

**Town of Halfmoon Zoning Board of Appeals
Meeting – Tuesday September 7, 2021
7:00 PM**

Chairwoman Curto called the meeting to order at 7:00 PM on September 7, 2021 this meeting is being held in person and via Microsoft Teams following members present:

Members- Chairwoman Curto, and Kevin Koval, Mr. Griggs
Alternate Member - Leonard Micelli, Dave Maxfield
Planner - Paul Marlow
Town Attorney – Cathy Drobny

Mr. Micelli made a motion to Approve the August 2, 2021 Zoning Board of Appeals minutes, Mr. Koval seconded, Minutes Approved.

Public Hearing(s):

Bowen Shed, 10 Timothy Way- Area Variance

Mr. Dana Bowen presented the application. The applicant is before the Board seeking an area variance for an existing shed on their property at 10 Timothy Way. They had previously applied for and received a building permit for a shed at their home, upon inspection for a C.O. the inspector determined that the shed was located in the front yard, as their lot is a corner lot. Given the fact that it was located in the front yard, the building department denied the C.O. as it stands. The applicant is before the ZBA requesting a variance for a shed in the front yard.

Chairman Curto closed the Public Hearing at 7:08, there was no public comment.

A site visit occurred on August 28, 2021 at 9:30am

Pursuant to Article XIV Section 165-79 the following resolution was made:

- 1) Mr. Maxfield commented: No it looks like it belongs in the area;
- 2) Mr. Koval commented: Not feasible to move; Mr. Micelli noted the area is all established; Mr. Maxfield noted the other portion of the yard appears to be a hill;
- 3) Mr. Koval commented: No, it is not substantial;
- 4) Mr. Koval commented: No; Mr. Maxfield noted it is not out of character for the area;
- 5) Mr. Maxfield commented: No, it was the best place to locate it at the time; Mr. Micelli noted it dips behind the pool.

Chairwoman Curto made a motion to approve the Area Variances as proposed, seconded by Mr. Micelli, Motion was carried

Lamar Billboard, Route 9- Use Variance

Kevin Koval recused himself from this application.

Mr. David Leavitt presented the application. The applicant is seeking to convert/change the two pre-existing, non-conforming billboard signs on Rt. 9 to a digital format. The site is approx. 450 ft south of Stone Quarry Road, on

the west side of Rt. 9. The digital messages will be static for ten (10) seconds, with no animation, scrolling, or flashing. These signs are located outside of the Town-designated Off Site Advertising Zone, and are pre-existing, non-conforming. Additionally, pursuant to the Town Code, digital signs must be static for no less than 20 seconds before changing. Therefore, due to the pre-existing, non-conforming status of the sign and proposal to change messages every 10 seconds, the Planning Board denied the application at the June 28, 2021 meeting. The applicant is before the Board seeking a use variance for the upgraded billboard on a parcel outside of the billboard overlay district, and to rotate the image more than once every 20 seconds. He noted the proposed height of the billboard is 19-feet.

Daniel Beth, 49 Plank Road- requested the applicant point out the geographical location of the sign.

Mr. Griggs asked why they wanted to go less than the 20 second requirement; Mr. Leavitt explained that it is the industry standard and that NYSDOT allows it to go as low as eight seconds but they felt 10 seconds would be best for them.

Mr. Griggs asked if you can buy one that changes every 20 seconds; Mr. Leavitt said they can adjust the time at any point. As time progressed it's shown it is not a safety concern. Ten seconds allows for the advertiser to display the message and for the viewer to see it. If it goes longer, they may not see it.

Mr. Micelli asked if it was 24 hours, 7 days a week. LED; Mr. Leavitt stated it is, but it is self-adjusting; if it is too bright, you cannot read it. At night they are running approximately 3% full capacity. During the day it is brighter but will dim at night. They are well below the NYSDOT allowable brightness.

Chairwoman Curto asked what sort of advertising would be on the Board; Mr. Leavitt stated it is mostly local businesses, some public service announcements, they could supply services for Town events.

Chairwoman Curto asked if it could be used for emergency situations; Mr. Leavitt stated it could, and they have done so in the past.

Mr. Maxfield asked if this is monitored 24 hours a day; Mr. Leavitt stated it is, the knox system is constantly monitoring it.

Mr. Griggs asked how fast they can fix an issue; Mr. Leavitt there is a tech on hand for physical damage but a computer can shut down the system immediately if needed.

Chairwoman Curto asked if there are other digital billboards in town; Mr. Leavitt no but there are some in Clifton Park, Ballston Spa, Albany, Kingston, and Latham.

Mr. Griggs asked if they can adjust the times easily; Mr. Leavitt said it can be done quickly but they have not found lots of accidents related to the timing of the messages. 1 out of 4 accidents are caused by someone texting that is the main concern with driver safety.

Mr. Griggs asked what the average display time of all the signs around the world would be; Mr. Leavitt said the lowest is six seconds. It depends on speed limits as well.

Mr. Micelli noted that most people tend to look at the signs quickly.

Mr. John Riddell, 55 Plank Road- is it the same size as the existing sign? Mr. Leavitt stated it is. Mr. Riddell noted people speed through that section of Route 9, this will be a distraction and a hazard. There are lots of accidents in that area. It is outside of the approved area, and they seek to make the sign more non-conforming and allow the image to rotate more than code allows. The light will shine into their home and hurt their property value. It is an eyesore and a distraction to the people. When NYSDOT paved, the lights shined into the home, worried this billboard will do the same.

Mr. Igor Ryumshin, 57 Plank Road- noted that he agreed with everything Mr. Riddell stated. NYSDOT paving lights forced them to move to the front of the house to sleep.

Mr. Dan Bethel, 49 Plank Road- this is an eyesore and has no reason to be there, it will devalue properties, and it is a sleep deprivation thing, light will shine in the house and will be creating trouble. People speed on Route 9 as it is, and they will go 100mph on the road. Other businesses in that area do not have lights, it is not fair for the residents. Other businesses in the area will now want lights.

Chairwoman Curto asked if anyone else on the floor wanted to speak.

Mr. Dan Bethel, 49 Plank Road- Move the sign 150-feet north on the east side, on the Garden Time shed property. He would request more time to analyze the impact, visit the area and see the impact on the residents. He questioned who sees the revenue from these billboards. He requested a six month moratorium to allow to see how things work out, the president passed a bill to allow for infrastructure improvements. The new sign will cause more accidents.

Mr. Micelli asked if the billboard could be shut off at night; Mr. Leavitt stated they run 24 hours a day.

Mr. Leavitt noted that the sign will not change the speeders, the lights do not protrude. It is similar to a TV where it won't light up or project onto adjacent homes. Studies have shown that the average time a driver looks at the sign is 1.8 seconds, danger time is 3.2 seconds. People will not be glued to a sign, but this will have no bearing on people texting. The billboard has been there for a long time, prior to the code, this was not a matter they created.

Mr. Riddell stated that 1.8s is approximately 1,200 feet of road; this is a source of distraction and a lot can happen that 1.8s window. The sign does not fit the zoning and that the sign was built because of a hardship created by Route 9 and a source of supplemental income.

Mr. Griggs asked if there were any studies on the light projections; Mr. Leavitt said there are, but they are 10+ years old.

Mr. Micelli asked if they could provide some sort of lighting plan; Mr. Leavitt noted that DOT allows up to 5,000 lumen. 3,000 lumen is equivalent to a 50w bulb. Per the manufacture, at night this output is 3% which equals 255 Nitts which is 874 lumens.

Mr. Micelli noted he'd like to see some more information regarding the distance of light to the neighbors etc.

Mr. Marlow noted that Board may benefit from some sort of lighting plan that would show the proposed spillage from the site.

Mr. Maxfield asked if there would be any flashing, animations or scrolling; Mr. Leavitt said this sign would not, others in the area do but this will not. It is not flashing or bright.

Mr. Leavitt noted the speeding is not accurate, driving through there at rush hour, cars are parked and not able to do 100mph.

Mr. Micelli requested for more visuals of the proposed sign.

Mr. Bethel stated that deer live in the back of their yards and cross Route 9, this will cause deer to cross in different parts of Route 9 and potentially freeze up when crossing the road and will create a hazardous situation.

The Board adjourned the Public Hearing and requested more information from the applicant.

Blacktop Paving, 47 Clamsteam Road – Expansion of a Pre-Existing/Non-Conforming Use

Frank Griggs recused himself

Ms. Mary Beth Slevin presented the application. He explained that at the November 26, 2012 Planning Board meeting, the applicant was granted approval to occupy the pre-existing/non-conforming site (formerly Callahan Industries) as a blacktop/paving company. As part of the approval they were given several conditions that they must adhere to but as they grew they expanded beyond the approval conditions. At this time the applicant's proposal includes the expansion of the existing building approximately 3,500 SF (constructed without a permit), approval for a 2,600 SF salt shed (constructed without permits), the ability to store raw materials on site, and eliminate the restriction on the maximum number of pieces of equipment. Additionally, they would like to expand the approved area of operation, add approximately 20 spaces and include areas of clean fill in their usable area. Lastly, in an effort to improve security, the applicant installed LED lights throughout the site and added lighting. To date, the applicant has changed most of the lighting fixtures to point directly downward in order to prevent light spillage onto adjacent parcels. As part of the expansion, the area to be utilized would increase from 7.5 acres to approximately 12 acres of the approximately 65 acre parcel. On average, they have approximately 40-50 pieces of equipment.

Chairwoman Curto asked how many pieces of motorized equipment; Mr. DelSignore noted approximately 50-70 pieces, small to large but not on road vehicles.

Mr. Koval noted they far exceed what you're approved for. Mary Beth Slevin noted the 2012 approval grants 40 pieces of equipment. Mr. DelSignore noted that generally on site they have 40-50 pieces but sometimes have up to 70.

Chairwoman Curto asked what raw materials were store on site; Mr. DelSignore explained they have salt, sand, gravel, rebar, frame/grates, and pipe/structures, crushed stone.

Mr. Maxfield asked if they bring leftover asphalt to the site to use to expand the site; Mr. DelSignore said they do when they have left over material.

Mr. Micelli clarified that this is all behind the salt shed; Mr. DelSignore explained they are filling to the east of the salt shed, in the previously approved area.

Mr. Micelli asked when does the paving end; Mr. DelSignore noted late November-early December it tends to slow down.

Mr. DelSignore noted that the GPS counts, 99% of their vehicles have GPS. Some of those vehicles are not there all day. Mr. Koval asked if some of the vehicles going in and out are not owned by them; Mr. DelSignore stated yes, some are fuel deliveries, garbage pick up, parts delivery. Mr. Koval asked if they were heavy trucks aside from yours; Mr. DelSignore said they were not.

Mr. Koval asked if any of the fill is being brought in by outside contractors; Mr. DelSignore stated on occasion that could happen if they were on a job with a large cut where they could get a good amount of fill, but that is rare.

Mr. Micelli asked if other companies store trucks on site; Mr. DelSignore said they do not.

Mr. Maxfield asked when the paving operations pick up; Mr. DelSignore stated usually in April.

Mr. Micelli asked if they had plow vehicles; Mr. DelSignore noted they do, mostly pick-up, some medium duty.

Chairwoman Curto asked if it was 45-50 pieces of equipment per day; Mr. DelSignore stated yes, the counts were done by the week but on average 45 vehicles per day but they're not large. The large vehicles is about 15 times a day.

Mr. Koval asked if they had done a count of vehicles in and out; Mr. DelSignore stated they did. Mr. Koval noted that in is one and out is two Mr. DelSignore noted that is correct.

Mr. Koval noted the numbers from the applicant were much different than that of the residents; Mr. DelSignore noted those are total counts. Chairwoman Curto noted emails from neighbors citing 300 vehicles per day; Mr. DelSignore stated that is impossible and completely factious.

Mr. Micelli asked if they start at 5am and what time the finish; Mr. DelSignore noted it varies on the job, some start at 5am, some start later. He noted that most times they are back by 5-6pm, but could be as late at 8pm; in general the shop is 6am-6pm.

Mr. Micelli asked about the lights the neighbors referenced; Mr. DelSignore noted they are on motion detectors and facing down.

Mr. Koval ask if the motion lights were facing down; Mr. DelSignore said they are and that he shut off the light Mr. Dubec complained about last year.

Mr. Koval noted that the Board was tasked with trying to find a balance, they need to help the neighbors while maintaining a business.

Mr. DelSignore noted they have been there nine years without a complaint; this is a personal matter and Mr. Dubec convinced the neighbors to oppose the application.

Mr. Micelli noted that it is difficult for the Board to be fair to everyone.

Mr. DelSignore explained that the future 10,000 SF building isn't a big deal for him. The more valuable thing is the site expansion, the smaller the site, the more cramped it will be and closer to the neighbors across the street. Expanding the site will allow them to store things in the back. There is no increase, it's been this way for a while.

Most guys go right to the job site, some guys come here but most go straight to the site. This is a personal matter with Mr. Dubec, he'd be happy to work with him. They do not intend to go anywhere, there is over \$1 million into the property, he'd be happy to sell the property if someone is interested in buying it. He'd like to be a good neighbor, the site has been there for 51 years and his use is much less intense than Callahan's was. He noted that the Klam'r closed for much longer than two years.

Mr. Koval stated he did not believe allowing the 10,000 SF building would be wise and didn't feel allowing more parking would be the best either. Going back to the 2012 restriction moves equipment up front, and would create more of a nuisance for the neighbors. He would like to see less equipment up front with a berm and more buffering to restore what National Grid removed. 2,000 gallons vs 10,000 gallons of view is a non-issue but bulk storage may allow for other companies to dump. Those roads are tight and were not built for larger vehicles. The Board cannot tell the applicant to leave, but there is a balance to be struck to make the community happy and still be able to run a business. Would not be opposed to bulk storage up top, but would maybe consider restrictions limiting outside vendors abilities to dump.

Mr. Micelli asked if the Planning Board would review the berm; Mr. Marlow explained they would likely review the berm and a landscaping plan.

Mr. Koval noted that they need to define equipment and what is what. Mr. DelSignore noted that during the summer you wont exceed that number, it is during the winter when things are stored, waiting to be serviced, that you'll exceed that number.

Nicole Lanoue, 42 Clamsteam Road- the light in the back of the building is still a problem; Mr. Marlow noted if they can identify the specific one, we will work with Mr. DelSignore to get it fixed. She requested clarification on the berm and how it would help if they plan to building up the parking area, when the traffic counts were done and how far back they go; Chairwoman Curto noted they go back to May 2021. Mr. Lanoue noted the complaints were in April, and that various people complained to Mr. DelSignore. She noted the big issue was the site development and dumping.

Tom Koval, Button Road- he wanted to clarify something noted in an email sent to the Town; he noted that at the last meeting when he spoke, he was not speaking as a Planning Board member but as a resident. He explained that the Klam'r had previously asked him to get involved in the matter. Per 2019 statistics of the National Highway, there were 4,119 fatalities involving trucks, there were 10,142 fatalities, alcohol related traffic incidents. He clarified that he does not condone Mr. DelSignore's actions, it has nothing to do and does not affect him. Traffic on Dunsbach Road affects him and his tenants.

Nicole Lanoue noted that he represented them as a business; Mr. Koval clarified he was making a point that one pre-existing/non-conforming use was criticizing another pre-existing/non-conforming use, and that it was hypocritical. Mr. Koval made it clear he is not representing as a Town official in any way.

Sandy Rohner, 24 Beach Road-Mr. Koval's comments at the last meeting were inappropriate and not relevant. DelSignore only pays a little in taxes relative to the size of the site, he is not paying enough in taxes. Just because the office is kept clean, does not warrant an expansion. They expanded without any approvals and wants retroactive approval now. In 2012 this was intended to be a second site, why has it become a primary site? She asked what the total number of vehicles/equipment was.

Mr. Koval noted they can only revert back to the 2012 approval but that won't change the number of trucks are on the road but does not limit the amount of vehicles in and out of the site; and it will put all the equipment up front. They have to ask if they allow the expanded area for equipment storage.

Chairwoman Curto noted they can distinguish what should be stored and where on site.

Mr. Maxfield noted they can define what exact equipment is. Mr. Koval noted they cannot do anything less than the 2012 approval.

Mr. Micelli questioned if they wanted to limit equipment to the back; Chairwoman Curto said they can designate a specific area.

Nicole Lanoue, 42 Clamsteam Road- Traffic is an issue but the dumping is a major issue, when will it stop? They are constantly making noise with equipment. Was not aware they did not have approval to do the site development. Mr. Koval noted he can fill up to one acre without a permit. Ms. Lanoue said noted the fill areas are not vegetated and are used for parking; they are using it to park equipment.

Paul Dubec, 42 Clamsteam Road- Mr. DelSignore has not been a good neighbor, dozens of people have complained with no relief, and he continues to work the site. Before the Planning Board meeting, there was a lot of activity onsite, following the Planning Board meeting, activity on site ramped up because he knew something was going to happen and he did not care. A good neighbor does not stockpile equipment 20-feet off the road for residents to look at all summer. Mr. Koval explained that they are working on a resolution for everything.

Nicole Lanoue, 42 Clamsteam Road- they need to stop the site development, dumping and parking expansion, when will all of that stop. They do not want to listen to equipment all winter, the berm will not solve the site work and visibility problem. Is there anything that can be done about the beeping and slamming of trucks? Mr. Richard Harris explained that the berm needs to be higher than the parking area and reviewed by the Planning Board. The site work will stop based off any Board restrictions.

Mr. Micelli asked, if the berm is completed, will that help; Ms. Lanoue said it would less intrusive but the constant noise is the problem. She does not want to have to listen to the constant noise, the Saturday and Sunday work needs to stop. She cannot speak for neighbors as they are impacted differently but she is concerned with the constant noise and site work.

Mr. Maxfield asked if Mr. DelSignore could install hydraulics on the trucks to help the gates from banging. Mr. DelSignore said when the trucks are dumping, you'll hear some noise. Trucks aren't there all day, the area they're dumping, they can park down there, and it's not creating new parking. The berm would shield the site. He stated that the Klam'r has tractor trailers that beep. Their shop is there and working, the previous tenant had 14 mechanics, they have 2, maybe some more over the winter; during normal business hours but the beeps won't go away. The previous business was much more intense. He explained that he would be able to do the berm now if requested.

Mr. Micelli asked if the beeping was regulated by DMV; Mr. DelSignore noted it is an OSHA requirement

Mr. Maxfield asked for clarification on the hydraulic for the truck; Mr. DelSignore noted sometimes it is the drivers dumping and pulling away, the tailgate swings and hits the body. There is banging occurring, but not to the extent the neighbors say. I am not aware of anything like that to help with the banging.

Lisa Plante, 22 Beach Road- People are lying, it is a residential area and you cannot trust Mr. DelSignore in the future to not expand without approval like he did before. Mr. Koval noted that they cannot stop the work, but only define the uses to help with enforcement in the future. Ms. Plante noted it is not fair to the existing residents and asked how that is enforced; Mr. Koval said the Town sets restrictions for the site.

Mr. Micelli explained that the Board can set restrictions to enforce, they try to help the residents.

Clayton Pollack, 115 Clamsteam Road- the roads are not wide enough for these trucks; Mr. Koval stated there are no weight limits on the roads. The roads are in bad condition and need to be addressed. 0

Nicole Lanoue, 42 Clamsteam- she would like the site work on weekends to end and the lights to be fixed. Mr. Koval noted the weekend work is a key issue, screening along Clamsteam Road seems like it would help. Ms. Lanoue explained that the lights are already higher so building it up may not make a huge difference but yes the berm would be helpful. She asked if they could continue to dump, Mr. Koval stated they would need a permit for over an acre.

Mr. Koval noted that the future office was off the table in his mind.

Mr. Koval asked if the fuel storage was an issue; Ms. Lanoue said it was not.

Mr. Koval mentioned bulk storage limits; Mr. Harris stated they should define an area and limit to the use of the business. Mr. Koval asked if it was appropriate to designate a specific area and restricted to business activities and not for sale.

Mr. Koval asked Mr. DelSignore how he'd like to define equipment; Mr. DelSignore suggested equipment over 20,000 lbs.; Mr. Koval stated he believed 5,000 lbs. would be more appropriate.

Chairwoman Curto noted they'd define anything over 5,000 lbs. would be considered equipment.

Mr. Marlow stated the Board will need to have a specific definition of what equipment is.

Mr. Koval asked how many road going vehicles and trailers, which would normally be registered would they feel they need? Mr. DelSignore noted during working months you won't need as many but during winter months, that's when equipment piles up.

Mr. Koval noted that vehicles would be road worthy.

Mr. Koval discussed the Saratoga County Planning Boards comment on limiting the number; Mr. Marlow noted that they didn't believe in eliminating that limit because of the potential future expansion and grants the Town more approval

Mr. Koval asked if it makes sense to limit it during the working months; Mr. Marlow noted it would requiring defining certain times of the year. Mr. DelSignore suggested limiting the vehicles around the shop and storing more in the back where they cant be seen.

Mr. Koval asked what the neighbor's opinion was on equipment storage.

Mr. Dubec asked if the Board has driven up Clamsteam Road and noticed what was stored along the road. Mr. Koval noted they can address those issues with screening. Mr. Dubec noted after nine years they are here because of the business practices by Mr. DelSignore, it took nine years to get here; Mr. Marlow stated this was the first written complaint in nine years.

Mr. Maxfield to clarify with the vehicles, does this number include the decommissioned vehicles that they no longer need or do we need a decommission plan? Mr. Koval noted that at this time it is 40 vehicles, whether they are used or not.

Sandy Rohner asked if they could create a loop driveway for people to drive around, so fewer have to back up; Mr. DelSignore stated they have one, but people have to back out of the garage.

Mr. Koval asked about winter equipment storage, how much equipment, over 5,000 lbs do they expect? Mr. DelSignore they estimate approximately 70 pieces of equipment, they could get a more solid answer but best guess is 70. Most equipment goes out and doesn't stay on site.

Mr. Koval asked how many road worthy vehicles would there be; Mr. DelSignore stated approximately 40-50 but they come and go.

Mr. Koval noted that they wish to go from 40 pieces of equipment to 120; Mr. DelSignore said the vehicles were never really quantified; Mr. Koval said stated that in 2012 it said 40 vehicles; Mr. DelSignore said it was pieces of equipment. Mr. Koval noted he is correct and that the vehicles were not quantified, so it's a net increase of 30 pieces of equipment.

Mr. Marlow stated the Board needs to define a specific area limitation; Mr. Koval stated he was okay with the June plan submission area, it is getting storage further away from the neighbors. He is not happy how this has happened but if they can move the activity back from Clamsteam, it's a better solution.

Mr. DelSignore noted the portion in the upper back was good for storage; Mr. Koval agreed it would be better for storage of raw materials.

Mr. DelSignore noted his taxes are closer to \$30,000.

Mr. Koval asked if the residents were okay with storage in the rear of the site; Ms. Lanoue stated he is already using the area in the back. Mr. Koval noted that if they go back to the 2012 approval, he would need to move everything up to the original area near their homes. Ms. Lanoue said she does not have a problem with storage in that area.

Nicole Lanoue asked about the fill area and the use of the second gated entrance; Mr. DelSignore noted they would fill all that area in and the bottom entrance with the gate would not be used. They will build up the area and then construct the berm on top of that to make it higher, which would be carried all the way up to the entrance and help block a lot of that area. It will take a while to do as it is a lot of fill but we can start working on the berm now.

Ms. Lanoue discussed coming in a specific entrance on site to help reduce the impact of truck traffic on site.

Mr. Tom Tibbits, 46 Clamsteam Road stated that the truck movements don't bother him but the noise is an issue.

Ms. Lanoue stated most noise is the site work to expand the parking area. She noted this has been going on for years and slowly growing, when will the site work end?

Mr. Koval asked when they would like to see no work occur; Ms. Lanoue said she would like to not hear work on weekends.

Chairwoman Curto asked Mr. DelSignore their work schedule; he noted that they do pave on weekends sometimes but rarely work Sundays. The dump trucks are newer and fairly quiet.

Mr. Koval asked if he would be opposed to restricting dumping on weekends; Mr. DelSignore explained that sometimes on Saturdays, leftovers from a job will be brought back and dumped on site but it is rare; but does not want to rule it out.

Mr. Maxfield asked to clarify if hours of operation were Monday-Saturday, 6am-6pm; Mr. DelSignore noted the 6am-6pm typically is related to their shop hours, and generally Monday-Friday, but in some instances if something needs to get repaired, they will work on Saturday. At this time they do not want to limit the ability to work on Saturday. Paving crews come to the site as early as 5am to pick up what they need and leave the site, the departure time depends on the location.

Mr. Maxfield asked how detrimental it would be to change the work hours to 7am vs 6am; Mr. DelSignore said that would not work for them.

Mr. Micelli noted that would interfere with their business.

Mr. Koval stated that the trucks go by his house and they are not very loud, it is not like you're living next to the Northway Bridge with tractor trailers.

Mr. DelSignore noted most of their traffic sticks to Clamsteam Road, on occasion they go on Canal or Beach but their main route is Clamsteam/Dunsbach Road.

Paul Dubec, 42 Clamsteam Road- the business hours are wrong, they work 5am-6pm and on Sundays, not recently but plenty of Sundays after his complaint. Chairwoman Curto noted they have GPS log of trucks, they do run from 5am-6pm; Mr. Dubec asked when it was from; Chairwoman Curto noted from May 2021 to August 29, 2021. Mr. DelSignore explained their GPS only goes back three months.

Richard Harris asked for clarification on the fill work/site work; Ms. Lanoue stated it is the fill, equipment and expansion of the site. Mr. Harris noted that if he is bringing in material to process, that would likely not be considered development; if he is bringing in material to build a parking lot or grading/clearing an area for new parking or to store more equipment, that is site development. But to bring in and clean street sweepers and process material is different. He asked Mr. DelSignore how long he expected it would take to bring the parking lot up as shown on the plan. Mr. DelSignore stated if he did it all at one, it would take several weeks, an estimate would be 50,000-100,000 yards, and that the area of fill now is within the originally approved area.

Richard Harris stated that the site work is over an acre; Mr. DelSignore stated they stabilize and move onto the next section; Mr. Harris noted that is segmentation and doing incrementally to avoid a SWPPP.

9/7/21

Mr. DelSignore noted that at their current pace, it would take many years to finish the work, but they'd be willing to do the berm now. Unless a large job came up that could give them a lot of material, it would take a long time.

Mr. DelSignore noted the dumping is not all the time and is a convenience as they don't have to find another site and go way out of their way to get rid of extra material.

Richard Harris asked how much of the beeping was related to the fill work; Mr. DelSignore noted it is approximately 2% if he had to guess.

Richard Harris noted that even if the fill stopped tomorrow, the banging and beeping would still continue; Mr. DelSignore trucks are always pulling up, backing up, beeping.

Ms. Lanoue said they always are out there dumping and working equipment to move it around.

Chairwoman Curto stated that the beeping cannot be stopped; Ms. Lanoue the beeping cannot be stopped but in that area of fill it's non-stop. The big issue is the dumping and developing right along Clamsteam Road.

Paul Dubec, 42 Clamsteam Road- the dumping, which creates the noise, which creates beeping, which creates the dust, which creates all the animosity and the traffic. They traffic was absurd until the time the Planning Board told him to not have any more complaints.

Chairwoman closed the Public Hearing at 9:35pm.

The Board deliberated on the application among themselves, this portion of tape is inaudible.

A site visit will occurred on July 17, 2021 at 9am.

Chairwoman Curto made a motion to approve the Expansion of a Pre-Existing/Non-Conforming use with the following conditions, seconded by Mr. Koval, Motion was carried

- a. The applicant shall be limited to the use of the site within the designated areas shown on the July 1, 2021 map;*
- b. An earthen berm buffer along Clamsteam Road shall be constructed from the current entrance to the new buffer line near the existing gated access;*
- c. The berm shall be completed within a reasonable amount of time, and preferably within 6 months of Planning Board Site Plan approval;*
- d. The Planning Board should review the existing lighting on-site and lighting plan;*
- e. There shall be a maximum 10,000 gallons of fuel storage on site, and the fuel shall be stored in double-wall fuel tanks;*
- f. The Northeast section of the site marked "top soil" is designated as the bulk raw material storage area;*
- g. The existing 3,500 SF building addition and 2,600 SF salt shed are approved; the applicant shall obtain appropriate building permits and Certificates of Occupancy (C.O.s) from the Town;*
- h. Equipment not intended for on-road use, that are motorized and over 5,000 lbs., is limited to 70 units;*
- i. Vehicles intended for on-road use (registered or not, including trailers) is limited to 50 units;*
- j. The proposed 10,000 SF office building is denied;*

New Business:

DiVigilio & Perking Addition, 41 Pawling Drive-Area Variance

Mr. Shaun Perkins presented the application. The applicant is before the Board seeking a variance as it relates to the proposed deck addition at their existing home at 41 Pawling Drive. Their current home does not meet today's setback requirement and they wish to expand on it with a 6-foot deck addition. Pursuant to Section 165-32(e) of the Town Code, the average front yard setback for this area is approximately 22.8-feet and following the proposed addition, their home would have a front yard setback of approximately 17.5 SF. Due to the fact that the house would not meet the average front yard setback, the building permit was denied by the Building Department. Due to the existing setback infringements, the applicant is before the Board for a setback related to average front yard setback.

A site visit will occur September 18, 2021 at 9am

Chairwoman Curto made a motion to hold a Public Hearing at the October 4, 2021 meeting, Mr. Koval
Seconded. - Unanimous

35 Woodin Road Subdivision & Duplex, 35 Woodin Rd- Area Variance

Mr. Chris Longo presented the application. The applicant is seeking to subdivide the existing parcel at 35 Woodin Road for the purposes of constructing a new duplex. The parcel as it stands is approximately 1.84 acres and maintains an existing duplex, as part of their proposal they wish to subdivide the lot to construct a second duplex. Following the subdivision, the lots will be Lot 1= 0.92 ac; Lot 2= 0.92. Following the subdivision, Lot 2 will not meet the minimum road frontage requirement of 150-feet as it will only have 78-feet of frontage. The applicant appeared before the Planning Board at the August 9, 2021 meeting and was denied the proposed Minor Subdivision & Special Use Permit application. The applicant is before the Board seeking variances related to minimum lot width.

A site visit will occur September 18, 2021 at 9:45am

Chairwoman Curto made a motion to hold a Public Hearing at the October 4, 2021 meeting, Mr. Micelli
Seconded. - Unanimous

Voland Single-Family Home, 758 Hudson River Road- Area Variance

Mr. Duane Rabideau presented the application. The applicant is before the Board seeking approval to construct a new home at 758 Hudson River Road. The pre-existing/non-conforming lot, once maintained a single family home and in November of 2020 the house burnt down. Since that time the property owner has opted to build a new home in its place but due to the substandard nature of the site, the building permit was denied. They are before the Board seeking variances related to lot width, front yard setback and lot area.

Mr. Griggs asked if the house is the same size; Mr. Rabideau stated it is, approximately 2,000 SF.

A site visit will occur September 18, 2021 at 10:15am

Chairwoman Curto made a motion to hold a Public Hearing at the October 4, 2021 meeting, Mr. Koval
Seconded. - Unanimous

9/7/21

Chairman Curto made a motion to adjourn the meeting, seconded by Mr. Micelli. Motion was carried.

These are summary minutes and are not word for word at the request of the Zoning Board of Appeals.

Meeting adjourned at 10:07 PM.

Town of Halfmoon Zoning Board of Appeals