectady he re-delineated all of the wetlands for me , so thats updated as of 2014 I believe.

**John Higgins:** Ok, yea I just wanted to mention that because I saw that on the drawing and I remember when they came in years and years ago, Marcel I'm sure you and Don remember, thats what the problem was , was the majority of that site it was a lot of wet lands yea. Thank you.

**Don Roberts:** This application you probably know needs to be reviewed by Saratoga County so we really cant take any action tonight we are going to have to wait for their response.

**Mark DePaul:** Ok

**Don Roberts:** Ok, then we will put you back on once we get that response alright, ok Thank you.

**Mark DePaul:** Ok, thank you.

*Arborcare Landscape Services & Products application was tabled until the board gets a response from Saratoga County.*

### **Old Business:**

#### **16.024 Paar Estates of Halfmoon PDD, 33 Farm to Market Rd- Major Subdivision**

**Jeff Williams:** Good evening Jeff Williams Bruce Tanski Construction and Development Im here with the applicant Mr. Bruce Tanski, Im also her with the design Engineer Mr. Jason Dell from Lansing Engineering. We are here for Paar Estates of Halfmoon Planned Development District , this has been in the planning arena for about 2 1/2 years , back in July of 2016 the board , your board here granted us preliminary approval. Since then we've been through the other agencies , NYS DOH, NYS DEC, and Saratoga County Sewer District, along with continuing reviews with Clough Harbor and we've satisfied all those reviews ,we're here tonight to ask for final approval on the project , the project itself has not changed since you've seen it, its still 130 units , thats 65 twin town home buildings along with a 9 hole executive golf course also Clough Harbor has recently signed off all of their comments have been adequately addressed. The biggest change probably will be from Saratoga County Sewer they asked us to take the sewer all the way down Farm to Market road to the 146 intersection rather than cutting across the old farm field to over to 146 they'd rather have it in the public right of way rather than on private lands and easement. That's about it.

**Don Roberts:** Ok, any questions

**John Higgins:** I know when we've had public hearings some of the neighbors had comments, has that all been resolved?

**Jeff Williams:** I mean at this point it has, we put the water line on Farm to Market Road , that water line was pre-engineered with the Clemente and Pino PDD so that water line has been put down also the tabor road water line the public benefit that we offered thats also been placed and accepted by the town.

**John Higgins** How about the neighbors in front that had problems with their septic or something, I remember at that time Bruce was going to meet with them and try and get that squared away, just wondering status that's all.

**Jeff Williams:** Yea and we still are, actually the sewer is going to go down by their house now so.

**Bruce Tanski:** John as soon as the sewer goes by we'll hook em up.

**John Higgins:** Ok

**Bruce Tanski:** But we are not that far yet, but everything else has been I think has been addressed, and we did get a compliment from the water dept. I guess they didnt realize the water was as bad as it was on Farm to Market road

somebody had swimming pool in their cellar for a cistern and somebody else couldnt use their washer so its nice to get those people taken care of.

**John Higgins:** Ok thank you.

**Marcel Nadeau:** Which side of the road is the sewer going on? Which side of the road is the sewer going on? Same side as the water?

**Bruce Tanski:** The water is on the north side the sewer is going to be on the south side.

*Rich Berkowitz made a motion for final Approval of Paar Estates of Halfmoon PDD's Major Subdivision's application. Tom Ruchlicki seconded. Motion Carried.*

**Jeff Williams:** Thanks so much.

**16.111**                      **Falcon Trace Lot 4 Parking Lot Expansion, 175/ 177 Route 236 - Addition to Site Plan**

**Jason Dell:** Good evening my name is Jason Dell and I'm an engineer with Lansing Engineering here with the applicant Mr. Bruce Tanski for the parking expansion for Falcon Trace Lot 4. We were before the board a couple weeks ago where the board had approved some parking along the north side of the building as well as the eastern side of the building, however at the time

**Don Roberts:** Excuse me is this the latest plan?

**Jason Dell:** No that plan we had submitted last week we worked on a revised plan

**Don Roberts:** Yea cause we'd rather not see this if its not the latest plan yea ok.

**Jason Dell:** there is a tremendous need for parking out there as the board knows, Mr. Tanski had indicated that there was a fist fight out there last week and that its become very contentious so we need to get additional parking out there. We submitted that plan that you just had up on the screen that was going to provide an additional 17 stalls in the front of the building but we had received some feed back from the fire dept we also know this boards wishes to keep the parking out of the front yard so we worked on a revised plan today that we believe will address the need for additional parking for Mr. Tanski as well as alleviate the concerns of this board and that is to put the parking in the back, right now this is a storm water management feature but we believe that we would be able to fill that in and in turn use permeable asphalt in this area and we'd be able to pick up 16 additional parking stalls. We would eliminate this curb cut over onto Falcon Trace we would push it down to here and we would be able to bring the cars in and provide 16 additional stalls and seamlessly just blend into the existing parking lot out there so we would like to ask the board for consideration , approval of this parking configuration due to the timing of the year we're getting close to the end here so typically we would refer it to Clough or we'd ask if we could possibly get a conditional approval pending Cloughs sign off on this plan.

**Don Roberts:** Ok thank you, thank you Jason. Joe have you had a chance to look at this at all or what?

**Richard Harris:** This needs County referral.

**Don Roberts:** Pardon

**Richard Harris:** This needs County referral.

**Don Roberts:** Rich do you have a microphone down there cause we cant hear you?

**Richard Harris:** No and there are no backups

**Don Roberts:** Shoot ok. So we need County referral your saying?

**Lyn Murphy:** You can always,

**Marcel Nadeau:** Can we do it conditionally?

**Lyn Murphy:** you can do it conditional you do need the County referral based on the change to the plan and we cant do it under the MOI the Memorandum of Understanding cause its too late but they could do a conditional from the county approving it unanimously other wise obviously if the county doesnt approve it they need a super majority in order to pass it so they can do that.

**Don Roberts:** And while we are on it now has the fire commissioner had a chance to see this revised?

**Jason Dell:** No we're presenting it this evening to try and alleviate any remaining concerns

**Don Roberts:** So they've got to see it as well right?

**Richard Harris:** If you decide to yes

**Joe Romano:** This layout addresses the concern about the curb cut being to close to Route 236.

**Don Roberts:** Ok, so that's a big improvement right there.

**Rich Berkowitz:** Does the DEC have to look at this? No, ok

**Jason Dell:** We're out of the buffer now,

**Rich Berkowitz:** you're totally out of the, ok.

**Jason Dell:** Yes

**John Higgins:** Is there just going to be the one entrance?

**Jason Dell:** Yes there would be one entrance up here; currently the entrance is up here

**John Higgins:** right, thats where the entrance and exit is going to be, up there?

**Jason Dell:** Yes

**John Higgins:** ok. Thank you.

**Rich Berkowitz:** Joe you're good with this?

**Joe Romano:** From a layout perspective I think it addresses a lot of concerns that we had the only thing that we would like take a look at obviously is the impact of storm water (inaudible)

**Jason Dell:** Right and we would get those submitted in a couple of days.

**Tom Koval:** Ok if you bring that up I can't see comparing it Im just curious ya know if we by pass this

**Don Roberts:** We have two issues here unfortunately, the fire dept. for one thing also county approval so when would the county see this?

**Richard Harris:** Possibly next week, if we can get it on the agenda. If this is the plan they want to go with then we can send it to them, we had already sent them a plan but this is different from what we had available to send before.

**Don Roberts:** Sent the other plan yea, cause we dont typically take action with out their approval

**Rich Berkowitz:** We have several years ago but not recently

**Don Roberts:** Not recently, yea, come on up (inaudible) here Bruce take the microphone. (inaudible) So if, ok, Toms got a problem with the turn radius, what do you think?

**Tom Koval:** Does the turning radius work for fire department?

**Jason Dell:** Well we can put a turning template on there for a truck as we do for most projects.

**John Higgins:** I don't think they'll even try and get in there; they are going to park right on the road and just run.

**Tom Koval:** What if it's the second building back?

**John Higgins:** and the biggest problem is if you get three feet of snow trying to trudge a 6 inch line through three inches of snow thats ya know.

**Marcel Nadeau:** They go through much worse than this

**John Higgins:** I understand but again as Don said we need County

**Rich Berkowitz:** Well we can vote and if we vote and see if the majority doesnt make a difference.

**Don Roberts:** yea but we are not meeting again for a month see that's the problem we have

**Rich Berkowitz:** And now you have a public safety issue also

**Don Roberts:** yea, and to me it is a public safety issue with people parking in the town park and crossing 236 back and forth thats the problem we are having we've got to resolve that

**Lyn Murphy:** I would typically council you to wait until after the county makes its decision but under the very unique circumstances that we have in this occasion your not violating any law saying that, it's like saying DEC has to stamp the plans before you can, its a matter of fact thats the way the law works so if they were to not approve it then it wouldn't be approved, this approval would have no validity.

**Richard Harris:** We can wait on the Chairman's signature of plans until we get County sign off.

**Lyn Murphy:** Its gonna have to wait until county approval they can't,

**Richard Harris:** Kind of like we do with subdivision

**Lyn Murphy:** Yea, correct

**Don Roberts:** And unfortunately I know you want to do this as soon as you can but you can't do it without the approvals you know what I mean, so we could do a approval contingent on the County but you still can't do anything

**Jason Dell:** Until we get the County

**Don Roberts:** Right

**Lyn Murphy:** Correct and your gonna, the engineers gonna look at the plan and consult with emergency services to make sure that it's acceptable. Take into account their comments.

**Tom Koval:** So we can give them a contingency based on emergency services and the county's approval?

**Lyn Murphy:** We can't do emergency services because they are a separate entity we dont have control over but he can hold up his approval until emergency services is satisfied.

**Don Roberts:** If you guys want to approve it we can contingent approve it if you want to , I'm not trying to put words in your mouth here but if you

**Tom Koval:** You said a contingency is gonna be a county approval

**Don Roberts;** A county approval and then Clough and then as Lyn said that will take care of the Fire Dept.

*Tom Ruchlicki made a motion to Approve Falcon Trace Lot 4 Parking Lot Expansion contingent on the approval of the County and Clough Harbor. Tom Koval seconded. Motion Carried*

**Bruce Tanski:** Let me understand so I dont get

**Don Roberts:** Dont get in trouble now dont get in trouble.

**Bruce Tanski:** Thats why I want to understand what we're doing so I dont do anything wrong, if Clough signs off on it and the County signs off on it does that mean I can go in and put the gravel in and do it?

**Lyn Murphy:** Yes, yes.

**Bruce Tanski:** That's all I wanted.

**Don Roberts:** Hopefully you're done with us, hopefully unless something happens un-foreseen.

**Tom Ruchlicki:** Just engineer it so that a truck can make a turn in there.

**Bruce Tanski:** Right, right.

**Lyn Murphy:** And just so we are clear , Clough is going to consult with emergency services to make sure that it adequately addresses their concerns as well, so that one sign off is taking care of a multitude of issues.

**Bruce Tanski:** Ok, alright, thank you.

**Don Roberts:** You're welcome.

**Lyn Murphy:** So on Fronczek I know that this was a sub division that you had already approved and it had expired so you had to re do it , you still have to re do the neg dec for SEQR purposes even though nothing has changed.

*Tom Ruchlicki made a Negative Declaration Pursuant to SEQR for the Fronczek Minor Subdivision. Tom Koval seconded. Motion Carried.*

**Don Roberts:** Thank you Lyn.

12/12/2016

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*Tom Ruchlicki made a motion to Adjourn the Planning Board meeting at 7:24 p.m.. John Higgins seconded. Meeting Adjourned.*