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**Town of Halfmoon Planning Board  
June 10, 2024**

**Those present at the June 10, 2024, Planning Board meeting were:**

**Planning Board Members:**

Don Roberts –Chairman  
Marcel Nadeau- Vice Chairman  
Tom Koval  
Rich Berkowitz  
Thomas Werner  
Charlie Lucia  
Laurie Barton

**Planning Board Alternates:**

Alison Pingelski -absent  
Joe Landy-absent

**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

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***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 meeting minutes from the last meeting?

**Rich Berkowitz:** I make a motion to approve the minutes of May 13<sup>th</sup> minutes

**Tom Koval:** I'll second it.

**Don Roberts:** All in favor Aye? (All were in favor) Opposed? (None were opposed) Motion Carried. Tom Werner abstains, okay, he wasn't present.

**Gabriel Subdivision, 45 Spice Mill Blvd – Minor Subdivision (24.063)**

**Don Roberts:** Would someone like to come up and present the application please? Just say your name and address and what you want to do, that's all no big deal.

**Rich Gabriel:** My name is Rich Gabriel; I own 45 Spice Mill. What we'd like to do is subdivide out 2 parcels. I think one is .8 acres and one is .6 acres.

**Don Roberts:** That's it?

**Rich Gabriel:** That's it.

**Don Roberts:** Thank you, see that wasn't hard was it, can you just stay till we're done because there may be some questions, we'll see alright. At this time, we will open the public hearing, would anyone from the public wish to comment? (no comments) Would anyone online wish to comment? (no comments) okay we'll close the public hearing, that wasn't hard was it see, okay, comments by the Board?

**Rich Berkowitz:** I will make a motion to have a neg dec on SEQR.

**Marcel Nadeau:** I'll second that.

**Don Roberts:** All in favor Aye? (All were in favor) Opposed? (None were opposed) Motion Carried.

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

**Marcel Nadeau:** I'll second it.

**Don Roberts:** All in favor Aye? (All were in favor) Opposed? (None were opposed) Motion Carried. Now you're all set. Good luck.

***Gabriel Subdivision– Minor Subdivision***

***Board held a Public Hearing and subsequently approved a three-lot subdivision at 45 Spice Mill Blvd***

**New Business:**

**James Lawn Care Services, 182 Ushers Rd – Change of Use/Tenant & Sign (24.074 & 24.075)**

**Don Roberts:** What's your name please?

**James Wehrenberg:** James Wehrenberg

**Don Roberts:** And what do you want to do?

**James Wehrenberg:** We are renting a building at 182 Ushers Road, Round Lake for my landscaping business.

**Don Roberts:** How many vehicles do you have there?

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**James Wehrenberg:** There's, we have 11 trucks and those are out pretty much all day and then there's 10 to 13 employees' vehicles there during the day, and we arrive around 7 am and then we leave 6 to 7 pm.

**Don Roberts:** Okay, comments by the Board?

**Tom Koval:** James you don't have your employees back into the spots, do you?

**James Wehrenberg:** No, no

**Tom Koval:** It's an inside joke, I make a motion to approve the change of tenant and the sign.

**Rich Berkowitz:** I second.

**Don Roberts:** All in favor Aye? (All were in favor) Opposed? (None were opposed) Motion Carried. Your all set

**James Wehrenberg:** Thanks.

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

**Lyn Murphy:** Good luck.

***James Lawn Care Services- Change of Use/Tenant & Sign***

***APPROVED. Board approved the use of a 2,155 SF space for a lawn care service business with associated signage.***

**Rocket Science Corp., 1385 Vischer Ferry Rd – Change of Use/Tenant (24.077)**

**Brian Corrigan:** Hello everyone, I'm Brian Corrigan from Rocket Science, so yes, we are renting 1385 Crescent Vischer Ferry Road first floor and one of the downstairs spots too. We make video games, I think there's maybe 15 to 20 cars or something like that during the day on spot, just 9 to 5.

**Don Roberts:** Okay and the parking is not an issue, right?

**Richard Harris:** No, we haven't had too much to add there with the one tenant so

**Don Roberts:** Okay, comments by the Board?

**Rich Berkowitz:** I make a motion to approve the change of use and tenant.

**Tom Koval:** I'll second.

**Don Roberts:** All in favor Aye? (All were in favor) Opposed? (None were opposed) Motion Carried.

**Brian Corrigan:** Thank you.

***Rocket Science Corp.– Change of Use/Tenant***

***APPROVED. Board approved the use of a 4,000 SF space for a software development company.***

**Couch Dale Marshall P.C., 14 Corporate Drive – Change of Use/Tenant (24.085)**

**Kimberly Dale Marshall:** Good evening, everyone, Kimberly Dale Marshall from Couch-Dale-Marshall, this is a change of tenancy for 14 Corporate Drive in Town of Halfmoon. Also here is Tom Savino on behalf of the owner in case there's any questions specific to the owner. We are a law firm; we are going to be leasing about 1300 square foot of space in that building. We operate 9 to 5, we are fairly small, 3 employees so 3 vehicles, plenty of parking on site, not a lot of walk-ins. We do corporate law representing businesses, so we don't have people coming and going.

**Don Roberts:** Okay thank you, questions by the Board?

**Rich Berkowitz:** I make a motion to approve the change of use and tenant.

Marcel Nadeau: I second.

**Don Roberts:** All in favor Aye? (All were in favor) Opposed? (None were opposed) Motion Carried. If you want a sign you have to come back.

**Kimberly Dale Marshall:** Understood, yea there is already signage on the property, so there's already a structure there.

**Don Roberts:** But if you want to fill that you've got to come back before the Board

**Kimberly Dale Marshall:** To put my name on it?

**Don Roberts:** Yes, I'm sorry but you do.

**Kimberly Dale Marshall:** Okay, thank you very much.

**Don Roberts:** Your welcome

***Couch Dale Marshall P.C., – Change of Use/Tenant***

***APPROVED. Board approved the use of a 1,391 SF space for a legal office/law firm.***

**H&T Engineering, 14 Corporate Drive - Change of Use/Tenant (24.088)**

**Charles Tutunjian:** Good evening I'm Charles Tutunjian with H&T Engineering. We're looking to occupy 3700 square feet in 14 Corporate Drive same as the previous applicant, for an engineering firm. We currently have 6 employees hoping to be 10 to 15 over the next few years. Just repurposing the place as an office. We work 7 to 5.

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

**Tom Koval:** I make a motion to approve the change of use/tenant

**Rich Berkowitz:** I seconded.

**Don Roberts:** All in favor Aye? (All were in favor) Opposed? (None were opposed) Motion carried, again if you want a sign you gotta come back, right?

**Charles Tutunjian:** Yes.

***H&T Engineering, - Change of Use/Tenant***

***APPROVED. Board approved the use of 3,706 SF space for an engineering firm.***

**Childhood Friends, Inc., 1406 B/C Rt. 9 – Change of Use/Tenant & Sign (24.086 & 24.087)**

**Alison Cozzolino:** Hello I'm Alison Cozzolino wanting to open a pre-school day-care at 1406 Route 9.

**Don Roberts:** How many children do you plan on having in there?

**Alison Cozzolino:** I'm starting off small, hoping we're 3 classrooms, but anywhere from 50 to 80 children

**Don Roberts:** Okay, how is the pickup and drop off going to work out?

**Alison Cozzolino:** We have a parking lot and then there's also a bottom parking lot where people can turn around. We have 29 parking spots right now and we are working on the parking lot at the end as well to get more parking if needed. It will be staggered drop off and pick ups. I'll have a 9 to 1 program and a 7 to 5 program so there will always be cars in and out but not at the same time.

**Don Roberts:** Questions by the Board?

**Rich Berkowitz:** You're in front of the storage units?

**Alison Cozzolino:** Yes, in front, its 5,400 square feet right in front, the first building.

**Rich Berkowitz:** And how are you staggering the times?

**Alison Cozzolino:** I have pick ups between 7 and 9 and then, drop offs between 7 and 9 and pickups between 1 o'clock and 5 o'clock.

**Rich Berkowitz:** How are you staggering the 7 to 9's?

**Alison Cozzolino:** I have, I'll find out where the parents' different classrooms I'll have them staggered for different times coming in and out.

**Rich Berkowitz:** That's a pretty busy time for Route 9

**Alison Cozzolino:** Right, there will always be a way to pick up and drop off just a little loop, have them right there, have a teacher at the door and bringing them in and then they will go right out, and I already did the sign permit as well so it that counted right now?

**Richard Harris:** Yes, I have that right here.

**Don Roberts:** Yea we'll get to that when we are done with the questions about the use

**Alison Cozzolino:** Okay.

**Don Roberts:** Any other questions?

**Rich Berkowitz:** This is just for 60 children right now?

**Alison Cozzolino:** To start off, I don't have any children yet, I mean we are first starting off.

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**Richard Harris:** What would your additional license allow up to, I think this is what we talked about at that counter, and it was around 60 I think was your initial?

**Alison Cozzolino:** That was

**Richard Harris:** Does that license allow you to go to 80?

**Alison Cozzolino:** It will at one point, but not to start off

**Richard Harris:** You start off 60 is the max?

**Alison Cozzolino:** Yes

**Rich Berkowitz:** Now how many are you allowed based on ages? Infants do they require more space, less space than 3 or 4 year olds?

**Alison Cozzolino:** It's 35 square feet per child, so I'll do 8 infants, 15 toddlers, 18 three's, 18 four's and then possibly after school care.

**Rich Berkowitz:** So that's included in the 60?

**Alison Cozzolino:** Correct

**Rich Berkowitz:** So, you wouldn't mind if we do an approval for 60 and then if you needed more as we saw how it worked you could come back?

**Alison Cozzolino:** Sure, that's fine.

**Rich Berkowitz:** Ill make an approval for a change of use and tenant and the sign based on

**Richard Harris:** Do you want to check the sign first?

**Don Roberts:** We will check the sign first

**Rich Berkowitz:** Let' do the change tenant/use first for 60 children.

**Marcel Nadeau:** Ill 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 sign

**Marcel Nadeau:** I'll second

**Don Roberts:** All in favor Aye? (All were in favor) Opposed? (None were opposed) Motion carried, good luck.

**Alison Cozzolino:** Thank you.

***Childhood Friends, Inc., – Change of Use/Tenant & Sign***

***APPROVED. Board approved the use of a 5,400 SF space for a daycare for up to 60 students with associated signage.***

**Aquatica Pool & Patio, 45 Rt. 146 – Change of Use/Tenant (24.089)**

**Justin Grassi:** Good evening, Board, Justin Grassi on behalf of the applicant Aquatica Pool & Patio. Change of use application we have been pretty consistent with the tenant previously, previously it was an agricultural farm, maintenance repair, with a retail component up front. Similarly, now we will be a pool and hot tub maintenance repair retail up front. So, we do have plenty of parking, 14 spaces, otherwise no changes to the exterior in any way.

**Don Roberts:** Thank you, questions by the Board?

**Tom Koval:** Are you going to have any pools set up as displays on the property?

**Justin Grassi:** There will be hot tub displays, as far as a pool display, we'll have products related, equipment related to pools, I understand the applicant is here, but he can add to that.

**Tom Koval:** But no fully assembled pools, like above ground pools on the lot or anything?

**Justin Grassi:** No

**Rich Berkowitz:** How about hot tubs?

**Justin Grassi:** That will be inside the store not outside

**Rich Berkowitz:** nothing outside.

**Tom Koval:** The chemicals, the chlorine are you going to be selling bulk chlorine, or storing bulk chlorine to sell?

**Justin Grassi:** We'll be selling the traditional, customary chemicals that would be related to a pool so the largest size that you would see is that 5 gallon manufactured sealed product that would be sold in your Lowe's, Home Depot.

**Tom Koval:** I make a motion to approve the change of use

**Tom Werner:** I'll second it.

**Tom Koval:** Is there a sign with this/

**Justin Grassi:** No, not currently

**Don Roberts:** All in favor Aye? (All were in favor) Opposed? (None were opposed) Motion carried, again you've got to come back for a sign.

**Justin Grassi:** For the sign we will. Nice seeing you again, thank you.

***Aquatica Pool & Patio, – Change of Use/Tenant***

***APPROVED. Board approved the use of a 5,600 SF space for the sale and service of swimming pools and hot tub/spa equipment.***

**Griner Construction Subdivision, 8 Linden Park Dr – Minor Subdivision (24.071)**

**Joe Griner:** How are you doing? I'm Joe Griner, we're looking for a 2-lot minor subdivision. The lot on the right has an existing house there, the lot on the left would be a new construction single family home.

**Don Roberts:** Questions by the Board? This will need a public hearing by the way.

**Rich Berkowitz:** I make a motion to have a public hearing June 24<sup>th</sup>.

**Laurie Barton:** I second

**Don Roberts:** Okay, I have a motion and a second for a public hearing on June 24<sup>th</sup> all in favor Aye? (All were in favor) Opposed? (None were opposed) Motion carried, see you the 24<sup>th</sup>.

**Joe Griner:** Thanks

***Griner Construction Subdivision, – Minor Subdivision***

***PUBLIC HEARING SET. Board received a presentation on a request for a two-lot subdivision of 8 Linden Park Drive and set a Public Hearing for June 24, 2024***

**Russell Subdivision, 37 Raylinsky Lane – Minor Subdivision (24.084)**

**Pat Jarosz:** Good evening, my name is Pat Jarosz from VanGuilder and Associates. I'm here tonight on behalf of the applicant Bruce Tanski for a request for a minor subdivision, of a 3-lot subdivision of 37 Raylinsky Road. This subdivision was previously approved by the Planning Board on December 11, 2023, the reason for the re-submittal is that the County could not file the map because taxes were due, we were not made aware of this by the County until the filing deadline had passed, therefor the map signature had expired, and we are re-submitting with no changes to the original request. The existing lot is 3.09 acres, its zoned Agricultural Residential and it will be subdivided as follows. Lot A will have the existing house and be 1.43 acres, lot B will be vacant and is 42,888 square feet. Lot C will be 29,752 square feet and both will be serviced with sewer and water. Thank you.

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

**Tom Kova:** I make a motion to set a public hearing for June 24h

**Laurie Barton:** Second

**Don Roberts:** All in favor Aye? (All were in favor) Opposed? (None were opposed) Motion carried, see you then.

**Pat Jarosz:** Thank you.

***Russell Subdivision – Minor Subdivision***

***PUBLIC HEARING SET. Board received a presentation on a request for a three-lot subdivision of 37 Raylinsky Lane and set a Public Hearing for June 24, 2024.***

**Hank's Hollow Lot Line Adjustments, Island Dr – Major Subdivision (24.058)**

**Pat Jarosz:** Okay, it's me again Pat Jarosz of VanGuilder Associates. So we're requesting a lot line adjustment for 14 lots on Island Drive in Hanks Hollow Subdivision. The lots will be configured as shown on the maps submitted



and will meet the bulk requirements the AR zone. The end lots are smaller and a little land, about 2345 square feet was used from the remaining lands of Tanski surrounding the lots. In essence the lots are slightly larger to accommodate a very popular house model that needs a slightly wider footprint to build. The number of lots is not changing and will remain the same, thank you.

**Don Roberts:** Questions by the Board?

**Rich Berkowitz:** I make a motion to have a public hearing on June 24<sup>th</sup>

**Marcel Nadeau:** Ill second it.

**Don Roberts:** All in favor Aye? (All were in favor) Opposed? (None were opposed) Motion carried, see you then.

**Pat Jarosz:** Thank you.

***Hank's Hollow Lot Line Adjustments – Major Subdivision***

***PUBLIC HEARING SET. Board received a presentation on a request for a 14-lot subdivision (lot-line adjustment) of the existing parcels in the Hanks Hollow subdivision and set a Public Hearing for June 24, 2024.***

**DeVoe's Orchard Verizon Cell Tower, 52 Plant Rd (278.-2-56.22) – Site Plan (Telecommunications)**

**Jackie Murray:** Good evening my name is Jackie Phillips Murray, I am here on behalf Vertical Bridge and Verizon. Vertical Bridge is the developer that is proposing to install and own the tower on the DeVoe's property and Verizon Wireless is the Wireless carrier that's proposing to co-locate its antennas on the proposed tower. We actually have two applications pending before the Board tonight, one is for a minor subdivision, the background on the request for the minor subdivision is that we are seeking to create a flag lot so there is adequate and compliant access to the site and so that the site will comply with the lot requirements pursuant to the code. By way background the area that we're seeking to install the tower in is currently a site that has two satellite antennas on it, within a fenced compound area. We are proposing to use the exact same fenced compound area for this proposed tower project, but that particular lot that was created for the satellite dish facility was of insufficient size and didn't have the access and frontage that's required by the current code hence why we are proposing a minor subdivision to create a new flag lot. The new flag lot the project will be able to meet all of the area requirements of the code. The tower is proposed to be 140 feet in height. It will be set back in one it's height and distance to all of the new property lines which would be 70 feet, and although that's not equivalent to the total height of the tower we did some a- structural analysis letter from a professional engineer confirming that the tower will be designed to have a fault in it so that it would not, if there was ever a failure , which is relatively rare, if there was ever a failure it would not exceed the 70 foot setback at all directions. In terms of the basics, I don't know how much more the Board needs me to explain because tower projects are generally minor development, you know we don't have any roofs anything like that. There will be an area where Verizon will put down equipment cabinets, I do have one update to the application. Verizon has since we filed the application has since mandated that they're going to put back up power generators at all their sites, which is a positive because it enhances the reliability of the service especially in situations where powers out and people are solely relying on their cell phones for their basic and emergency communications. In terms of the access drive 20 feet wide, it's the same area that already exists with

access and utilities so we will be using that same area to reduce any disturbance. The site itself is already built with the satellite dishes, they'll be removed, and we will use as much as the existing fence as we can replace it as needed in order to properly secure the facility. If the Board has any questions, I'm happy to answer them.

**Don Roberts:** As you know we're going to require a removal bond, you know that right?

**Jackie Murray:** Yes.

**Don Roberts:** Okay, alright and we're going to refer it to our Town Engineer MJ for review. Any questions by the Board?

**Richard Harris:** I do want to let the Board know the general information I received today does comply with our generator law. It came up a couple of years ago in terms of decibels, it's below the 85 EPA threshold it's 80.5 and obviously the location is far from residences within a compound which is traditional for what you approve at other telecommunication sites.

**Marcel Nadeau:** What's the distance of the tower from Plant Road?

**Jackie Murray:** From Plant Road it's over 600 feet from Plant Road, I don't have the exact distance, but the nearest residence off Plant Road is 609 feet away and there's only one residence the parcel that is to the southeast of the proposed flag lot subdivision and tower site.

**Rich Berkowitz:** Are you going to do a balloon test?

**Jackie Murray:** Yea one thing we noted in our application materials that we do this to try to be efficient is we will be doing a balloon test, rendering photographic simulations in accordance with what the Board requires. We just don't initially do that before we first come here so that the Board has the opportunity to identify any viewpoints that they would like analyzed. So, in our application materials there is a viewshed map, which is a starting point for the Board to provide us some feedback, you know if Mr. Harris could give us feedback after this meeting with a few viewpoints that you would like analyzed we'll make sure that they are included in the visual analysis.

**Rich Berkowitz:** I don't think most people will see it but

**Jackie Murray:** Yea it's pretty remote and the parcel that surrounds the proposed new flag lot parcel is 38 acres and there's actually a decent buffer of trees to the north of the site and to the west of the site as well.

**Don Roberts:** Why don't we have a committee go out for that alright?

**Richard Harris:** Do you guys want to visit the site or, what I thought was I'd send you the visibility map and what might work best is the Board either on their own or together pick spots that you think you'd want analyzed.

**Rich Berkowitz:** I would just say the high points by Macoun, by the townhomes which the DeVoe's own anyway.

**Marcel Nadeau:** Is it anywhere near the windmill?

**Rich Berkowitz:** No, they're not the windmills are only what 40 feet high

**Marcel Nadeau:** But is it near it is what I'm saying

**Rich Berkowitz:** No, Jackie they're not by them, they're not by the windmills/

**Jackie Murray:** No, not at all.

**Rich Berkowitz:** I would say by DeVoe's, by Rainbow Delights I would do it, he ain't got it covered unless you want to do it from Casales which that's

**Tom Koval:** I don't think you would see it from up there

**Rich Berkowitz:** I don't think so either. I don't think most people or my development, we are not going to see it.

**Tom Koval:** It's kind of tucked in there

**Marcel Nadeau:** That's good

**Rich Berkowitz:** Because it's also it's in a lower area because Plant Road is raised in that area by 20, 30 feet.

**Don Roberts:** No one is going to see it until its up and then we'll get the complaints

**Richard Harris:** Here's Walmart, you know here's Rainbow Delights,

**Rich Berkowitz:** If you do it in their back yard there by Rainbow Delights, I would bet it's by the high point

**Richard Harris:** Of the road, right before it comes down.

**Rich Berkowitz:** They're down anyway

**Richard Harris:** Correct they're down low on that hill

**Rich Berkowitz:** Probably from the townhomes on Plant Road.

**Richard Harris:** You mean at the County?

**Rich Berkowitz:** No, there's 3 sets of townhomes, 4 sets of townhomes, the DeVoe's they own they're across from, they're duplexes I'm sorry. That's where Allen lives right?

**Resident:** The ones at 52? 52 is a rental and 50 is Allen's.

**Don Roberts:** Okay so we will have them review it, right and we'll get back to you alright?

**Jackie Murray:** Okay

**Marcel Nadeau:** Are we doing the site visit?

**Don Roberts:** I guess you picked the sites already if you want to have someone go out that's fine

**Rich Berkowitz:** It's just a corn field in big John's dome

**Don Roberts:** So, we're saying we don't need a site visit, okay.

**Rich Berkowitz:** Take a look at the balloon test first, even if you hide it with the pines, you're still going to see it, it's going to be one big pine or one big tower.

**Don Roberts:** Alright could you let us know when the balloon test is so we can

**Richard Harris:** I'll follow up with you on that

**Jackie Murray:** Okay I'll get a list of viewpoints and I'll give them to our visual consultant, and we'll provide a notice through Mr. Harris of the date and time of the balloon test, usually in the morning because the wind is lower, and we'll have an inclement weather date as well.

**Don Roberts:** Okay, sounds good, thank you very much

**Jackie Murray:** Great, thank you nice seeing you all.

**Richard Harris:** Okay so it's the 3 spots we discussed, correct? If anybody else has any ideas just email me.

***DeVoe's Orchard Verizon Cell Tower – Site Plan (Telecommunications Facility/Tower), Minor Subdivision & Verizon Co-Location Antenna***

***TABLED/REFERRED TO AGENCIES. Board received a presentation for a new telecommunications tower, subdivision and co-location antenna request and referred it to the necessary agencies for review.***

**329 Rt 146 Office/Retail Building, 329 Rt 146 – Site Plan & Minor Subdivision (24.060 & 24.061)**

**Paul Labera:** Good evening I'm Paul Labera from Lansing Engineering. I'm here on behalf of the applicant Bruce Tanski Construction and Development. The project is located at 329 Route 146, apparently, it's 3 parcels totaling 3.56 acres. It is currently zoned C-1 Commercial and it's within the 146-overlay district. Like I said it's currently vacant with no wetlands onsite. The project will require a lot consolidation and a lot line adjustment. After that is completed, it will be 2 lots, 1.14 and 2.42 acres. The project itself will be on the 2.42-acre lot. The building itself is 1 building 21,740 square feet, 2 stories. The first floor will be a restaurant and commercial space with offices, the second floor will be office space, commercial space. Required parking with 121 lot spaces that's what we provided, utilities will be provided by Halfmoon water, Saratoga County Sewer district and stormwater will be mitigated onsite. We are here tonight to answer any questions you may have and hope to refer to MJ.

**Don Roberts:** Okay, thank you, we're going to refer this to MJ first of all, Saratoga County Planning and the fire district right.

**Tom Werner:** What's the proposed hourly traffic volumes expected that will be generated?

**Paul Labera:** We're going to have VHB do a traffic analysis for this one, they're currently going to work on that right now so

**Tom Werner:** Okay thank you.

**Paul Labera:** We'll have that for you guys.

**Rich Berkowitz:** Is it the same owner for both for the car wash, the Sunoco and that project?

**Paul Labera:** I'm not sure about the business entities.

**Richard Harris:** Mr. Tanski has all of that right?

**Rich Berkowitz:** No, I'm just wondering if you want to have a connect through

**Paul Labera:** Do you want to have a connect through?

**Bruce Tanski:** Whatever they want.

**Paul Labera:** Right now, we don't have it shown as a connect through, there's not a considerable overlap between the restaurant and the car wash.

**Rich Berkowitz:** I mean for emergency access

**Paul Labera:** We do provide emergency access, one on Route 146 and one on Fellows Road behind.

**Lyn Murphy:** The engineers can look at that. Question though is the restaurant is on spec? So, is it a fast-food restaurant? Is it a sit down restaurant or is it a drive through?

**Paul Labera:** At this point we're exploring opportunities right now it's just a restaurant, yea.

**Lyn Murphy:** Okay

**Tom Koval:** We would have to obviously, that's a long way off but before any tenant went in there, before any tenant went in there

**Paul Labera:** Of course.

**Lyn Murphy:** Before

**Tom Koval:** Yes, that's what I stressed, because it is a tough spot to get in and out of.

**Bruce Tanski:** I've got my architect here.

**Brett Paulsner:** Brett Paulsner with Paulsner and Tuck Architecture. I think just to field a little bit of your questions that of come forth. We believe at this point the restaurant will be a dine in restaurant not a drive through, not fast food sort of a local restaurant and that would take place on what would be that southwesterly leg of the building and then the remaining leg that heads in the northeast direction would be ground floor commercial and then if your familiar with the site there's actually a fair amount of topography change from Route 146 up to Fellows it's north of 30 feet. When you're standing out there you don't recognize it, it's the topography that forms the sort of architecture of the building, to where it's essentially banking this building into the lands, the first floor if you will, will be buried into the hill so the second floor would only be accessed off of Fellows so trying to mitigate the height of the building a little bit by using the topography to sort of buffer that, and that shows in later renderings in the application that we set forth tonight.

**Don Roberts:** Okay thank you.

**Brett Paulsner:** Your welcome

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

**Bruce Tanski:** I just want the Board to know this is the first time in 35 years that I've had an architect come here.

**Don Roberts:** Any other questions? Okay so I said we will refer to our Town Engineer, Saratoga County Planning and the fire district for review alright and we'll get back to you.

***329 Rt 146 Office/Retail Building– Site Plan & Minor Subdivision***

***TABLED/REFERRED TO AGENCIES. Board received a presentation for a new 21,740 office and retail space building at 329 Route 146 and referred it to the necessary agencies for review.***

**Prestige Petroleum Gas Service Station, 436 & 438 Rt 146 – Site Plan & Special Use (drive-thru)**

**(24.081 & 24.082)**

**Caryn Mlodzianowski:** Good evening, Caryn Mlodzianowski from Boehler Engineering on behalf of Prestige Petroleum this evening we're here to introduce a project at 436 and 438 route 146 which is currently 2 vacant parcels, we would propose to consolidate into one lot for this project that would be about 1.6 acres in size. On that we would have a single access from route 146 and propose a 4500 square foot gas station with gas canopy out front. As you can see here this is our proposed layout so as you enter the site the gas canopy would be out front with a typical layout with the building behind it. As far as a use we're also proposing to have a drive through, there is no specific tenant or use selected for that yet but that would be the intent so that the drive thru wraps around the building with the pickup window on the east side, which is planned south, as shown up there. We're proposing 29 parking spaces to go along with this and as was mentioned in the workshop before this meeting, we are anticipating a setback variance so we would like to pursue that if this Board is generally on board with this site plan layout. Where 70 feet is required, we're about 47 feet from the property line at the closest point with the gas canopy. The gas canopy itself would have 4 gas island with 8 fueling positions out front as well as it was mentioned there is a small area of wetlands on the western side which is plan north here we did have that recently delineated and we will provide that on a survey in subsequent submissions as well but we are preserving green space around all side of the space as you can see and keeping things pulled up to route 146 to allow for a privacy fence and stormwater management in the back as well, as everything slopes further back away from Route 146. So, with that I will turn it over to the Board and we're excited to get your initial feedback.

**Don Roberts:** Okay thank you, and we can discuss this but as you've said this has to be denied because it did not meet the front setback.

**Caryn Mlodzianowski:** I just want to make sure you're comfortable with the layout before we go through that step.

**Don Roberts:** With that being said are there any comments from the Board?

**Richard Harris:** I do just want to mention this, Caryn and I went back and forth about what's stacking in the drive through, and throughout there, she could show more stacking, you know you guys have more flexibility with parking and stacking through drive throughs and the way the ordinance reads there should be, I mean should very cautionary, 2 or 3 more stacking availability spots and I told her you've got a long way to route 146 and she's got plenty of room, she's got plenty of room to meet this strict adherence of our ordinance, but the likelihood that we're going to have 10 to 12 cars stacked for a drive through is kind of self policing. I see that at a drive through I

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just turn away, maybe when these numbers were written, 30, 40 years ago, drive throughs people were more patient, but I cautioned her to show stacking just purely to meet the code, it's pretty much implied here if they have to stack, they've got room to do it.

**Caryn Mlodzianowski:** And that's 10 cars as far as what we were showing.

**Rich Berkowitz:** What kind of drive through are we talking about?

**Caryn Mlodzianowski:** The tenant has not selected as far as who would be using and operating a drive through

**Rich Berkowitz:** Are you talking a busy early morning coffee donut type of

**Caryn Mlodzianowski:** That's likely who it could be but they're open to anybody. It's far from selected so

**Tom Koval:** I would suggest it looks like in the back of the property besides just a privacy fence, some screening trees for all of those homes that are directly behind this.

**Rich Berkowitz:** What's immediately to your east?

**Tom Koval:** Homes there

**Richard Harris:** You've got some vegetation here

**Tom Koval:** That fence you have across the back, you have some evergreens across the back, catch all of the garbage blowing over

**Rich Berkowitz:** Is that a residence to the east or is that a Lawyer's office?

**Tom Koval:** I think they're businesses now.

**Paul Marlow:** Its an office

**Rich Berkowitz:** It's an office?

**Tom Koval:** And the other side is an office too because that's where that guy drove over their sign and went into the marsh.

**Don Roberts:** So again, it does have to be denied.

**Rich Berkowitz:** I make a motion to deny the application based on a setback irregularity

**Tom Werner:** I'll second it.

**Don Roberts:** We have a motion and a second to deny the application due to it doesn't meet the set back requirement. All in favor Aye? (All were in favor) Opposed? (None were opposed) Motion carried, good luck with the Zoning Board

**Richard Harris:** Any concerns you want to send or comments to the ZBA just so you know.

**Don Roberts:** Personally, I don't see an issue with it other, I mean how about everyone else?

**Richard Harris:** Lansing's people are pretty much leaning that way

**Caryn Mlodzianowski:** And we can provide more detail on that as long as we're headed in the right direction from a layout standpoint.

**Don Roberts:** Everybody else on Board with it as far as?

**Charlie Lucia:** In the past we've always talked about lighting and just blending into other areas.

**Rich Berkowitz:** No carwashes?

**Caryn Mlodzianowski:** No carwashes.

**Don Roberts:** Okay, alright good luck, take care

**Caryn Mlodzianowski:** Thank you.

***Prestige Petroleum Gas Service Station – Site Plan & Special Use (drive-thru)***

***DENIED. Board received a presentation for a new 4,500 SF convenience store and associated gas pumps and denied the application due to a failure to meet the minimum front yard setback requirement.***

**Old Business:**

**Lock One Marina, 461 Hudson River Rd – Minor Subdivision (lot line adjustment) (24.001)**

**Brian Holbritter:** Good evening, Brian Holbritter licensed land surveyor. I was in here a couple of months ago showed this to you folks and of course we needed a variance because the lot in which we were taking the piece of land from was going to be inadequate in road frontage and in area. We went before the Zoning Board and got variances for both of those so we're back here looking to do the boundary line adjustment to move the property line from the middle of where all of the boats parked for Lock One Marina down to where there is an existing white vinyl fence and put the property line right along that fence.

**Richard Harris:** Yea so it's the yellow area, right?

**Brian Holbritter:** Correct

**Richard Harris:** I took this from January's

**Brian Holbritter:** Yup the yellow area is going from the lands, yes correct.

**Don Roberts:** Okay so are we all set; we need a public hearing on June 24<sup>th</sup>

**Rich Berkowitz:** I make a motion for a public hearing on June 24<sup>th</sup>

**Tom Koval:** Ill second

**Don Roberts:** All in favor Aye? (All were in favor) Opposed? (None were opposed) Motion carried, see you at June 24<sup>th</sup>

***Lock One Marina, 461 Hudson River Rd – Minor Subdivision (lot line adjustment) (24.001)***

***PUBLIC HEARING SET. Board received a presentation on a request for a minor subdivision (lot-line adjustment) at 461 Hudson River Road and set a Public Hearing for June 24, 2024.***



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**Brian Holbriiter:** Okay thank you.

**Don Roberts:** Okay, anybody have anything else?

**Laurie Barton:** I make a motion to adjourn our meeting this evening.

**Charlie Lucia:** Ill second

**Don Roberts:** We have a motion to adjourn and a second all in favor Aye? (All were in favor) Opposed?  
(None were opposed) Motion carried thank you goodnight.