

10/28/24

**Town of Halfmoon Planning Board Minutes
October 28, 2024**

Those present at the October 28, 2024, Planning Board meeting were:

Planning Board Members:

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

Planning Board Alternates:

Alison Pingelski
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

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

Alison Pingelski: I'll second.

10/28/24

Don Roberts: All in favor Aye? (all were in favor) Opposed? (none were opposed) Motion carried, Charlie reclused himself, right?

Charlie Lucia: Yes

Public Hearing:

Haswell Lot Line Adjustment, 41 & 17 Domenica Dr – Minor Subdivision (24.157)

Lorin Haswell: Hello everyone, how are ya? Lorin Haswell 41 Domenica Drive, my neighbor, Jeff Hutchinson and I came to an agreement to buy a 17-foot strip just north of my driveway, members of the Planning Board ****this portion of tape is inaudible****

Don Roberts: Okay, at this time we will open the public hearing. Would anyone from the public wish to speak? (no comments) once again anyone from the public wish to speak? (no comments) anyone online wish to speak? (no comments) no, anyone online wish to speak? (no comments) okay, we will close the public hearing, comments by the Board members?

Rich Berkowitz: I make a motion to have a negative declaration for SEQR.

Marcel Nadeau: I 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

Marcel Nadeau: I second.

Don Roberts: All in favor Aye? (all were in favor) Opposed? (none were opposed) Motion carried, good luck

Lorin Haswell: Thank you much.

Haswell Lot Line Adjustment – Minor Subdivision

APPROVED. Board held a Public Hearing and approved a two (2) lot Minor Subdivision (lot-line adjustment).

Martin - Tironi Subdivision, 107 Johnson Rd (261.-2-39.32) – Minor Subdivision (24.164)

Fran Tironi: Frank Tironi 109 Johnson Road. The lot in front of our house we're subdividing off one building lot to the right, it meets all of the standards. That's it.

Don Roberts: That's it, okay at this time we will open the public hearing would anyone from the public wish to speak? (no comments)would anyone online wish to speak? (no comments) we will close the public hearing, comments by the Board members?

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

Marcel Nadeau: Ill second it

10/28/24

Don Roberts: All in favor Aye? (all were in favor) Opposed? (none were opposed) Motion carried

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

Tom Werner: Ill second it.

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

Martin - Tironi Subdivision – Minor Subdivision .APPROVED. Board held a Public Hearing and approved a two (2) lot Minor Subdivision request.

DeVoe's Orchard Verizon Cell Tower, 52 Plant Rd (278.-2-56.22) – Site Plan (Telecommunications Facility/Tower), Minor Subdivision & Verizon Co-Location Antenna (24.046, & 24.079, 24.091)

Jaqueline Murray: Good evening my name's Jaqueline Phillips-Murray I am the attorney for Vertical Bridge and Verizon Wireless in furtherance of their application for a minor subdivision to create a flag lot for a wireless telecommunications facility and to install a 140-foot wireless telecommunications facility to support the antennae's at Verizon Wireless and improve their service in the area.

Don Roberts: Okay, at this time we will open the public hearing. Would anyone in the room wish to speak? Yes, Mam, come up and say your name and nay concerns you might have please.

Josh Gonzalez: Josh Gonzlez, 53 Plant Road, directly across the street. I have several concerns about the suggested tower going up, some of them might be obvious I was hoping there might be an expert here probably shed some light on the whole thing. We have been at this property

Don Roberts: The applicants attorney can answer any question that you have.

Josh Gonzalaz: Okay well we've been at this property for about four years or so, so I'm concerned, my concerns are about health concerns, property values and so forth and so, and I'm here to hear what everybody else has to say, because I don't know much about it, I am certainly not crazy about it going on. I probably wouldn't have bought the house directly across the street had I known there would be a tower right in front of there. I'm 53 so that's directly across the street.

Don Roberts: Do you want to respond to that ?

Jaqueline Murray: Thank you for your comment, we did submit as part of our application an FCC categorical exclusion evaluation. In regard to health concerns the Federal Government has preempted state and local agencies including this Board from assessing the health effects of wireless facilities if they fall within a certain parameters, and we submitted to this Board that this facility will fall within the allowable parameters that the Federal government dictates. That binds this Board just like any other state or local government in the whole country. So,

10/28/24

in terms of health concerns, we have proven that we meet all of the requirements, in fact this particular facility, like most wireless facilities are well, well, well below any threshold that would even evoke federal requirement to further evaluate whether or not there would be any environmental health concerns from the radio frequency emissions from the facility. And in terms of your proximity to the site, one of the viewpoints that this Board asked us to specifically review with a balloon test flight at the site and a photograph was immediately in front of the site which would be at 52 Plant Road at the entrance to the site. The visual analysis that's in the records before the Board the facility itself is set back 495 feet from Plant Road, and there are buildings and trees that are intervening from the site. By way of background to the site was previously used for satellite dishes so this is a use that is consistent with the prior use albeit there will be a wireless facility, a Monopole structure. But we did submit visual analysis so that the Board could analyze whether or not there is a potential for any significant adverse visual impact at this particular location you expressed concern about at your residence.

Richard Harris: Jaquie, I believe this is the photo up here

Jacqueline Murray: Yes

Richard Harris: That you submitted just to give people an idea, this is what the analysis showed.

Don Roberts: Okay, thank you.

John Gonzalaz: So I did try to do some research, what I came across is there is no data to actually support that there won't be any direct effect to animal life, vegetation and there is something else that I didn't know which is actually the noise that will be coming out of the tower and I also found out and you can, I am not an expert by any means. If you were to be directly below it you would probably be not, it won't be as, you would be safer to be directly below it and the further away you go it's actually where the radiation and all that stuff is actually going to be felt, including the noise I don't know if you know anything about that.

Jacqueline Murray: I'm happy to answer that as well. So in regard to the noise that was actually a question that was raised by the Town's designated engineer, the Planning Board actually hires it's own independent consultant who scrutinizes what we submit in support of our project, and one of the questions that came up back on October 15th from the Town's designated engineer was the potential noise impact from the generator, the back up tower generator, otherwise there is not noises associated with these facilities. The primary source of any noise is the back up generator which goes on for testing periodically and then goes on in the event that there's a power outage so that the community has cell service when everything else doesn't work. With that said we did submit to the Town designated engineer the generator spec which includes an enclosure for the generator that reduces the sound from the generator at 500 feet away which is, you're further than 500 feet because the road intervenes, down to 17.9 decibels. 17.9 decibels on a scale of noise is equivalent to the ticking of a wristwatch is what our engineers demonstrated. In regard to health effects, again we are bound by our FCC license by Federal Law to comply with what the Federal Government mandates as permissible radio frequency emissions. I can tell you that I have never seen a wireless facility that has, and I say never and it's over a long period of time that actually falls even within a category we have to evaluate the RF emissions and it's because the threshold to avoid even further evaluation is 10 meters off of the ground. Which is about 32.3 feet, and once the antennas are 32.3 feet or higher off the ground, they routinely fall within the categorical exclusion under Federal Law from being even needed to be evaluated for health impacts. So short story is that we are compliant with the site. We've demonstrated that we submitted that demonstration to the Planning Board and to the Town's designated engineer and we've established that we're

10/28/24

compliant and if we were ever not compliant that would jeopardize Verizon Wirelesses and any other carrier who locates on the facility would jeopardize their FCC license.

Don Roberts: Okay thank you, would anyone else wish to speak? Yes Sir.

Martin Hessian: Martin Hessian, 55 Plant Road, Josh's neighbor. I was just curious, it looks like this is right on the road between the two houses that are there, were other sites within DeVoes properties considered or was this the only site that was looked at to put this tower? I'm also anticipating it dropping my property value if this goes up.

Jacqueline Murray: This site was considered because it was not used for agricultural purposes and was previously used for two satellite dishes. The two satellite dishes currently exist at this site and so the goal was to not take any agricultural eligible land out of operation and to use the site that was previously used for communication purposes. In terms of alternative sites in the greater area Verizon Wireless is already co-located on all of the existing towers in the greater area and we submitted a report from Verizon Wirelesses radio frequency engineer that the Planning Board and the Town designated engineer has an opportunity to review and confirm that there are no other existing tower structures that are potential alternate sites in the area. So, this particular site was carefully chosen because there already was a communication site.

Resident in Audience: ****this portion of tape is inaudible****

Jacqueline Murray: So we get that question a lot and that is why we are required to submit a visual analysis to the Board so that the Board can assess whether or not there is going to be a potential for any aesthetic impact which often is what people are concerned about in terms of affecting their property values, so that's in the record before the Board for them to make their determination based on the visual simulations, or visual analysis they asked us to present.

Richard Harris: I just put this up here to show where star is an aerial image those houses shown which I'll go to are down here, that are in the foreground where from where the photo, probably about where that car is about where the photo was taken from. So, to show you

Martin Hessian: So, the star is the actual location of the tower

Richard Harris: Correct, yup I should have explained that, yes that's where the satellite dishes are now and it's just a regular google maps image of where the tower is proposed. This is Wojtowicz's property here in the photo was taken in that one image.

Martin Hessian: So, it's not going in between the two homes there?

Richard Harris: No, so see there's those homes and then it's way back, when I say way back it's not coming between those two houses, yea there it is.

Martin Hessian: Alright, I was led to believe by others, no one in this room it was going in between houses. I made no sense

Don Roberts: Does this make you feel better?

10/28/24

Richard Harris: Oh no it was to do this.

Martin Hessian: It made it look like right on the road.

John Gonzalaz: They were taking the pictures, and I'm further down, maybe four houses....

Richard Harris: Right, there's those houses, right and here's that's the location, that was the view looking over Wojtowicz's and those houses the top of that cell tower with the antennas showing.

Don Roberts: Okay, does that ease your concern, I hope?

Martin Hessian: It's better than the first option.

Don Roberts: Okay, thank you, anyone else wishes to speak? Yes Sir.

James Kennedy: Hi, everyone, how are you? My name is James Kennedy. I live on the same side of the street, I live at 40 Plant Road. I just wanted to say a few quick things I am in support 100 percent of the tower. I think it's a great way not overstepping any boundaries, but I think it's a great way for the farm to keep going. I think it's great it's in a good spot my only question I had which is not at all for the tower for the generators I know you said that they're going to be enclosing them to keep the sound down, my only question was how often do they have to run, I'm not saying when the power goes out, but I know periodically I've worked in companies where they have to run periodically to keep them going. I was just curious because where I live being on the same side of the street my property actually goes back twice as far and that buffer clears out, so I'm just curious how often that's all but I have no concerns at all with the tower and I think that it's a great thing so.

Don Roberts: Thank you. Jacquie, you want to .

Jacqueline Murray: So, in terms of the frequency the generators will usually turn on they will be calibrated to turn on every couple of weeks, just for a short period of time and then it's only in the event that there's a power outage that they would be running and they usually run for 8 to 10 hours.

James Kennedy: So, they would run for ten minutes?

Jacqueline Murray: Yes, yea it's really just a kit ,keeps them tested.

Don Roberts: Anyone else wish to speak? You've got to come up and speak, say your name and address and speak for the record or else you can't speak. You have to come up and speak at the microphone, this is recorded so you have to say your name and address and any concern you may have.

Maggie Branch: Maggie Branch 5 Dutchess Path, Halfmoon. My thing is just I want to make sure all the safety aspects have been explored, that's my main issue. I things have changed so much I mean in California they have their own set of rules because the rules that are allowed in our Country now are not as strict as or what sometimes what are safest for people. I sent you a couple of articles where people living within a half mile, less than a half mile of a cell tower were having different issues and things related to cell towers and stuff. I mean I've got the packets and things. I am not a specialist, I just looked up certain things and that kind of seemed to be a consistent

10/28/24

theme. I know a lot of times what's allowed and what's actually safe can vary, that's why like I said California half the supplements we can get anywhere else in the United States we can't get in California, we can't buy products in California because they make their own rules because they think the APA is strong enough and safe enough and things like that. I am just hoping that your looking at this with the safety aspect involved I'm no where near as close as many people are going to be and I still am within what they say is, the studies have been done with people that are living withing less than a quarter of a mile and I'm close to that I am much further than many but I just really would like you, I would hope that you are you know looking into the safety aspect not only what's allowed but what's truly safe based on studies that've been done and the research that's available and I sent you some stuff as current as 2024 and in another packet I have a whole website with tons of different links. Understanding the risks of cell tower proximity. You know and then the different things, regulatory guidelines compared to determining a safe distance in calculations and so on. So I mean that's just my thing, I just want to draw attention to I'm really interested in the safety aspect not the looks, not the resale value, I don't want to live somewhere where I'm not going to be as safe as I was before it got built, and I wouldn't, I would hope that you know people that lived closer would be at more risk and I would hope that you know their lives and the side effects and other things would be considered as well, so that's my point, and I did give you the couple of articles and the link and everything else if anyone else wants any of that .

Don Roberts: Just so you know we did receive your written correspondence, and it will be entered into the record just so you know that, and also maybe this happened before you got here but the applicants attorney did explain how cell towers have to adhere to Federal regulations, and they supplied documentation showing that's the case as far as safety goes.

Maggie Branch: Right, and that's what I was just saying, I know that you probably, I mean you couldn't be building something without code or safety standards, but they are more relaxed than other countries, and that's just the nature of where we live right now with the lobbyists, and you know just you know private interest groups and things. Just you know there is research out there beyond what we're allowed to do, it's what's safe to do and what we're allowed to do are two different things in a lot of categories, so that's just my point.

Don Roberts: Okay, thank you very much. Anyone else wish to speak ? (no comments) anyone online wish to speak? (no comments) anyone online wish to speak? (no comments) okay we'll close the public hearing okay and whenever we get cell tower applications there is concerns, rightly so but you just have to remember the times we live in I'm guessing probably 90 percent of us have cell phones okay so without cell towers you don't have cell phones keep that in mind alright. Okay, also now Jacquie the Town always requires for any cell towers that we have a removal bond, has that been addressed?

Jacqueline Murray: Yes, I believe in the Town does a dated engineers comment letter it said it could be addressed after we complete the subdivision and site plan approval and it could be a condition if the Board were going to vote this evening and then if you provide the amount then we'll secure the bond prior to commencing construction or issuance of any building permit.

Don Roberts: Joel, you have any comments?

Joel Bianchi: No, that was really the last substantial item outstanding, and I wouldn't really call it substantial.

Don Roberts: Okay, but you'll work that out right?

10/28/24

Joel Bianchi: Yes

Don Roberts: Okay, comments by the Board?

Rich Berkowitz: I'll make a motion to have a negative declaration for SEQR

Marcel Nadeau: I'll second it.

Don Roberts: All in favor Aye? (all were in favor) Opposed? (none were opposed) Motion carried

Rich Berkowitz: Are we doing this one at a time or all together?

Don Roberts: All together right Lyn?

Lyn Murphy: Once we do the SEQR yea

Don Roberts: Yea now we do them all together

Lyn Murphy: Just remember the condition

Rich Berkowitz: Right the condition, I make a motion to approve the proposed cell tower, subdivision and co-location contingent on the applicant giving the Town a Bond to remove the cell tower if needed.

Marcel Nadeau: Ill second that.

Don Roberts: All in favor Aye? (all were in favor) Opposed? (none were opposed) Motion carried, all set good job.

Jacqueline Murray: Thank you very much, have a good day.

DeVoe's Orchard Verizon Cell Tower – Site Plan (Telecommunications Facility/Tower), Minor Subdivision & Verizon Co-Location Antenna. APPROVED. Board held a Public Hearing and approved a two (2) lot Minor Subdivision, Site Plan and Co-Location request with conditions related to Town Engineering review and a decommissioning bond.

New Business:

Halfmoon Autos, Inc., 315 Rt 146 - Sign (24.169)

Talha Kahn: Talha Kahn 315 Route 146,

Don Roberts: 315, 146 we are doing first okay.

Talha Kahn: Okay

Don Roberts: Paul this meets the specs, right?

Paul Marlow: Yes

10/28/24

Richard Harris: We've just got to be clear that its not in a State right of way, you need to know where the property line is, it's not the edge of the pavement.

Talha Kahn: Yes, we are aware of it, and we will make sure and

Richard Harris: Okay, okay.

Don Roberts: Okay just so you know if it's put in the State right of way it's gonna be removed.

Talha Kahn: Yea sure

Don Roberts: Okay so you know that? Okay.

Marcel Nadeau: I make a motion to approve the sign application.

Rich Berkowitz: Ill second

Don Roberts: All in favor Aye? (all were in favor) Opposed? (none were opposed) Motion carried.

Halfmoon Autos, Inc.- Sign. APPROVED. Board approved a new sign to reflect the new business/tenant name, Halfmoon Autos Inc.

Town Auto, Inc., 441 Rt 146 – Sign (24.170)

Adeel Siras: My name is Adeel Siras 441 Route 146. It's pretty much the same for the sign.

Lyn Murphy: You guys have the same phone number?

Adeel Siras: Different phone number

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

Charlie Lucia: I'll second it.

Don Roberts: Contingent on it not being in the right of way also because once again if it's in the right of way they are going to remove it and you're not going to be compensated.

Don Roberts: We have a motion and a second, all in favor Aye? (all were in favor) Opposed? (none were opposed) Motion carried, all set.

Town Auto, Inc – Sign . APPROVED. Board approved a new sign to reflect the new business/tenant name, Town Auto Inc.

BT Miners, 21 Executive Park Dr – Change of Use/Tenant (24.168)

Anthony Ju Djuna: Good evening my name is Anthony Ju Djuna BT Miners, 21 Executive Dr. Occupying new tenant we are a repair service for computers. Our hours of operation will be Monday through Friday from 9 to 5 a total of including myself 6 employees so when it comes to signage, we are not there yet. We definitely will come back and follow any ordinance the Town may have and work with my landlord getting the proper signage.

Don Roberts: Questions by the Board?

10/28/24

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

Laurie Barton: I second.

Don Roberts: All in favor Aye? (all were in favor) Opposed? (none were opposed) Motion carried

Anthony Ju Djuna: Thank you

Don Roberts: Before we go on, I didn't mention it before but Alison reclused herself on the Halfmoon Auto and Town Auto just so we know that for the record.

BT Miners– Change of Use/Tenant. APPROVED. Board approved the use of 2,200 SF of space for the new tenant, BT Minors.

Parma Pizza, 1525 Rt 9 – Change of Use/Tenant and Sign (24.171)

Ilin Monkocaj: Hello, my name is Ilin Monkocaj, and we are looking to operate a pizza shop at 1525 route 9.

Don Roberts: Okay, how many employees are you going to have?

Ilin Monkocaj: We are going to start with 5 employees and as we grow

Don Roberts: And your hours of operation will be?

Ilin Monkocaj: On Monday we are going to be closed and then it will be Tuesday through Thursday 10 to 9 Friday is going to be 10 to 9 and Sunday is going to be 12 to 8

Don Roberts: Okay, questions by the Board?

Rich Berkowitz: This is the same you're just taking over the operation that was there before no changes basically?

Ilin Monkocaj: Minor changes

Rich Berkowitz: No increase in the change of seating or tables?

Ilin Monkocaj: No, no

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

Alison Pingelski: I second.

Don Roberts: All in favor Aye? (all were in favor) Opposed? (none were opposed) Motion carried. If you want a sign you will have to come back.

Richard Harris: I forgot to list it on the agenda, but he did submit it I just failed to list it.

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

Alison Pingelski: I second

Don Roberts: All in favor Aye? (all were in favor) Opposed? (none were opposed) Motion carried, good luck. You're going to advertise Halfmoon, right?

10/28/24

Ilin Monkocaj: Yes

Don Roberts: Thank you.

Parma Pizza – Change of Use/Tenant & Sign. APPROVED. Board approved the use of 2,700 SF for a pizza-style takeout restaurant with associated signage.

Sweeney Subdivision 102 Johnson Rd – Minor Subdivision (24.173)

Jennifer Sweeney: Good evening, Jennifer Sweeny, we live at 102 Johnson Road we submitted plans to the Town for approval from a one lot to a three-lot subdivision. Keeping the existing house there and then making two lots on the side for your approval. Hoping for two approved building lots for two residential homes.

Don Roberts: Okay questions by the Board?

Rich Berkowitz: I make a motion to have a public hearing on November 12th.

Richard Harris: I just want to remind the Board that's a Tuesday, just a reminder.

Marcel Nadeau: I second.

Don Roberts: All in favor Aye? (all were in favor) Opposed? (none were opposed) Motion carried, see you November 12th.

Sweeney Subdivision– Minor Subdivision. PUBLIC HEARING SET. Board received a presentation on a request for a three-lot subdivision and set a Public Hearing for November 12, 2024.

Haney's Automotive, 32 Rt 146 – Site Plan (24.165)

John Hitchcock: Hey John Hitchcock with ABD Engineers here with the owner Mr. Haney. He is proposing a twenty-two hundred, almost twenty-three hundred square foot automotive repair shop at 32 NY Rte. 146 which is located kind of like right at the intersection of Farm to Market Road and 146. It's a 1.5-acre lot, it's zoned C-1 Commercial. He is going to have 3 to 5 employees and operate from 8 to 5 Monday through Friday and occasionally on the weekends. Sewer and water runs along 146 and we will be hooking up to municipal sewer and water. Stormwater we are proposing a retention area at the south end of the site. The disturbance will be under one acre. Just looking to move the project forward tonight to review.

Don Roberts: Okay we will have to refer this to our Town engineer for review, Saratoga County Planning Board for review and the fire department for review, alright, questions by the Board? No questions?

Marcel Nadeau: Where is the driveway going to be in reference to Farm to Market?

John Hitchcock: Right, it almost makes a four-way intersection. Right across from Farm to Market on that east end there, or south end I'm sorry, south end of 146.

Tom Werner: Is there any opportunity to move it slightly to the west to line up a little so that people are enticed to take a diagonal across?

10/28/24

John Hitchcock: That I'm unaware of I do know that entrance is located on the adjacent property and that an easement is in place for that entrance but that's something that I can get an answer for.

Richard Harris: You can almost see it on this aerial right here.

John Hitchcock: Right yea its an existing curb cut there, and that was the reason for it.

Richard Harris: Is that easement area already defined on the property? Is there already an easement in place do you know?

John Hitchcock: Yes

Richard Harris: It is already there.

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

John Hitchcock: I appreciate it thank you.

Haney's Automotive, 32 Rt 146 – Site Plan (24.165)

TABLED/REFERRED TO AGENCIES. Board received a presentation for a new 2,280 automotive repair shop at 32 Route 146 and referred it to the necessary agencies for review.

Old Business:

Synergy Park Warehouse, 17 Synergy Dr (@ Rt 9) – Site Plan (24.148)

John Hitchcock: The last time you guys saw this we were waiting on the County to reply, which they have, and you know no impact was issued. I was listening at the beginning here we did talk last time about landscaping. We are agreeing to putting a berm with those trees and not just the trees which will be on our final set of plans. It's something Clifton Park would like to see as well. The finished floor actually sits about 16 feet below the finished grade of Route 9, and the buildings about 34 feet tall so your only seeing about the top 18 feet when you add say like a four foot berm and then those trees are probably around 6 foot when they are planted but they will grow to be full grown trees, your only seeing at the beginning of this project about 8 feet of the building. I don't know if anybody's driven over there and saw the building that's built to the west it's going to look similar to that building so it's not just a still building with no windows they're putting windows down the side they are going to dress it up so it will be aesthetically pleasing as you drive down route 9.

Richard Harris: So, you are proposing a four-foot berm with the six-foot trees?

John Hitchcock: Right, yea

Richard Harris: Is that adequate to the Board? I mean typically four to six foot is what we normally see

Don Roberts: Anyone else have any comments on that?

Rich Berkowitz: I make a motion to approve the site that's in Halfmoon.

Tom Werner: I second it.

10/28/24

Don Roberts: All in favor Aye? (all were in favor) Opposed? (none were opposed) Motion carried

John Hitchcock: Thank you.

Don Roberts: You're welcome.

Synergy Park Warehouse– Site Plan (24.148). APPROVED. Board approved the proposed Site Plan as it relates to a portion of the 50,000 SF warehouse project located in the Town of Halfmoon.

Chelsea Place Commercial Building, Chelsea Place (SBL 272.1-1-4.3) – Site Plan (23.178)

Joe Dannible: Good evening, Joe Dannible with the Environmental Design Partnership. Here on behalf of 1743 Route 9 and an application for a 10,000 square foot mixed commercial building. The property is located at the end of Chelsea Drive. The majority of the place development is within the Town of Clifton Park this one parcel that is in the Town of Halfmoon. We are looking to propose a 10,000 square foot building with overhead doors and small office space to be broken up into 4 tenants. We are providing 20 parking spaces. We have received letters from the Halfmoon Fire Department talking about emergency access and safety to the building. We did modify the plans slightly in regards, in response to that letter there were a couple small islands, grass islands that stuck out in the parking lot those have been removed and replaced with striped paving. As you can see, the fire truck makes the appropriate loop around the parking lot in and out. We also did some modification to the grading around the building, looking to provide a relatively flat area approximately 8 to 10 feet wide around the north and the east side of the building. The south side of the building has a swale and some grade changes over there, but we were able to accommodate it around the majority of the building. The project itself is over an acre. We did a full stormwater pollution prevention plan treating all of the stormwater runoff on the site. We have excellent granular soil, we sit way up high on the hill so we know all of those soils are very deep. We do need to do some additional testing once we get out there and start taking the trees down we will verify some of the assumptions that have been made for the storm water management. We will be connecting to Saratoga County Sewer which is in the right of way of Chelsea Place. We're also on a separate application with the Clifton Park water authority extending water up the entire length of Chelsea Place to provide water to all the owners of land in there. That is going to be extended up the east side of the right of way adjacent to the Shenendehowa building and in front of our building as well and that will provide municipal water to all of the tenants which are currently on well. We have been working with the Town of Clifton Park we're hoping to dedicate the right of way, that right of way is, we've worked through that process and the Town is not going to be willing to accept dedication so we have been working with Peters legal team and we've developed a shared maintenance agreement for all of the land owners which would take over the ownership and maintenance responsibilities through an HOA for the road itself.

Lyn Murphy: I mean it already exists but for whatever reason they're modifying it as long as they dedicate, as long as they merge the parcels so that this is actually on frontage. Like right now there's a sliver of a parcel that takes this off of the roadway so that's problematic.

Joe Dannible: Yea and that's something we're working through with our surveyors that municipal boundary and that parcel sliver, it's a question whether or not it's in the right of way out of the right of way but we

10/28/24

will make the appropriate accommodations with that merger in order to make sure that this parcel was directly fronting on the Chelsea place right of way.

Lyn Murphy: Who is going to maintain it?

Joe Dannible: The road will be maintained by the homeowner's association

Lyn Murphy: Who's that?

Joe Dannible: That is all of the one, two, three, four, five, six entities that have ownership and have access on that road, they are all going to be party to the HOA.

Lyn Murphy: So, it snowed tomorrow, God forbid but it snows tomorrow who's going to plow it?

Joe Dannible: It's something that is going to be worked out through the HOA agreement, they will hire and petition a plowing company to maintain that road.

Lyn Murphy: So, what we're going to do

Don Roberts: I think Pete wants to say something

Pete Belmonte: Pete Belmonte 1743 Route 9 LLC. There is a maintenance agreement in place with a independent contractor to plow that road and that the funding of that is done equally by all the residents of the community.

Lyn Murphy: Is that a new thing?

Pete Belmonts: Yes

Lyn Murphy: Okay so we are going to need to see the maintenance agreement, we just don't want to **approve a building that people can't get to if it's snowing or whatever, so we'll need to see that**

Peter Belmonte: I mean we've got six businesses existing on that road right now, and all six businesses including the school need to maintain an access so

Lyn Murphy: You know I know the history of the road my brother doesn't have an interest at this point in time, but he took responsibility of the road, my brother doesn't have an interest at that point in time, but he took responsibility to plow it all so I'm very

Peter Belmonte: It's come a long way since then

Lyn Murphy: Yea well hopefully so the water is also going to have to be conditioned, you have water to the building, sewer and that I'd need to see the shared maintenance road use agreement.

Peter Belmonte: Sure

Lyn Murphy: Because we can't again approve a building that has no water, no sewer and no access.

Peter Belmonte: Easy enough.

10/28/24

Don Roberts: And also, any approvals have got to be contingent on final review from the Town engineer, just so you know that.

Peter Belmonte: We would expect that.

Richard Harris: I would suggest the condition the Town engineer and the Town attorney

Lyn Murphy: It is up to the Board, but nothing is going to get stamped unless we see these other things.

Richard Harris: So, no stamped, signed final site plan?

Lyn Murphy: Correct

Rich Berkowitz: No construction, no nothing

Lyn Murphy: No nothing, correct

Don Roberts: So, they're proceeding your aware of that?

Peter Belmonte: That's fine

Don Roberts: Ok

Marcel Nadeau: So, Don they are proceeding at their own risk, correct.?

Don Roberts: Right and basically yea. I mean we can do approval contingent on all of these conditions, but nothing gets signed until Joel and Lyn say so.

Rich Berkowitz: Ill make a motion to approve the site plan knowing that the applicant is proceeding at their own risk based on a contingency for road access, sewer access, water access and an approval of the HOA for maintenance of the road and property, and final approval of engineering and the Town attorney.

Marcel Nadeau: I'll second it.

Don Roberts: All in favor Aye? (all were in favor) Opposed? (none were opposed) Motion carried

Peter Belmonte: Before you do that, I just want to clarify one thing. We're not doing CPS-7 or we're not going to the Attorney General for a Homeowners Association, it's a shared maintenance agreement amongst the six property owners.

Rich Berkowitz: So, it's not a homeowner's association?

Peter Belmonte: Its not a homeowner's association, it's a shared maintenance agreement.

Rich Berkowitz: Okay.

Lyn Murphy: I need to see the agreement, because a shared maintenance agreement again like I said if it snows tomorrow is Joe plowing is Frank plowing who's plowing because we as a community are not.

Peter Belmonte: Understood, the projects existed since 1989 and it has worked comfortably since 1989, Lyn is correct her brother at one time was an owner in there and took a major responsibility but the

10/28/24

obligations have gone away the services that are needed are exactly the same and the organization understands that Mike is no longer there and for the past few years since he has not been there they have taken responsibility of doing it. So, there is going to be no change in business, it's just going to be done under a formal agreement that previously didn't exist.

Lyn Murphy: There was a formal, it doesn't matter, there was a formal agreement that had obligation to you as the developer of the entire parcel that caused problems but all we need to know is that somebody is going to be maintaining it, you're going to get me that or Matts gonna get me that and we'll be all set.

Peter Belmonte: Absolutely

Richard Harris: The only added condition that came up was merger the main parcel with the strip parcel to ensure frontage on the pavement of Chelsea Place, that was the only other thing I did not hear mentioned here so I wanted to make sure of that .

Peter Belmonte: We will merge the small strip of land that Lyn is referencing to either the lot itself or to the road itself. Whatever ones the most appropriate, the surveyors will figure that out.

Rich Berkowitz: Okay I'll do the easy part. First let's make a motion to make a neg dec on SEQR

Don Roberts: All in favor Aye? (all were in favor) Opposed? (none were opposed) Motion carried

Rich Berkowitz: Okay I have to do this slowly, I will make a motion to approve the site plan, contingent on the applicant knowing that he is going at his own risk based on approvals for sewer, water, merger of the roads, maintenance agreement between all of the landowners and final review from MJ Engineering and the Town Attorney.

Marcel Nadeau: Ill second

Don Roberts: We've got a motion and a second all in favor Aye? (all were in favor) Opposed? (none were opposed) Motion carried

Peter Belmonte: Thank you very much.

Chelsea Place Commercial Building – Site Plan (23.178) APPROVED. Board approved the proposed Site Plan to construct a 10,000 SF warehouse/office building with conditions related to Town Engineer and Attorney review, lot consolidation, maintenance agreement of the private road and related matters.

Don Roberts: Anyone else got anything?

Charlie Lucia: I make a motion to adjourn

Laurie Barton: I second

Don Roberts: All in favor Aye? (all were in favor) Opposed? (none were opposed) Motion carried, thank you good night.