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**Town of Halfmoon Planning Board Minutes
January 27, 2025**

Those present at the January 27, 2025, 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
Joe Landy

Coordinator- Building, Planning and Development:

Richard Harris

Senior Planner / Stormwater Management Technician:

Hanifa Khatibi

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.

Tom Koval: I have to recuse myself

Don Roberts: Tom Koval recuses himself, Okay I have a motion we have a second?

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Marcel Nadeau: I second

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

New Business:

American Legion Post 1450 Sign Replacement, 275 Grooms Road – Sign (25.012)

Don Roberts: Is anybody here? Okay please come up and say what you want to do. Your name and what you want to do. Your name and what you want to do.

Kevin Walsh: Kevin Walsh here representing American Legion Post 1450 on 275 Grooms Road. Basically, we have two signs up front right now. Both those signs say Mohawk Region Post 1450 which is inside the wishing well, this sign dates back to 1985 when the building. Both those signs are old at least 85 the wishing well sign I'm not sure when that was put in that was definitely in the County right of way both of them. The one sign is faded so the proposal is to do away with the letterboard sign and also replace the American Legion sign with one sign we are replacing one sign with a poly carbonate on the other side. The sign will be internally lit with polycarbonate the sign.(inaudible)

Don Roberts: Now as you know you can only advertise upcoming events on the premises, no off-premises advertising is allowed.

Kevin Walsh: Yea so like breakfast, barbecues, things we do at night and things like that

Don Roberts: And often is that going to change?

Kevin Walsh: We are going to follow the ordinance like it says up to the 20 seconds and we won't go anywhere near there so I think it would be up there for days and then it would just change for an event, you know there are probably five or six events in the year.

Don Roberts: Okay good are there any comments by the Board?

Rich Berkowitz: I would just change based on the day and the night?

Kevin Walsh: It's programmable according to Vital Sign, the plan is to fade it and then it will probably be on all night the sign will be on an electric eye it will turn on and off automatically according to the vendor we will separate the upper portion and the lower portion so we can control which one is on.

Rich Berkowitz: Okay

Marcel Nadeau: I make a motion to approve

Rich Berkowitz: Ill second

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

Kevin Walsh: Thank you.

Don Roberts: You're welcome.

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*American Legion Post 1450 Sign Replacement – Sign
APPROVED. The Board approved the sign request to replace the two existing road front
monument signs with one (1) electric (LED Display) monument sign.*

Home Depot, 4 Halfmoon Crossing - Change of Use/Tenant (Seasonal Outside Use)(25.003)

Applicant did not appear.

Don Roberts: Home Depot, anybody here from Home Depot? Okay we will try again at the end.

*Home Depot - Change of Use/Tenant (Seasonal Outside Use)
TABLED. Applicant failed to appear.*

McCadden Subdivision #2, 128 Johnson Rd – Minor Subdivision (25.002)

Pat Jarosz: Good evening. I'm Pat Jarosz from VanGuilder Associates. I'm here today on behalf of the owner Bruce Tanski to request a minor two lot subdivision of 128 Johnson Road. Lot #1 is a little over a half an acre Lot #2 is 1.28 acres and is served by Saratoga County Sewer District and water run through the property. It is zoned AR agricultural residential it meets all requirements of the zone.

Don Roberts: That's it?

Pat Jarosz: Okay.

Richard Harris: Can I just ask, Bruce was the shed removed here?

Bruce Tanski: Pardon me?

Richard Harris: Was that shed removed?

Bruce Tanski: To my knowledge it was falling down so I scrapped it. I'm not going to build anything there but if the Town wants me to remove it, I can remove it by Friday.

Richard Harris: Okay. I think you said that it was removed the last time but you were going to check on it. I haven't driven by there so I'm not sure.

Don Roberts: Any comments by the Board?

Rich Berkowitz: I make a motion to have a public hearing on February 10th.

Marcel Nadeau: Ill second.

Don Roberts: All in favor Aye? (all were in favor) Opposed? (none were opposed) Motion carried, see you February 10th.

Pat Jarosz: Thank you.

Don Roberts: You're welcome.

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***McCadden Subdivision #2– Minor Subdivision
TABLED & PUBLIC HEARING SET. The Board received a presentation on a request to subdivide
a 1.75-acre lot into two single family home lots, and set a Public Hearing for February 10, 2025.***

Smith & Ryder Lot Line Adjustment, 122 & 118 Upper Newtown Rd – Minor Subdivision (25.005)

Melissa Ryder: Hi, my name is Melissa Ryder. I reside on 118 Upper Newtown Road and my father Gordon lives at 122 Upper Newtown Road. We are here for a lot line adjustment to square off the property lines are better and for an (inaudible)

Don Roberts: Thank you, comments by the Board.

Rich Berkowitz: I make a motion to have a public hearing on February 24th .

Tom Koval: Ill second.

Don Roberts: All in favor Aye? (all were in favor) Opposed? (none were opposed) Motion carried, see you February 24th.

Melissa Ryder: Thank you.

Don Roberts: You're welcome.

***Smith & Ryder Lot Line Adjustment– Minor Subdivision.
TABLED & PUBLIC HEARING SET. The Board received a presentation on a request to
readjustment the lot line between two lots and set a Public Hearing for February 24, 2025.***

GT Toyz Temporary Boat Display & Storage, 1542 Rt. 9 – Change of Use/Tenant (25.001)

Chuck Pafundi: Hi everyone Chuck Pafundi, so as Rich explained at the pre-meet the existing site is 14.48 acres, is currently vacant land with one residential house on it. Tenant is month to month there. We are looking at installing gravel to make an outdoor display area for GT Toyz which would be coming up on a later agenda item for the larger site just located on the front retail pad sites. We're not looking at it you know as 60 boats and boat trailers, display locations. It's on the front of the property, request was given after the recent expansion at GT Toyz. They are trying to consolidate some of the other temporary arrangements that they have localized, bring them in on one piece of property directly across the street. Obviously, that's good showroom visibility for road frontage. We are not looking at disrupting the existing driveway at all and that would be maintained for the (inaudible) posts at either side as it exists today. Now looking at any additional staff it would be the logistics of those that bring the boats over there it would be all hopefully at once instead of overtime and the main retail component of the outdoor showroom would be directly across the street at their existing office and retail location. There would be signage there just to notify people that would pull in to browse that information would be across the street.

Don Roberts: Now other situations in Town we give instead of calling it a temporary we give like seasonal, I think that's what we should do with this, give a date to begin and give a date to end and then if for some reason the property its going to be on does not start to get developed in a timely fashion then you have to come back again next year for re-newel again.

Chuck Pafundi: Understood, I think that we're open to anything that the Town may allow us to be able to do

Rich Berkowitz: Is there any lighting and security?

Chuck Pafundi: I don't think there is any lighting there today, but security wise GT Toyz can rent space down frontward toward the main road I would talk to Greg to see if he wants to add extra security measures, but I would imagine they protect their inventory as best they can.

Rich Berkowitz: There is no exterior lighting though?

Chuck Pafundi: I do not believe so.

Tom Werner: Will you be providing any landscaping to soften the view for Route 9 ?

Chuck Pafundi: Right now, I think that we're maintaining a clearing operation with some buffer we can look at adding some buffer with the native trees that are there, but we are not proposing any fence line.

Don Roberts: Also, when you bring the boats in hopefully there is enough room that way you can pull right in because we don't want to see any activity on Route 9 where trucks are stopping with boats and backing up and disrupting traffic.

Chuck Pafundi: Yes so if you look at that we added striping quote unquote there so you can get an idea of how we are going to organize these boats as you can see from the facility across the street we have organized things very deep and as you can see on the layout that what we did with the parking allows trucks to come into the parking lot in that drive aisle, unload and have an easy back in for the trucks delivering the boats and organizing them. We're not anticipating anything out on Route 9, and I will relay that to Greg.

Don Roberts: Okay, thank you.

Richard Harris: Can you just clarify the total number you are looking for? In the narrative it said 20 plus or minus this looks like 70.

Chuck Pafundi: Yea so on the narrative I submitted I did 60.

Richard Harris: Well, I don't know what I was reading.

Don Roberts: That seems like a lot to me, I don't know.

Marcel Nadeau: That is a lot.

Charlie Lucia: I think Rich I am looking at the same thing you are where it says 20 plus or minus.

Chuck Pafundi: And that would be a general ramp and there wouldn't be just 60 boats there and it going to be planked a little bit plus or minus with inventory.

Rich Berkowitz: But eventually there would be 60?

Chuck Pafundi: I think that we can talk about that if that's an issue with the Board.

Richard Harris: I think aesthetically it might be a little bit better if you could keep it all to the southern side of the driveway. I don't know I'm just thinking as you drive by because they've got about 10 on the north side, I'm not saying 50 is adequate you guys decide that, but you know they've got about 10 here and then there is about 60 here, yeah 60 on this side.

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Tom Werner: If this all goes to plan these boats would all be moved to a property to be developed, which is the next item on the agenda?

Chuck Pafundi: I think that the opportunity that they've been looking for would be to make use of the property right now for GT Toyz and then a retail opportunity presents itself or a tenant and we would look to remove Greg as a temporary user of the gravel area and move forward with the component of our site plan which is on later.

Charlie Lucia: Just conversation your temporary or you have no idea?

Chuck Pafundi: Well, I think to the point that Don brought up we're open to putting a date on it and coming in for renewal if that's what makes the Board comfortable.

Don Roberts: I was thinking that boating season, Spring, Summer I was thinking May 1st to October 31st something like that if anyone else has a better idea that's fine.

Richard Harris: What would happen after October 31st? Are you expecting to move them or come back in for approval?

Don Roberts: No, move them until the following season.

Richard Harris: Is that part of your plan?

Chuck Pafundi: What could be looked at seasonally, I could ask if that meets his seasonal influx. Right now, he was looking at it year to year.

Lyn Murphy: So it sounds like there is a few questions that will need to be answered as it relates to lighting, number, timing so maybe it would be best if you got those answers before we..

Chuck Pafundi: Sure

Lyn Murphy: Thank you.

Chuck Pafundi: Yea so we are down to just to clarify for the Board is the question of lighting and security and a question of

Don Roberts: How many

Chuck Pafundi: Can we reduce our number of displays and well as (inaudible)

Rich Berkowitz: Also is this a sales display area or is it storage?

Chuck Pafundi: No, right now, it's looked at as outdoor display, same thing as what (inaudible)

Rich Berkowitz: So if you were looking for purely, pure storage you could put this in the back of the lot because somehow you are going to have to move 40, 50 boats all at once when Mr. Goldstein starts developing his property.

Chuck Pafundi: Yes, and I think over time I don't see an opportunity where we won't communicate where the tenant arrangement comes to the larger project, we would make sure that Greg has like some time a month or two to remove the boats.

Don Roberts: I would like to hear from our Town engineer Joel.

Joel Bianchi: The only thing I think the Board has come up with some great dialoging comments the one thing I cause pause to is your starting to suggest that this is going to be integrated into the next application that you are doing. That sort of puts a wrinkle in one of these applications, because your next applications a type 1 SEQR action they have to do an environmental review now you're making representations that this might become part of that application depending on whatever happens with this. That is , it presents some challenges for this Board to move forward with either application

Don Roberts: That's why I really think in October that place should be vacant , the boats should be gone. And then the next season we entertain it again if you haven't started your development.

Allen Goldstein: If I may make a comment, Allen Goldstein 342 Barber Side Dr. Schenectady. I think what Greg would be doing, I am starting a business too, so I understand. He would probably keep the boats there year-round and use his existing lot not only for display but for service. Right now, he has boats that he is servicing in Albany and that's quite a workout for him. So, he would probably have them right there for the customers, service them put them right back out in Spring so my point is he will probably keep the boats on display straight through the year some based on season he might have more than selling season. I believe he has to buy boats in a lump sum (inaudible)

Don Roberts: Just to clarify, I just saw this, we are talking about new boats for sale he would not entertain storing privately owned boats there for the winter?

Allen Goldstein: No, just boats for sale. I'm talking about his existing facility for service.

Marcel Nadeau: So, then this is not a temporary.

Don Roberts: Temporary can be defined many ways as we know you know.

Marcel Nadeau: If it's year-round.

Allen Goldstein: Year-round is temporary until we build something we are working on, it's just part two.

Don Roberts: I would think once you get approval for your site then this should be gone, I think. I mean I don't think we want both operations on the same site.

Joel Bianchi: The question I'm raising is do you now have to consider the next application with the prospect of this being part of it?

Don Roberts: No, I don't think we want that.

Rich Berkowitz: Well, is one of your warehouses going to be used to store boats?

Allen Goldstein: No, we put in the letter to you basically is that we (inaudible)

Lyn Murphy: But you have absolutely no concept as to when the shovel is going to hit the ground and what that business is going to be.

Chuck Pafundi: (inaudible)

Lyn Murphy: I think the main push, I mean we are so happy that you have come into our community and are doing business with Halfmoon however I think we don't have information tonight to move forward on either of these applications.

Allen Goldstein: We are at substantial expense to put down the surface to park the boats on if we could get say a two-year approval and or when the shovel hits the ground.

Lyn Murphy: Yea I just don't think the Board and the Board can do whatever they want. Obviously, they are an independent Board, but I don't think we have enough information as we sit here tonight because there is a lot of maybe, possibly, could be statements.

Chuck Pafundi: Understood and we can get you answers on that

Lyn Murphy: That would be great.

Don Roberts: That would be good.

Joel Bianchi: And what I would say to further clarify what Lyn said. If there is any potential where this is going to potentially be active at any point when the next application is either under construction or operational your next application has to be amended to articulate that.

Chuck Pafundi: Understood, I completely understand that.

Charlie Lucia: You're painting yourself into a corner.

Don Roberts: And this could make it tougher.

Chuck Pafundi: Yes, so we will take those comments into account, and we will have everything ready moving forward.

Don Roberts: Okay, thank you very much.

Charlie Lucia: I agree with Joel. I think we have to be careful with this one we could find ourselves backed into a corner later down the road.

***GT Toyz Temporary Boat Display & Storage– Change of Use/Tenant
TABLED. The Board received a presentation on a request to allow the temporary storage and display of up to 60 boats and trailers and tabled the request to allow the applicant to answer questions raised by the Board.***

Old Business:

1542 Mixed Use Development, 1542 Rt 9 – Site Plan (24.131)

Jason Dell: Good evening I'm Jason Dell with Lansing Engineering (inaudible) So for the overall project the applicants are proposing the construction of 6 buildings. There will be 2 single story commercial buildings along the frontage with Route 9. There will be one large 3 story self storage building in the center portion of the site and there will be 3, 12,000 square foot storage buildings for boats and RV's as well as contractor storage in the 3 buildings to the south. This is a bit different than the last time we were here before you folks. The last time around it was 2 buildings that were each 16,800 square feet. Due to construction constraints, it was deemed easier to do 3 buildings to the south. This is a bit different than the last time we were before you folks. The last time around it was 2 buildings that were each 16,800 square feet due to construction constraints. It was deemed easier to do 3 buildings at the 12,000 square foot than the 2 buildings larger. So, there would be one access drive servicing the facility as well as The Edge rock climbing facility in the back. The access drive will have one lane into the site and

two lanes exiting the site, that is the configuration that we are proposing now based upon the feedback we received last time before the Board. That configuration will have to be reviewed and approved by DOT but it is currently on our plans now. We will be proposing a monument sign located right near the entrance to the facility. This will be for the overall site as well as The Edge will also be including their signage on the new proposed monument sign. Water will be extended from the main on Route 9, sanitary sewer will be extended to the west and tie into the existing force main that occurred and the servicing The Edge and connecting to the Saratoga County Sewer district system and stormwater will be managed in accordance with all requirements on the site. So, since the last time we were before you folks we have gone through a couple reviews with MJ Engineering we have revised the plans accordingly. Joel and I have talked about some additional provisions that we will be making to the plans, they might not be noticeable on here but we will be making those per our discussion. We did include our landscaping plan that was discussed at the pre-meet. We are showing a line of evergreen trees along the back of the building and buffering the back of the building with the mobile home park to the south Rich alluded to in the pre-meet that we had discussions with the southern property owner, it was actually a misstatement on our behalf on the counter response we actually talked with the northern neighbor. They were fine with everything, but the applicants did reach out to the owners of the mobile home park, and they had no response to those inquiries so.

Richard Harris: I had it wrong in the pre-meet saying they reached out to the mobile home park.

Jason Dell: And then as I mentioned before we revised the entrance configuration as was requested by this Board. One other item that we will need to discuss as we move forward with this project is we will have to go to the Department of State for a variance. I talked with Rich and Joel about that for a project like this according to the building code we are required to have 2 access points. However, due to the size and the frontage limitations on route 9 we don't have room for 2 formal access points. Discussions with Alana and DOT that's not something DOT would allow us to have either on a site like this and the second part of that is we won't meet, it's impossible for us to meet the remoteness requirement for those 2 access points. Those 2 access points would have to be equal to half the distance of the longest diagonal of the property lines, how that was derived I have no idea. It would be impossible to meet that on this site.

Richard Harris: That would be half the distance of here to here which is about here

Tom Werner: You've got to buy some land

Jason Dell: So, we will have to go to the Department of State for a waiver on that. We have gone through that process before. What the Department of State looks for is input from the local municipality as well as its input from local emergency services and if both of them are good with the proposed variances they indicated they will usually fall in line with that. It's not a guarantee but we have gone through that process before and have been successful getting those variances and we will be doing the same here with this project.

Richard Harris: Yea the Board could state on the record that its impossible for them to meet that standard and I think Jason I'm not sure what format you prefer from the Town we talked about it a little bit the other day. If a Board statement at a meeting that they understand that you can't meet that provision of a second entrance at least half the distance of the width of the two widest points they find this proposed entrance acceptable.

Jason Dell: Well what format we would be looking to

Richard Harris: Yea are you looking for like a resolution of the Board, comments out of the minutes?

Jason Dell: I think we need something more formal than just comments and minutes. What we did on the other project that we were successful, and I've only done it once before was that we had a conditional approval from the Planning Board, and that it's conditioned in the fact that if the Department of State doesn't give us the requested variance obviously the site plan is mute and we would have to come back with something different.

Lyn Murphy: Just to remind the Board, well first of all it's got to be referred to agencies so we will see what their response is, and we can go forward from there, but this Board is not allowed to defer their judgement to another agency. There is case law all over the place so I appreciate that that's what you did in the past but we're going to need an answer from them before we can proceed.

Jason Dell: I guess would a formal resolution be something you would be in favor of the variances?

Lyn Murphy: I don't have a voting stock in this but I'm just saying they cannot defer to another agency and say if this agency says it's okay then we'll approve it, they have to have that agencies okay before they can approve it .

Richard Harris: Yea so in that case I think you can request it of the Board.

Lyn Murphy: You can get a variance sure you can apply for a variance but that's a different animal, but this Board can't defer to another Board as far as their ability to approve or disapprove a project. It's (inaudible)

Jason Dell: I understand is it possible to get something formal in writing that the Board is in favor of the project? An opinion of the Board that we could submit to them because they will be looking for information from the local municipality.

Lyn Murphy: Well, the problem is right now we haven't referred it to any agencies.

Jason Dell: Understood moving forward though that's where I'm going.

Lyn Murphy: They can't do a formal resolution, they can say that they don't have an objection to you going forward with the State, no problem with that but um they can't do a formal resolution approving contingent on.

Jason Dell: Understood.

Don Roberts: Now Joel you've already looked at this right ?

Marcel Nadeau: So, in other words their jurisdiction is not overriding our jurisdiction?

Lyn Murphy: Yea and the law is very clear, case law is very clear that we cannot defer to a different, we can't basically usurp our powers to say, you guys decide. You're just not allowed to do that.

Don Roberts: Joel your

Joel Bianchi: Yea we've done two or three reviews I think either from the engineering standpoint I think we've addressed a vast majority of things they've just submitted last week. So, we'll review those, but I don't think the engineering at this point is really of a concern. We do need to, and I talked to Rich Friday, we do have to circulate this application for SEQR and we either did it today or we'll do it tomorrow.

Don Roberts: Okay its also being referred to the fire district

Richard Harris: Yea I just sent it to fire last week. Both fire and county and some of the chiefs do come in early on projects. But as stated this project changed from what it was four months ago, so we sent it to fire towards the

end, not when you're ready to vote the next day or we get to this kind of situation where Joel is about 95 percent 90 percent satisfied that there is not going to be some stormwater thing that changes the site.

Don Roberts: We have to refer it to the County.

Richard Harris: Yea that is scheduled for their meeting in February, they also more and more want to see the Board's, this Board's thoughts, comments, the engineer's comments close to when your ready for a vote, they don't want to see an early draft and then they've got to come back twice. So now would be the proper time, like when Joel gives me a heads up that we are getting close, so its time to do SEQR, its time to get to fire, time to get to the county and that's where we are. Not ready now but maybe in a month, you might be late February possibly.

Don Roberts: Okay, comments by the Board?

Rich Berkowitz: Jason, you mentioned there's 5 buildings?

Jason Dell: 6

Rich Berkowitz: Okay cause the narrative says 5

Richard Harris: Oh, I probably messed that up, it was 5, now it's 6.

Rich Berkowitz: Okay

Richard Harris: One other item they did bring up in their revision is that one of the buildings the height is 40 feet at its highest point. The ordinance for C-1 Commercial you can approve higher than 35 feet, so I just want to bring it to your attention. You have in other cases Scott Earl's facility it was Twin Bridges, now Casellas, on 146 where the conveyor belt system for recycling you approved it higher at one end because of the system so I just wanted to make you aware of the one building is higher, but you have the authority to approve that in that zoning district.

Don Roberts: Okay, any other comments by the Board?

Rich Berkowitz: Alana's here so what's the traffic like?

Alanna Moran: Good evening, Alanna Morand with Lansing Engineering. We completed the traffic, I completed the traffic evaluation for this one at VHB so representing just work that had been completed previously. The site is expected to generate about 170 new vehicle trips during the weekday and peak hour and about 109 new vehicle trips during the pm peak hour. Those were the two peaks we looked at for this one, but the unsignalized access and the two-way left turn lane right through the signalized access and the two-way left turn lane right through the center of Route 9 there it really operated pretty well, about level service D or so with construction of the proposed and with two lanes exiting the site. So, we did go to DOT with that configuration that you see there, I haven't yet heard back from them, they don't typically go for two lanes exiting but we certainly gave it a shot, so we'll see what they say when that comes back. Do you have specific questions or is my quick rundown okay?

Tom Koval: What is this based on? What type of businesses ?

Alanna Moran: Yea, sure so it's a coffee shop is one of the businesses that's being proposed so it would be a 2000 square foot coffee shop with a drive through. The three story 35,000 square foot self storage facility, the 42 boat/ RV storage units and then a 6,000 square foot retail commercial building that also includes a drive through. So, we were asked about 3,000 square foot retail, and about 3,000 square foot of just a fast-food type of restaurant.

Tom Koval: Fast food and coffee shop are the same trip generation?

Alanna Moran: They are a little different in that the coffee shop is going to have more of an am/pm peak hour, higher rate and that the fast food is usually going to be driven more by the pm peak hour. So, they are a pretty good comparable mix.

Don Roberts: Now you said you included the boat storage on this? Now when this starts that's gone.

Alanna Moran: Well, what we included is not what's going on as part of the other application that is not what I looked at, this is specifically the storage onsite in those three buildings.

Tom Werner: In your traffic evaluation you looked at the signalized intersections at Plant Road and up at Sitterly what about the signalized intersections up at Walmart, I would think that would have some beneficial for the client here in that it would occasionally provide gaps in the southbound traffic which would facilitate left turns out of this facility. I would think left turns pretty much are problematic on Route 9 at peak hour. I have a lot of experience with businesses up and down Route 9 trying to make a left turn out and it's not a simple thing. Two lanes for exiting is absolutely essential in my mind.

Alanna Moran: That one just has to be determined by DOT and we know that they've kind of changed their approach to that over the last decade-ish is when they really started preferring just a single lane exit at unsignalized locations, but the presence of the two-way left turn lane is definitely helpful especially for entering and exiting, but yea Route 9 kind of is what it is but you don't want to get another signal in this mix right here so using the ability of what you've got on the systema already is the best option I think.

Don Roberts: Any other questions?

Charlie Lucia: Just a comment I guess, you know where you can file that right, if we were supposed to have dual access ways and we're down to a single one just as said the two exit lanes would be helpful even with the entrance and the two exit ways is that going to be enough considering we should have had a second one anyway, and that's more for Jason to basically take a look at the plans and what not. Is there enough area to handle that in lieu of two entrance and exit ways. Just a thought.

Rich Berkowitz: So how many of these buildings are going to be for RV storage.

Jason Dell: The three southern buildings.

Rich Berkowitz: They are all for RV and boat storage?

Jason Dell: That's correct, boat, RV storage, contractor storage.

Rich Berkowitz: Individual like Bruce's up on ?

Jason Dell: Yea you can see we've kind of divided them with the intended uses right now, how those would be divided up into the individual bays for the boats.

Rich Berkowitz: So those would be for the public to rent the space, it's not for mass storage of ?

Chuck Pafundi: They would be for the public to rent. You're seeing a lot of these boat and RV storage buildings that are popping up in Saratoga Springs on the way up towards Lake George very similar concept.

Rich Berkowitz: So, this won't be for GT Toyz to store their extra ?

Chuck Pafundi: It is not the intention of GT Toyz no it's a self storage business, yes sir.

Rich Berkowitz: How many bays are there?

Chuck Pafundi: We haven't worked through the architectural on that I think Jason may have some lines illustrated there from a similar complex.

Jason Dell: I don't recall off the top of my head the exact spacing between the individual units, but I will get you that next time.

Rich Berkowitz: So, the only really high traffic density is the two restaurants ?

Chuck Pafundi: That's correct, yea and I would imagine too if Jason provides some type of number of storage bays until we get to architectural that could change a little bit, we haven't worked through that yet just to be transparent.

Marcel Nadeau: Can you clarify for me so you're saying this site requires two entrances?

Richard Harris: The State Building Code requires a dual entrance but also...

Marcel Nadeau: Aren't we trying to circumvent that?

Richard Harris: They can't physically meet it.

Marcel Nadeau: That's what I'm saying.

Richard Harris: I don't know about circumventing areas ...

Marcel Nadeau: They can't meet the criteria so ...

Richard Harris: Physically they can't.

Marcel Nadeau: So where do we go with this? It's not meeting the zoning.

Richard Harris: Not zoning, no State building code. We have to go to the State Building Code Council for a variance we don't have the authority to give a variance on it at this town.

Marcel Nadeau: It doesn't meet the specs, are we going to try and approve it?

Don Roberts: It's just like the ZBA they go to the ZBA for a variance they've got to go to the State for a variance.

Marcel Nadeau: But we can't use the state's decision?

Lyn Murphy: No what I'm saying is we have to wait until we have a decision before you can proceed, you cannot approve it contingent on getting that approval. You have to either have to approve it or deny it and but they are already in the process and you can after Joel reviews it say you know the Town has no objection to the granting of State variance but that wouldn't be a Board thing that would be a Letter I would write or Rich would write.

Marcel Nadeau: Isn't that going to set a precedent for every other site that wants to come in and do that ?

Lyn Murphy: No because the State has to be okay with it, we don't have control over it.

Tom Koval: Anybody can go to the State and ask for that permission.

Lyn Murphy: Correct.

Marcel Nadeau: So, if the State says no, then it's done.

Lyn Murphy: Then it's no, we can't override what the State says.

Tom Koval: The State is the one who set this rule, so they are the ones who have to give us permission.

Lyn Murphy: They have to give us permission, right

Richard Harris: If they don't get it, our office can't give a building permit because it doesn't meet the building code which is what the variance is based on.

Rich Berkowitz: Is there any other property in the area that meets this type of criteria?

Richard Harris: That meets it? Or needs a variance?

Rich Berkowitz: That has the same problem?

Richard Harris: Right now, you're looking at, it hasn't been on the Board for over a year but Tabor Road you approved 113 Tabor Road right Jason? You've been brought on board fairly recently, the owner Rekucki also had a multi-building development that you haven't approved yet, you only saw it maybe once and I think that's going to need the same kind of variance.

Jason Dell: We can actually meet that we had to shift the secondary access point way down the hill going down towards closer to the creek, so we can meet it there. But another example of the project that would have needed this variance you all remember the NPPM project

Richard Harris: Up on Route 9 by Stewart's.

Jason Dell: That one would have if we had advanced on that one, we would have ultimately gone to the Department of State on that as well because the length of the diagonal of that property was such that we couldn't separate those access roads out far enough.

Chuck Pafundi: Rich, on multiple projects its just kind of comes into irregularity and shape of some of these lots.

Rich Berkowitz: Would a service road qualify or an emergency access road?

Richard Harris: But it's got to be at least half the distance at the widest points so it's a separation also. It's a second entrance but it has to have a minimum separation distance.

Rich Berkowitz: Okay

Joel Bianchi: What Lyn is telling you I'm not trying, I won't, by what I'm saying I'm not trying to under minimize or slight the building code. The building code is the building code, in this instance there's two things triggering it's the building height, aerial apparatus that you need because you're over 30 feet and I think it's the net square footage of the buildings that 124,000. An easy way to resolve this and I'm not saying they do this and Lyn I think your saying it, if the road went through this and became a Town Road you would have the two accesses for the parcels because the access is not based on building it's based on tax parcel. So, they have a single tax parcel they need to have two accesses, they can't get it because of constraints from DOT and you couldn't get the separation just because the oddness of the parcel. If they were to subdivide it, they would get two accesses, and they might be able to meet the remoteness but again they have options and if they are not successful in getting the variances there are ways in which they can modify the project to overcome those variances.

Richard Harris: Joel why did it necessarily have to be a Town road?

Joel Bianchi: It's because well not a Town road it has to be separate tax parcels.

Richard Harris: Yea, okay so subdivide it.

Joel Bianchi: So theoretically to satisfy that if the road was carved out as a separate tax lot

Richard Harris: Oh, the road itself, oh okay.

Joel Bianchi: The road itself becomes a public way.

Richard Harris: Not just a subdivision?

Joel Bianchi: Then that tax parcel with the self storage that is triggering the aerial apparatus becomes its own parcel as long as you can show physical two accesses onto a public way not a public right of way, you've generally satisfied the requirements of the fire code.

Lyn Murphy: We're not giving you legal advice, but that was what I saw when I looked at it.

Jason Dell: Would private access that would remain a private access road or would it need to be deeded to the Town?

Joel Bianchi: I've seen it in other jurisdictions applied differently both yes would work for you and others there were questions where they punted it to the Department of State for an interpretation.

Don Roberts: Okay we will refer it to the agencies, and we will let you know when we get responses alright.

Jason Dell: Thank you.

1542 Mixed Use Development – Site Plan

TABLED. The Board received an update on a proposed mixed use commercial, retail and self-storage development. The request was tabled to allow the applicant to answer questions raised by the Board and to solicit comments from other agencies.

Don Roberts: Anything else? Anyone from Home Depot here? Okay, I guess not, anything else.

Lyn Murphy: Anyone from Home Depot here?

Don Roberts: No one walked in, but we will try, anyone from Home Depot here? Okay, I guess not, anything else.

Charlie Lucia: I make a motion to adjourn

Marcel Nadeau: Second

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