

4/10/2023

**MINUTES MEETING
Town of Halfmoon Planning Board
April 10, 2023**

Those present at the April 10, 2023, Planning Board meeting were:

Planning Board Members:

Don Roberts –Chairman
Marcel Nadeau- Vice Chairman-absent
Tom Koval
Rich Berkowitz
Thomas Werner
Mike Ziobrowski-absent
Charlie Lucia-absent

Planning Board Alternates:

Alison Pingelski
Laurie Barton

Coordinator- Building, Planning and Development:

Richard Harris

Senior Planner / Stormwater Management Technician:

Paul Marlow

Town Attorney:

Lyn Murphy

Deputy Town Attorney:

Cathy Drobny

Town Board Liaison(s):

John Wasielewski
Eric Catricala

Town Engineers:

Joel Bianchi

The Chairman opened The Planning Board Meeting at 7:00 pm

Don Roberts: Good evening, I would like to call the Planning Board meeting to order, have the Board members had a chance to review the minutes from the last meeting?

Rich Berkowitz: I make a motion to approve the minutes.

Marcel Nadeau: I'll second

Don Roberts: All in favor aye? (All were in favor) opposed? (None were opposed) motion carried.

4/10/2023

Public Hearing:

Bridgewater Solar 2, Brookwood Rd/Hudson River Rd – Minor Subdivision (23.044)

Gavin Vuillaume: Good evening, Gavin Vuillaume with Environmental Design representing the applicant, so this project was approved back in November, they received final site plan approval, special use permit and also subdivision. Since the time of approval, the applicant has decided to make a minor change to the subdivision portion of the project. For those of you that remember the project in November this is where the solar fields will be installed. They have vehicular access that which comes out from railroad tracks, there is an easement that runs along the back of these properties, I think that this is owned by the Town of Halfmoon here out to Brookwood and that is where the vehicle access would be for this project. However, the actual legal access and legal frontage which was along lands of Boyajan which I'm kind of highlighting right here. What the applicant and the owner of the property decided was rather than have the flag lot be along this property line, which was the easterly property, they had decided to just switch it over to the other side of the Mr. Boyajan's property on west side, so we're just taking a flag lot that's not even going to be used for anything and just creating legal frontage for the parcel. Yea, yea you're right I'm sorry north to south.

Don Roberts: That's it?

Gavin Vuillaume: Yup

Don Roberts: Okay, thank you. Okay, at this time we will open up a public hearing. Anyone from the public wish to speak? (No comments) Anyone online wish to speak?

Richard Harris: If anyone online wishes to speak, please turn your mic off or turn it on and speak up at this time. (No comments)

Don Roberts: Okay we'll come back to the room, if you wish to speak come up, please, say your name and what your concern might be.

Chris Marchand: Chris Marchand, 91 Devitt Road. This is the first notice that I received about the solar project believe it or not for my address at 91 Devitt, I didn't even know it was taking place, the only thing I would like to see is that I purchased 80 acres from Chris Abele years ago and there is an access along Dukes Grove along 4 & 32 and I believe they show a 30 foot access that would come to the canal pretty close to where they have a crossing and I would like to see that be a 60 foot right of way, just in case of future development. For that 80 acres.

Richard Harris: Chris are you talking on Abele's property here?

Chris Marchand: Correct so off of, I bought that 80 acres from Abele up to, we own up to the Canal.

Richard Harris: Up here?

Chris Marchand: So, where the new solar field is going

Richard Harris: Here and here

4/10/2023

Chris Marchand: Correct, so from 4 & 32 along Dukes Grove he had an access road that was there for paper road for whatever for years.

Richard Harris: Yup

Chris Marchand: So, if I could get that to continue to where we cross the canal that way there is availability for future development for that 80 acres.

Don Roberts: Gavin can you address that please?

Gavin Vuillaume: Okay so we are now talking about this piece of property here, correct?

Lyn Murphy: That's not part of this subdivision

Gavin Vuillaume: That's not part of this subdivision, so

Chris Marchand: The only thing I'm here for, again I was never notified of the other meetings I would have requested this before they designed the solar fields.

Richard Harris: Chris we have a signed certified from October by a looks like an N Marchand?

Chris Marchand: Who?

Richard Harris: It looks like N Marchand for the notice from the public hearing in October.

Chris Marchand: Really, again no excuses I just, like I say this is the first as soon as I received it, I went down to the post office and grabbed it. So, my mistake but all I'm saying is I would have liked to have been here before and all I'm looking for is again where they've got an access road, and they show one that's very close to where we would need it, I would like to see that become a sixty foot right of way up to that canal crossing.

Don Roberts: Correct me if I'm wrong that has no bearing on this tonight, right you understand that?

Chris Marchand: I was notified of this that's all

Don Roberts: Okay but you understand that you know, I see your concern but

Chris Marchand: Yes, just again I missed the whole thing so

Don Roberts: Yea, okay

Lyn Murphy: If you could get us a copy of whatever right of way access you have, either an easement or a fee interest in

Chris Marchand: And I don't personally have it, I have spoken to Chris about it years ago, I called him immediately when I got this notice so I think they have been in touch with these gentlemen and hopefully we can come up with something where they could move that 30 foot right of way.

4/10/2023

Lyn Murphy: Like I said it's not relevant to this particular application but obviously if you have an interest in the property we'll go from there.

Don Roberts: So, if we take action tonight it has no bearing, okay

Chris Marchand: I figured this is my only shot to get up here

Don Roberts: No, that's fine that's fine thank you. It's good you told us

Gavin Vuillaume: I'll talk to Chris about it.

Don Roberts: Okay thank you, anyone else wish to speak from the room? (No comments)

Richard Harris: Don, can you restate online because we had it muted

Don Roberts: I'll go back. Would anyone online wish to speak? (No comments) Okay nobody else wishes to speak right? We're covered, close the public hearing. Comments by the Board?

Rich Berkowitz: I make a neg dec on SEQR

Alison Pingelski: Second

Don Roberts: All in favor aye? (All were in favor) opposed? (None were opposed) motion carried.

Rich Berkowitz: I make a motion to approve the minor subdivision.

Tom Werner: I'll second it.

Don Roberts: All in favor aye? (All were in favor) opposed? (None were opposed) motion carried.

Gavin Vuillaume: Great thank you very much.

Don Roberts: You're Welcome

Bridgewater Solar 2, – Minor Subdivision

APPROVED. A Public Hearing was held and the Board approved a lot line adjustment request for the approved Bridgewater Solar 2 project.

New Business:

Laser Tattoo Removal, 1602 Route 9 – Sign (23.069)

Lori Manny: My name is Lori Manny and I own Permanent Makeup by Laurie. I am located at Shamrock Plaza. My owner is Tim Berlin. What I'm looking to do is add a sign that says Laser Tattoo Removal. My business is a one-on-one service, so I work by myself. Every service I do plan accordingly so there will not be an issue with me parking. I have one client and then give it time for another client to come in, at the most I have 2 people waiting at once so I there would be 2 cars. Really that's about it. The reason why I want another sign next to the sign that I have is, its very good marketing for what I do for the laser tattoo removal

4/10/2023

businesses behind me, which is Wicked, it's just a clientele that I would draw from and that's why I want a separate sign there, and it's aesthetically very nice.

Don Roberts: Okay, I'm sure, questions by the Board?

Rich Berkowitz: I make a motion to approve the sign

Alison Pingelski: Second

Don Roberts: All in favor aye? (All were in favor) opposed? (None were opposed) motion carried.

Lasertattoo Removal– Sign

APPROVED. Board approved new sign for the existing salon at 1602 Route 9.

McRoberts Development, LLC, 15–17 Liebich Ln – Sign (23.065)

Mark McRoberts: How are you doing I'm Mark McRoberts, I bought this property up on 15 Liebich Lane, its going to be 2 buildings, 15 & 17. We're just putting up a sign to mark the tenants. Right now, there's only one tenant which is my tenant Gridworks, those other names up there are just examples of what the sign is going to look like.

Don Roberts: Just for the record, what's the total height?

Mark McRoberts: I believe the total height is 9' 4" from grade.

Don Roberts: Any questions from the Board?

Tom Werner: How far back is that set from the edge of pavement?

Mark McRoberts: There is a site plan there that shows it, I'd say it's roughly 20 feet.

Tom Werner: 20 feet, okay thank you.

Rich Berkowitz: I make a motion to approve the sign

Tom Werner: I'll second it.

Don Roberts: All in favor aye? (All were in favor) opposed? (None were opposed) motion carried

Mark McRoberts: Thank you.

Don Roberts: You're welcome.

McRoberts Development, LLC– Sign

APPROVED. Board approved new plaza-style monument sign for 15-17 Liebich Lane.

Aftermath Restoration, Unit 7D, 40 Farm to Market Rd – Change of Use/Tenant (23.064)

4/10/2023

Bruce Tanski: Bruce Tanski Clifton Park New York. Aftermath Restoration, they wish to utilize one storage unit, 1500 sq. ft. at 40 Farm to Market Road for storage and equipment related to fire and water damage restoration. The proposed tenant has been advised that the unit is strictly for storage and there is no outside storage or disposal of waste is permitted. The tenant is also aware that an office desk is permitted but there will be no partitioning of office space.

Don Roberts: Questions by the Board?

Tom Koval: I make a motion to approve

Charlie Lucia: I second

Don Roberts: All in favor aye? (All were in favor) opposed? (None were opposed) motion carried

Bruce Tanski: Thank you

Don Roberts: Welcome

Aftermath Restoration– Change of Use/Tenant

APPROVED. Board approved the request to occupy approx. 1,500 SF of space at 40 Farm to Market Road for storage of equipment and supplies related to a fire and water damage restoration company.

Keystone Fireworks, 994 Hudson River Rd – Change of Use/Tenant & Sign (23.062 & 23.063)

Keystone Fireworks– Change of Use/Tenant & Sign

The applicant failed to appear.

Comprebr Brazilian Supermarket, 217 Guideboard Rd – Change of Use/Tenant & Sign (23.066 & 23.067)

Gleidon Nunez: My name is Gleidon I speak little bit English, he help me.

Steve Cronin: Steve Cronin I'm the leasing agent for the Plaza so I heard about this today. If you have any questions, I think I can probably answer them.

Don Roberts: Well in effect he is moving from, go ahead.

Richard Harris: Yea, it's a Brazilian import market, similar to what they did and had across the street at the, by Mr. Sub and I think their narrative explained that they were focused more on Brazilian as a market, food items versus some of the other things that they talked about, there was clothing and things like that, but it will be a market catering toward Brazilian goods.

Rich Berkowitz: They're just replacing the same thing that was there before, right?

Richard Harris: Yea it was a market before, correct and the sign is changing too.

Alison Pingelski: Are they moving to that location from across the way?

Richard Harris: Correct, but they will be vacating, correct?

4/10/2023

Steve Cronin: Well, the old, what I understand is this gentleman bought the business from the old owner

Richard Harris: Al Amin?

Don Roberts: In your Plaza, the one in your Plaza?

Steve Cronin: Yes, so he is basically stepping in and doing very basic activities except for its going to have a Brazilian theme instead of an Indian, Asian type theme.

Richard Harris: Across the street looks largely vacant though.

Don Roberts: Where he used to be, and a new sign as well, the new sign too

Richard Harris: Yes, yup

Tom Koval: I make a motion to approve the change of tenant.

Tom Koval: I'll make to approve the sign.

Rich Berkowitz: I'll second.

Don Roberts: We have a motion for the change of use and tenant and sign, all in favor aye? (All were in favor) opposed? (None were opposed) motion carried, good luck.

Comprebr Brazilian Supermarket - Change of Use/Tenant & Sign

APPROVED. Board approved the use of vacant space at 217 Guideboard Road for a Brazilian grocery store, with associated signage.

King PDD Site Plan Amendment, 5 Halfmoon Crossing Blvd. – Site Plan (23.068)

Mathew Bond: Good evening I'm Matt Bond with Barber Engineering, here to present the potential revisions for this project. So, this site plan was approved previously but we are requesting a handful of minor modifications to the plan, I can run through them real quick. The first modification is lowering the proposed finished floor of the building by 0.25 feet, so again a pretty minor amount there. The next item is replacing the northeast corner of the building, replacing that dumpster enclosure with a fenced and screened storage area, and instead installing a dumpster pad on the northwest corner of the building so there would be a fenced in screen storage area on the northeast and the dumpster pad moving to the northwest location. The next item is reworking of the front parking area, you'll see that the parking has been restructured a little bit from the original site plan. We've proposed shifting some of the 88 parking spaces to distribute them across the front of the building instead of having them all on the east side. There are some on the west, some on the east, and having a retaining wall, a small retaining wall, and a staircase on the southwest corner for access to those parking spaces. This is basically to allow us to have a single level slab here, it makes the building a little more functional for anything in the future as well so.

Don Roberts: That's it?

Mathew Bond: Yup

4/10/2023

Don Roberts: Now Saratoga County had no issues with this, right? Do you have any comments on this Joel? Comments by the Board?

Rich Berkowitz: I make a motion to approve the change in site plan

Tom Koval: Ill second it.

Don Roberts: All in favor aye? (All were in favor) opposed? (None were opposed) motion carried.

Mathew Bond: Thank you so much, have a great night.

Don Roberts: You too.

King PDD Site Plan Amendment– Site Plan

APPROVED. Board approved the application to amend the previously approved site plan at 5 Halfmoon Crossing Blvd.

ELP Halfmoon Solar, 48 Smith Rd – Site Plan & Special Use Permit (23.047 & 23.048)

Jamie Fordyce: Good evening, Jamie Fordyce with Eastlight Partners, here with Will Bliss Director of Engineering. Some of you recall we're as Paul explained in front of the Board with a larger project last year, we withdrew that project at the start of the summer, and re-focused our efforts on working directly with the abutters on a revised layout that was a better fit within that property setting. We hosted a number of open house community meetings here at the Town Hall, the first of which was held in August, and we got some of the abutters to come out and have a good productive conversation about the last plan that was in front of the Board. Out of that meeting it was decided that we'd host a site walk with those same abutters to review the setbacks and really to focus on the distance at which the project would be imperceptible visibly, and we're focused primarily for Misty Meadow Way. We had the first of those meetings in September site walk with 3 or 4 of the most impacted residences. Determined at that meeting that a distance of roughly 150 feet would be affective that was on a leaf on condition, and then we agreed to come back on a leaf off conditions. We had 2 subsequent site walks with the same neighbors in a growing crew in November and December and as a result of those meetings really determined that in areas, there certain areas along the property boundary where underbrush was dense, and 150 feet was sufficient and then in other areas 200 feet would be a more prudent approach. In addition to that we've made a number of changes, it's resulted in a smaller project all together we've reduced the project size by 20%. It's allowed us to increase the setbacks from the initial application to the current application, 3 or 4-fold. We've also included sliding fencing, which was a discussion with the neighbors basically at that distance if you add green slats there is going to be a very significant obscuring of the array, and in addition to that we've modified from a fixed tilt array, from a tracking array to a fixed tilt array which will allow us better modularity to address just continuous elements of the project boundary. We updated the wetland boundary as well as a result of a back and forth with the neighbors as well and so as a result we have a reduced project with much more significant visual mitigation. This gives you a sense of the difference between a slotted fence and the prior agricultural fence we had initially proposed. So, this shows the obscured view up close, keep in mind that we'll have 200 feet, 150 to 200 feet of existing vegetation in between the nearest observation point and the slotted fence. I think it's important to note just the relative proportions of the panels and the existing vegetation that the no cut buffer will keep in place. Panels are 8 feet tall, privacy fence is going to be 8 feet tall as well. We've got vegetation which, based on our survey, is roughly 60, 65 feet tall on average throughout the corridor. So, this is the resulting modification to layout, you can see the green area is the no cut buffer, again on the western portion of the property we've got a wetland complex that extends that buffer up to 350 feet plus,

4/10/2023

but the primary northern boundary line is going to be 250 feet and it comes in 250 feet where it was deemed acceptable in conversations with the neighbors. Progress, and in the last meeting we had some discussion about trying to conceptualize this from an aerial perspective that's why we have an aerial rendering here showing that the interconnection equipment, the poles are going to be kept interior to the site and that's typically one of the largest impacts of the array.

Don Roberts: That's it?

Jamie Fordyce: It's just this last area rendering shows distances between the nearest property line and the updated array, 150 in the upper corner, 200 and 380 on that. Okay.

Don Roberts: And you said the neighbors have seen this?

Jamie Fordyce: They have, we've been working primarily with some of the individuals that spoke at the last public meeting and so following the 3 site visits we did, we held a second community meeting here at the Town Hall in January, got good feedback from those neighbors that have engaged with us.

Don Roberts: I can see you made a lot of changes, so thank you for that.

Lyn Murphy: Just for purposes of the record, they did hold these meetings, they were sponsored by these individuals they were not participated in by the Town, they weren't Town meetings, and they were just open houses so to speak for

Don Roberts: Informational

Lyn Murphy: Correct, but again we weren't the Town did not sponsor those.

Don Roberts: Thank you, I would like to refer this to our Town Engineer Joel, right? MJ Engineering, Saratoga County Planning, and the fire department as well, refer it to them. That being said comments by the Board?

Tom Koval: I just want to say I was for this project last time because of the decent amount of impact to the neighborhood

Don Roberts: So was I

Tom Koval: Now that they've gone above and beyond in my opinion to really make it one of the least intrusive solar projects that we have at the Town currently, I know we've talked about the other ones at the last meetings and some of the Board members put out their opinions that the other ones weren't visible, I've driven by them, especially the one off of Staniak over that way and they are the most visible solar projects with houses right along side of them, and none of this was given consideration to these gentleman who have gone above and beyond to make the neighbors happy and I'm sure at a great expense, which obviously our consideration, but I'm very much for this project simply for the fact that we're not going to have another 100 houses in this end of the area where we already have traffic congestion issues and we're keeping greenspace.

Don Roberts: I agree Tom because we were for it before so, thank you.

4/10/2023

Richard Harris: Yea there is a last slide that they didn't go over yet. This shows the Pruyn Hill project, not the Cary Road one that Tom was referring to, but this was the second solar array approved in Town on residential zoned property off of Pruyn Hill. If you guys want to explain this?

Jamie Fordyce: Yea, we just thought because we provided the earlier imagery for updated array it would be helpful to provide likewise for one of the previously approved projects in Town in the same zone vegetative buffers roughly 30 to 50 feet and this project from some of the abutting residences relative to our 150 to 250 feet, we understand that the projects in a more densely residential setting, we've tried to mitigate for that with these measures that we provided.

Rich Berkowitz: As one of the four members who did vote against this, I do commend you on your changes and also working with the residences.

Jamie Fordyce: I appreciate that.

Rich Berkowitz: We still have to have a public hearing

Jamie Fordyce: Of course

Rich Berkowitz: But you did the right thing.

Jamie Fordyce: Thank you.

Richard Harris: So, to the Board, you want to review with Joel before the public hearing date is set.

Don Roberts: Oh yes, yes definitely.

Joel Bianchi: The only thing I'll say is the last time this went through it was a type 1 action, because it triggered certain thresholds. You're reducing the scope, it may not trigger a Type 1 action and may be reduced to an unlisted action. So once we review that; the Board will have to determine, Type 1 one actions you have to do a coordinated review; unlisted I think this Board would typically not do a coordinated review. I don't know if you want to do a coordinated review.

Lyn Murphy: Whatever the project details once you review it, we'll guide them.

Joel Bianchi: We'll highlight that.

Richard Harris: Yea, okay, okay then we could decide. I mean if when they set a public hearing date, it probably would be expanded notice like the last time I would assume, which we probably have 4 weeks out to give us the 30 days or so, give or take a few.

Joel Bianchi: Whether it's of any more determination, the coordinator review does not give agencies the opportunity to comment, it's merely a procedure of the established lead agency. Not doing a coordinator review will not relieve the applicant of not needing to engage anybody for reviews that would have to be engaged anyway so.

Charlie Lucia: Not to just keep continuing it, I was also a supporter before, and I think you've done it the right way now by including the residents and what not. There may be some dissenting views, but I don't

4/10/2023

know what more you could do to present the project in an open honest and a fair opinion collecting way, you did a great job, I think.

Jamie Fordyce: Thank you.

Don Roberts: Anyone else? Okay, so we will do the review and we will get back to you alright?

Jamie Fordyce: Is the Town's intent to serve as lead agency in this SEQR review, do you need to declare that?

Richard Harris: Yes, that is correct, the Planning Board would intend to serve as lead agency, it just depends if we, based on Joel's review if it's a type 1 action then we will have to do the coordinated review, if it's not then it will be optional for us.

Jamie Fordyce: Understood. Anything else the Board would like to see at the next meeting.

Don Roberts: I think you've done a good job, okay thank you.

Jamie Fordyce: Great.

ELP Halfmoon Solar – Site Plan & Special Use Permit

TABLED. Board received a presentation and tabled a request for a solar farm at 48 Smith Road and referred the application to the necessary agencies for review.

Old Business:

Hickock Duplex, 4 & 6 Lansing Ln – Special Use Permit (Duplex) (23.009)

Paul Hickock: Paul Hickock, Halfmoon.

Scott Hickock: Halfmoon.

Paul Hickock: We proposed, we were here, ya know, several months ago and we had proposed, we had two undersized lots and we thought we'd combine the two lots and make one particular lot. We got denied for the, we got denied and we were sent to the ZBZ, so we went there, we met with all our setbacks, and we presented our problems to them, and we ended up getting approved by the ZBA. Just to refresh what we had done there, we're gonna join the two lots. There was already a pre-existing house that was on one of the lots so, ya know, it was that. In the neighborhood there's a lot of small lots that are in the Rivercrest area, ya know they're old and it would kind of fit into the kind of fit into the neighborhood there, so that's what we had kind of planned on doing and ya know, there's sewer and water on the area in the road there so. We own most of the property that surrounds it. You know it wouldn't be any interference with anything. It's kind of a residential area and we thought a duplex would be a good fit for the neighborhood.

Don Roberts: Questions by the Board? This will need a Public Hearing.

Tom Koval: We need a Public Hearing?

Don Roberts: Yeah, we need a Public Hearing.

Tom Koval: I make a motion to have a Public Hearing on April 24th.

4/10/2023

Don Roberts: Alright. That works.

Lyn Murphy: Tom already made the motion

Rich Berkowitz: Okay, I'll second.

Don Roberts: Ok, we have a motion and a second for a Public Hearing. Ok. All in favor, aye. (All were in favor) opposed? (None were opposed) motion carried. See you then.

Paul Hickock: Alright. Thanks. See you in a couple weeks.

Hickock Duplex – Special Use Permit (Duplex)

PUBLIC HEARING SET. Board set a Public Hearing for April 24, 2023 for a duplex at 4 & 6 Lansing Lane.

Tribley Residential PDD, 315 Farm to Market Rd – Major Subdivision

Jason Dell: Good evening. Jason Dell, Engineer with Lansing Engineering here on behalf of the applicant, Bruce Tanski for the Tribley Residential PDD subdivision. Back in October the Town Board approved the PDD for this project and then subsequent to that we were last before this Board on October 24th where we had updated the Board and the Board referred the project to MJ to begin the engineering review. So, since then we've gone through several rounds of engineering review for the technical comments on the project and we're here this evening to request this Board schedule a Public Hearing for the subdivision.

Don Roberts: Before we go any further, just for the record, Tom Werner recused himself so thank you Tom. Okay questions by the Board?

Tom Koval: I make a motion to set a Public Hearing on.....6 weeks.

Alison Pingelski: May 23rd?

Rich Harris: May 22nd.

Don Roberts: Okay that works for you guys. Okay

Bruce Tanski: May 22nd.

Don Roberts: Yeah. You win some, you lose some Bruce, ya know. A motion and a second last.

Rich Berkowitz: I'll second the motion.

Don Roberts: All in favor, aye. (All were in favor) opposed? (None were opposed) motion carried.

Jason Dell: Thank you

Rich Harris: Hey Don, we'll probably do an expanded notice similar to expanded notice.

Tribley Residential PDD– Major Subdivision

4/10/2023

PUBLIC HEARING SET. Board set a Public Hearing for May 22, 2023 for a major subdivision at 315 Farm to Market Road.

Town Auto Inc, 441 Route 146 – Change of Use/Tenant & Site Plan (22.176/22.177)

Robert Murray: Robert Murray, Town of Halfmoon. I'm looking to put a used car lot. I'm really not sure where I stand right now. There's been so much going on and communication has been kind of soft.

Don Roberts: Any questions by the Board?

Rich Berkowitz: Now, you say you want just 47 spaces there?

Robert Murray: I believe that's what it was, yup.

Rich Berkowitz: And you want between 30 and 50 cars with 3 full-time employees and 5 customers a day?

Robert Murray: Roughly. Yes.

Rich Berkowitz: How does that work with 50 cars on a, on 47 spaces?

Robert Murray: Well then, we do 47 cars and we cutback the employee cars. We won't have more than 47 cars on the lot.

Rich Berkowitz: Well, how do you control that if you have 47 cars and three employees and there's also customers.

Robert Murray: Well, the parking lot's set up for 47 cars.

Rich Berkowitz: So, we have to limit you how many cars you're gonna have.

Robert Murray: Ok. Tell me what I have to do, that's why I'm standing here.

Don Roberts: Well, I think, before we go that far, we're gonna refer this to our Town Engineer for review.

Richard Harris: It's already been reviewed. There's been several rounds of review. Joe, can you give an update on, there's been at least a couple rounds.

Joel Bianchi: Yeah. The last one I think we had showed you last week, their Engineer provided adequate design information and they do have to provide some stormwater control.

Richard Harris: It's right here, right?

Joel Bianchi: Yeah. The minor comments were a discharge to a DOT right-of-way. They need to engage DOT from just prior experience. Not with this application but with other applications. We didn't want them to indicate whether there's going to be any lighting in the parking lot. If not, a note on the plan there is no lighting. Then because this is getting converted from a residential house to a commercial use.

Don Roberts: Right.

Joel Bianchi: We mediate parking. Unfortunately, because of New York State. Those are the issues

4/10/2023

Richard Harris: Will you have lighting at this parking lot?

Robert Murray: No lighting.

Rich Harris: Okay, So, this will, this does call for you to install a stormwater area. You're Engineer proposed that?

Robert Murray: Right.

Rich Harris: You're aware, okay.

Robert Murray: Right. I'm just waiting to see what I guess DOT was supposed to review it. I put some calls into them. They don't return your phone calls.

Rich Harris: Yup. Their Engineer, you referred it to them, correct.

Rich Harris: You're gonna have to mark on here as Joel said ADA compliance basis.

Robert Murray: Okay, what does that mean?

Tom Koval: Handicapped spots.

Richard Harris: Handicap spaces.

Robert Murray: Okay

Tom Koval: So, I think what you're gonna want to ask for is, if you have 47 spaces, you're gonna have a maximum of 47 vehicles including employee cars.

Robert Murray: Okay

Don Roberts: Okay, anyone

Rich Harris: So, you realize this can't operate until you get that DOT approval on the stormwater area is installed?

Robert Murray: I understand that.

Rich Harris: You understand. Ok.

Tom Werner: How about the access. Does that require any work? The access for off the road.

Rich Harris: Yeah, I think he proposes a change and that's part of the DOT review.

Tom Werner: So that needs DOT review also?

Rich Harris: Yes, that with the stormwater.

Lyn Murphy: You cannot, you cannot defer to DOT.

4/10/2023

Rich Harris: No, but we can't, we wouldn't give a CO to be able to operate until he has it installed per the plans which includes something that needs DOT's approval.

Don Roberts: I don't even want a sign them, yeah. Okay.

Tom Werner: So, we can, we can approve the Change of Use and its all contingent on DOT and approving this and him doing the stormwater if you decide to

Don Roberts: He cannot, if we take action tonight, he still can't operate right now.

Tom Werner: Alright.

Don Roberts: You understand that right?

Robert Murray: Yes, I understand it.

Rich Berkowitz: So, we limit the number of used cars on that lot?

Tom Koval: Yeah.

Rich Berkowitz: So, we limit the number of used cars on that lot?

Tom Koval: I would make a motion with the condition that there be a maximum of 47 vehicles total including employee vehicles.

Rich Berkowitz: So, he needs three separate areas for

Alison Pingelski: ADA.

Rich Berkowitz: Well, ADA anyway, but he needs three separate areas for employees and three or four for customers.

Tom Koval: Correct.

Rich Berkowitz: So, a maximum

Tom Werner: He can't have more than 47 vehicles.

Robert Murray: Correct. I understand that.

Tom Koval: ****This portion of tape is inaudible****

Robert Murray: Okay

Rich Berkowitz: So, do we limit the 40 cars for sale on the lot or

Tom Koval: I think us, if we limit it to 47 maximum vehicles on site that's doing the same thing.

Rich Berkowitz: Unless he has

4/10/2023

Tom Koval: If you want to word it differently, you might say he's allowed 42 cars for sale and

Rich Berkowitz: Well, we've done that for other properties, that's why

Tom Koval: I'm looking for, ya know to be

Rich Berkowitz: That's no problem with that

Rich Harris: I could tell you from an enforcement perspective it's easier, the total number. So, we don't know what ones are for sale and what one's employees

Don Roberts: Maybe just count them. Just count them.

Rich Berkowitz: Just a total of 47.

Rich Harris: I would recommend that, that's Code Enforcement's side of things. It makes it more defensible.

Tom Koval: I make a motion to approve the Change of Tenant with the maximum of 47 vehicles with the condition that they meet the DOT curb-cut and complete their stormwater retention.

Rich Berkowitz: And also, ADA compliance spaces that aren't yet marked.

Tom Koval: Yes. That all gonna be parts of their CO anyway.

Rich Harris: Yup.

Tom Koval: So, it's got to go

Rich Berkowitz: Okay, I'll second

Don Roberts: Ok. We have a motion and a second. All in favor.

Rich Harris: The Change in Tenant and site plan, correct? Correct, for both, or do you want to vote separate on that?

Rich Harris: Or do you want to do a more separate on that?

Tom Koval: I'll make, I'll also make a motion to approve the site plan.

Rich Berkowitz: I'll second.

Don Roberts: Ok. We have a motion to second. All in favor aye? (All were in favor) opposed? (None were opposed) motion carried.

Thomas Murray: Okay, Thank you.

Don Roberts: You have any questions? You all set? I know it was a little bit....

Thomas Murray: Yeah, I guess I go search down this DOT and see where they are and

4/10/2023

Don Roberts: Right.

Thomas Murray: Where we stand.

Don Roberts: Alright?

Thomas Murray: Alright. Sounds good. Thank you.

Don Roberts: Ok. Good luck.

Town Auto Inc - Change of Use/Tenant & Site Plan

APPROVED. Board approved the application to operate a used car sales business with conditions related to the number of vehicles on site, approval and installation of the proposed stormwater and curb cut modifications, and designation of ADA compliant/handicapped parking spaces.

A+ Beverage Systems, 9 Morris Lane (Bldg. 7N) – Change of Use/Tenant (23.053)

Don Roberts: Are you online? Once again, A+ Beverage, are you online? Anybody here? Next one.

Keystone Fireworks Tent & Sign, 994 Hudson River Rd – Change of Use/Tenant & Sign (23.062 & 23.063)

Don Roberts: Are you online? No one's in the room for those either.

Richard Harris: Jim, are you here for fireworks?

A+ Beverage Systems, 9 Morris Lane (Bldg. 7N) – Change of Use/Tenant (23.053)

Jim Ossa: Are you talking about Jim Ossa.

Rich Harris: Yes.

Jim Ossa: Yeah, so I'm here for A Beverage Systems.

Rich Harris: Oh. Okay

Don Roberts: Okay, we got one of you. Good. Ok. Good. Go ahead sir. Say your name please again.

Jim Ossa: Jim Ossa, Ossa.

Don Roberts: Go ahead Jim, well, we had him.

Rich Harris: I think you've got to unmute yourself.

Jim Ossa: Okay, I think I'm unmuted now.

Don Roberts: Okay, go ahead.

4/10/2023

Jim Ossa: Okay, I'm not really sure, I'm not sure what.

Don Roberts: Well, just tell us what you plan on doing at the site.

Jim Ossa: Okay yeah, so, we're a beverage company and we're looking to store used and new commercial beverage equipment like coffee machines and juice machines essentially all we're looking to do is have a ship in and out of the occasional machine and our technicians go out and install these on sites at restaurants, convenience stores and stuff like that. We do work for like SYSCO. The SYSCO's and the US Foods and manufacturers like that.

Don Roberts: Now, they'll be no outside storage, correct?

Jim Ossa: It's just gonna be on-site storage of just used equipment. We remove it from the fields, store them and then we ship them back to the owners of the equipment.

Don Roberts: Okay, you're not gonna have any outside storage, right? Nothing outside, all inside?

Jim Ossa: Right, everything is inside.

Don Roberts: Okay, thank you.

Richard Harris: And in our emails back and forth, you had indicated you'll get about one or two shipments a day outbound about three shipments per week. Does that sound about right? That's what you had responded.

Jim Ossa: Yes.

Richard Harris: Okay

Jim Ossa: That's about right.

Richard Harris: So basically, employees come in and out a couple a times a day to pick up and then bring stuff to the site or drop off?

Jim Ossa: We have two employees, one in Albany and one in Saratoga Springs

Richard Harris: Ok.

Jim Ossa: And then all they do is come in and pick up parts for equipment for the day so it's a fairly small operation in Upstate New York.

Don Roberts: Okay, questions by the Board?

Tom Werner: I'd like to make a motion to approve the Change of Tenant.

Alison Pingelski: I'll second it.

Don Roberts: All in favor aye? (All were in favor) opposed? (None were opposed) motion carried. You're all set.

Jim Ossa: Thank you.

4/10/2023

A+ Beverage Systems – Change of Use/Tenant

APPROVED. Board approved the request to occupy approx. 2,000 SF at 9 Morris Lane for storage of equipment and supplies for a beverage equipment repair and installation company.

Keystone Fireworks Tent & Sign, 994 Hudson River Rd – Change of Use/Tenant & Sign (23.062 & 23.063)

Don Roberts: Are you there?

Rich Harris: He had requested to be on-line, and I said okay because he was out of town.

Don Roberts: Okay, I guess that's it.

Alison Pingelski: I'll make a motion to adjourn.

Laurie Barton: I'll second.

Don Roberts: All in favor. Ok, motion to adjourn by Alison second by Laurie. All in favor aye. (All were in favor) opposed? (None were opposed) motion carried. Thank you. Good night.