

Town of Halfmoon Planning Board Minutes March 10, 2025

Those present at the March 10, 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.

Lori Barton: Second

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

Bell Subdivision, McBride Rd (SBL 261.-2-26.21) - Minor Subdivision (24.112)

Jason Dell: Good evening. Jason Dell Engineer with Lansing Engineering. I'm here on behalf of the applicant for the McBride Road subdivision. This project was last before the Board back in February and we're here this evening for the second Public Hearing to answer any further questions that you folks may have and request an approval for the project. So, the existing property encompasses about 3.19 acres along McBride Road and is zoned as part of the AR Zoning district and its currently vacant land. So, for the project, the applicant is proposing to subdivide the parcel into three lots. It will be a 1-acre lot. A 1.01-acre lot and a 1.88-acre lot. Each one of the lots meets the Town Zoning Code for size and setbacks. Water will be provided to these three homes by a connection to the municipal water system and septic's will provide sanitary sewer treatment. So, for this project, we did some but detailed engineering plans for a review that included the septic plans, grading plan, a basic SWPPP all of which was reviewed and approved, reviewed and all of technical comments were addressed that MJ had provided. We also just recently received our SHPPO sign off of this project as well. So, we're here this evening for the Public Hearing and request an approval.

Donald Roberts: Thank you. At this time, we'll start the Public Hearing. Anyone in the room wish to speak? Please come up, say your name, address and any concerns you might have.

Robert McCormick: My name is Robert McCormick. I live at 47 McBride Road which is adjacent to the property they're looking to build on. First thing I had was on page 1, there were 3.19 acres that they're looking to use. On the next page they have, they have one acre to one acre and 1.88 acres which adds up to 1.89 which is almost three-quarters of an acre more than what they had bid on. I don't know where that acreage is coming from. It's trying to come on our property or just what?

Donald Roberts: Jason, can you answer that?

Jason Dell: It may be a typo, that is a surveyed map. That may be a typo on our part, but the property was surveyed by a licensed surveyor and those dimensions and acreages are accurate on that subdivision sheet which do meet the Town Code.

Robert McCormick: Because it does say right at the bottom, they can't alter the print at all you know. They had new numbers or whatever else. But it ends up being .7 acres, a difference in what they, were on that print. The other thing I was questioning about, the septic system there, it says it's a shallow well septic system. Now one of our concerns was water running, or septic water running into our yard. What exactly is that shallow well?

Jason Dell: Shallow trench system?

Robert McCormick: I don't know. It's a shallow well for shallow water

Richard Harris: I think he's talking about on this lot here, Jason, closest to his house, right? That's the one

Robert McCormick: Right. Right. One's real close to that house.

Richard Harris: It's a shallow fill individual waste treatment system. I think you can come in and talk to me about that one.

Robert McCormick: Yeah.

Richard Harris: Can you explain that system, Jason. The why it's different than the other two.

Jason Dell: Sure, a shallow trench system, per Department of Health requirements. You have to have a certain separation to groundwater or another restrictive layer. A shallow trench system just indicates that approximately two feet of material would come in. The system is constructed at the surface and filled around basically, so it's just another type of system specified in the New York State Department of Health guidance for septic systems on individual lots.

Richard Harris: Why is that one different than the other two? The design is different.

Jason Dell: It's based on the test pits that were done. So, the shallow trench, based upon the test pits for that lot showed that that's the type of system that's needed.

Richard Harris: Ok.

Richard Berkowitz: But all three systems are approved by the New York Department of Health?

Jason Dell: Yes. The way those are designed, they are in accordance with the Department of Health regulations, and I believe Joel would agree with that.

Richard Berkowitz: And they shouldn't reach on another property?

Jason Dell: That's correct.

Robert McCormick: If we ever did have problems with that, with leakage from there, who's responsible for it? If it came up to our property?

Lyn Murphy: If the system failed and they didn't correct it, we're hearing from the Engineer that that is not likely. It would be a civil issue.

Joel Bianchi: Well, actually, it's under this town's illicit discharge program., it's a code violation

Richard Harris: Yeah. If their septic system fails, is that what you're asking?

Robert McCormick: Yeah.

Richard Harris: If it goes onto your property?

Robert McCormick: Yeah.

Lyn Murphy: I'm sorry I didn't understand that's what you were asking.

Richard Harris: Right, that would be an illicit discharge, and we've had septic systems fail and go onto other people's property

Lyn Murphy: But we're not liable.

Richard Harris: No, no we have an enforcement

Lyn Murphy: He asked if we were liable for it.

Richard Harris: Ok.

Robert McCormick: Page 68, it has a silt fence there with a big pile of dirt on the inside of it. Is that something that's staying there all the time, or do they cover that up with grass, so it doesn't wash away?

Jason Dell: What are you referring to sir?

Robert McCormick: There's a big silt, like this right here.

Jason Dell: He's referring to a soil stockpile area that's on the details for erosion sediment control, like for foundation excavation materials would be piled in one area and a silt fence put around it to keep any migration limited of that material. That's what he's referring to. And that's temporary during construction.

Robert McCormick: Will it be de-commissioned there according to New York State Department of Health. Now does someone oversee this operation as far as decommissioning it? Or do they just take their word that they did the right job or what?

Richard Harris: We do require as built certification by the Engineer for the projects so we would, that would be part of the building permit process.

Robert McCormick: Alright.

Richard Harris: We don't stand there and observe it, but we require the proof that it was done.

Robert McCormick: How about the road there. Is there going to be any excavation across the road and making that new road that we have damaged or are you going to run the waterline underneath the road?

Richard Harris: There's no proposal to do anything to the road as part of this. Do you mean their water connection are they going to

Robert McCormick: Yeah. Because the water connections on the other side of the road by that third house and I hate to see them dig up their brand-new road just to put a waterline in.

Richard Harris: To connect the houses? You haven't discussed that with our Water Director yet, have you?

Robert McCormick: No. But we have to connect to the waterlines

Richard Harris: Right, right.

Jason Dell: We would have to disturb the soil if it gets to that waterline.

Richard Harris: Yeah, yeah.

Robert McCormick: But how about the road itself, the blacktop?

Jason Dell: If we have to we will.

Joel Bianchi: The way the plans are shown, the waterline sort of meanders on both lines of the road. The way you have it Jay is you're connecting on your side of the road. You do not have to cross McBride.

Robert McCormick: So, it not cut across from McBride?

Joel Bianchi: That's what his plans represent so, no. he does not have to cross McBride.

Jason Dell: But if they have to get into the road they have to, they'll make every effort to not. But there's also a detail on the plan to you were just referencing for stabilized construction entrances for each one of those driveways going in.

Robert McCormick: Alright, so that's a temporary thing also?

Jason Dell: That's temporary also.

Robert McCormick: And what about these boxes here. I can't read it without

Jason Dell: Those are per our SWIP requirements, that's a concrete washout area. That needs to be a stabilized area.

Robert McCormick: Uh-ha. And what about that discrepancy as far as the size of the lot and everything. What happens with that?

Richard Harris: We would go with the survey stamped plan that they presented here.

Robert McCormick: That would be the, that would be the most relevant plan, what they show here? They got stamped plans now or?

Richard Harris: Well, they'll stamp them if the Board approves it, they'll stamp them, but it was prepared by Kevin Weed, a licensed land surveyor who does quite a bit of survey work in town with Gil VanGuilder So, he drew this up, but they typically don't sign here or stamp it until, if and until the Board approves it.

Robert McCormick: I just hate to see them try to encroach on my property just because it says it on the one print there.

Richard Harris: That would not be legal for them to encroach on your property, and his stamp is, his survey stamp license is on the line.

Robert McCormick: Yeah. Well, there shouldn't have been any mistakes to begin with, though.

Richard Harris: I don't know what you're referencing

Robert McCormick: Well, it makes me question that if there's something that's measured wrong too. Whether they put the septic system closer to me or put the house closer to me.

Richard Harris: I'm not sure what the original number you're referencing is on. What is that on.

Robert McCormick: The first page says that you had 3.19 acres. Then the next print you've got different sizes there. You have

Richard Harris: Oh, I see here where you said site statistics, 3.19?

Robert McCormick: Yeah.

Richard Harris: It actually adds up to what 3.89, I believe.

Robert McCormick: It comes out, depends on what numbers you go by. When you go by their other sheet with the 1 acre, 1 acre and 1.8 acres, we're three-quarters of an acre off almost.

Richard Harris: That's 3.89 then.

Robert McCormick: Yeah.

Richard Harris: Yeah, this would govern, right here. This one. If this is what they approved, if the Board approves it, that the stamped plans would be, what would rule, I guess. In terms of the Town's mind. Unless

Donald Roberts: It'd be the 3.89.

Richard Harris: Yeah. It would be what this says, right, correct 3.89.

Richard Berkowitz: Correct me if I'm wrong, but they legally cannot encroach on your property and they legally have to put the septic system a certain number of feet away from your property also.

Richard Harris: Right, correct.

Robert McCormick: I'd just hate to seem him stamp them when it's wrong.

Richard Berkowitz: Well, the stamped plans are correct. The stamped plans will be correct because it's somebody's livelihood and license on the line and then if it's not correct then you have a lawsuit.

Robert McCormick: Yeah. Well, we don't want to go that route when it should be clear

Richard Berkowitz: Well, obviously. That's why he surveys and that's why he stamps it.

Robert McCormick: Yeah.

Richard Harris: Yeah. That plan was last edited December 17 of 24. So, this is the most recent right here. It's up on the screen.

Robert McCormick: What do they have up there on the screen?

Richard Harris: 3.89 total acres

Robert McCormick: Yeah

Donald Roberts: So, that's what we're going to be going by.

Richard Harris: Yeah.

Robert McCormack: But that's not right.

Charlie Lucia: That's the point he trying to make

Donald Roberts: That is right.

Robert McCormick: No.

Richard Harris: The cover sheet says 3.19 plus or minus acreage. That's what it says. I think this is what you're referencing, what I've got up here right now site statistics.

Robert McCormick: Yeah. 3.19.

Richard Harris: Plus, or minus, correct. The surveyor didn't do this page. This was by Lansing Engineering. The second page is a surveyed plan that is what I would believe the final plan would look like, if the Board approves it, and it be stamped....we will verify that. That it matches this. But this is the survey plan. The

surveyor would, in our opinion, would be the more accurate versus a cover page of a full plan sent. This is it, right here. The survey's what?

Jason Dell: We will correct the typo.

Richard Harris: Yeah. So, you'll correct it on the cover sheet?

Donald Roberts: And we're basing on 3.89 acres. That's what we're basing it on.

Richard Harris: And again, you've got to understand, this does say plus or minus so if you were off 100th

Robert McCormick: No. I just want to get it straightened out and make sure it's not messed up there.

Donald Roberts: Thank you very much. Anyone else wish to speak?

Richard Harris: There's someone online.

Donald Roberts: Anyone online wish to speak? No. Ok. Rich, we have any written correspondence to review?

Richard Harris: Not for this Public Hearing. I received Mr. McCormick's letter that had circulated prior to the last meeting.

Donald Roberts: Since one else wishes to speak, we'll close the Public Hearing. Joel, are you all set with this?

Joel Bianchi: Yes. I'm all set.

Donald Roberts: Ok. Comments by the Board?

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

Marcel Nadeau: I'll second it.

Donald Roberts: All in favor aye (all in favor). Opposed (none opposed). Motion carried.

Richard Berkowitz: I make a motion to approve the three-lot minor subdivision.

Lori Barton: Second.

Donald Roberts: All in favor aye (all in favor). Opposed (none opposed). Motion carried.

Jason Dell: Thank you.

Donald Roberts: You're welcome. New business.

Bell Subdivision, McBride Rd - Minor Subdivision

APPROVED. The Board held a Public Hearing and approved the three-lot single family home subdivision.

Steve Shannon Tire Co., 1430 Rt 9 – Change of Use/Tenant & Sign (25.021 & 25.022)

John Montagne: Good evening, everyone. John Montagne with GPI. I'm with Joe Estaniak, formerly of the Tire Warehouse and now with Steve Shannon. They're here just to ask for a sign change, ownership change on the

business now from Tire Warehouse sold to Steve Shannon. Steve Shannon has moved into the area. They now have purchased all three of the tire warehouse facilities in Queensbury, Troy and now here in Halfmoon.

Donald Roberts: A question came up about outside storage in the rear. Can you explain that a bit?

Richard Harris: Late this afternoon, I didn't have time to reach out to you, I did hear from the Halfmoon Waterford Fire Chief that...and I'll just quote him "we (meaning the Fire Department) has a pending issue tire storage outside, in the rear it would currently have a do not enter" that their own internal not a sign up on your building. For a fire in the rear storage building that is not resolved. I checked our Code Enforcement. The last thing was in November 2022 there was a question during a fire inspection. That resolved in December of 2022. So, I'm not sure if he just isn't aware of that or

Joseph S. Vanning: We had an actual fire inspection

Donald Roberts: What's your name again please?

Joseph S. Vanning: Joseph S Vanning. So, we had a fire inspection in, I believe it was November, and then he came back because I think we had, I couldn't tell you, whatever he violated us for

Richard Harris: He's talking about 2022, correct?

Joseph S. Vanning: No. Last year, 2023.

Richard Harris: We didn't have anything....we must not have

Joseph S. Vanning: So, you're going back to what year?

Richard Harris: Well.

Joseph S. Vanning: Currently?

Lyn Murphy: You tell us more about what's happened in 2024.

Joseph S. Vanning: No. What happened, we had something to where like a, we didn't have a chain around an oxygen tank or something. Yeah.

Richard Harris: Yeah. That's not, yeah, so they just kind of tabled the fire inspection and came back and resolved that. So, I didn't have that as a violation. The last violation we had during a fire inspection was in November of 2022 that discussed tire storage outside to the rear. But then, in December, our notes, and that Inspector has since retired, so I couldn't talk to him when I got this, late today. It was resolved by December of 2022 and our fire inspection since then had not red flagged yet. There might have been issues an Inspector brought up during the inspection.

Joseph S. Vanning: We had a delivery at the time that we were overloaded that we were transporting to other stores

Richard Harris: Ok.

Joseph Vanning: And at the time when he came in, we were unloading a big trailer.

Richard Harris: Was this back in 22?

Joseph Vanning: Yeah.

Richard Harris: Ok.

Joseph Vanning: So, everything's been resolved since.

Richard Harris: Ok.

Donald Roberts: So, there is no outside storage?

Joseph Vanning: No.

Richard Harris: In the back.

Joseph Vanning: No. You're related to the warehouse behind the building itself.

Richard Harris: Is there tires stored outside?

Joseph Vanning: Yes, In the warehouse. Not outside in the elements.

Richard Harris: Not outside the building. So, there's no outside the building. Alright.

Joseph Vanning: Right.

Richard Harris: I don't know then why the Fire Department still has a do not enter for a fire in their own notes for storage in the rear building. So, I don't know what, unfortunately, I did not have time to see what this issue was. We're not aware of anything inside the building.

Joseph Vanning: I'm not aware of it either. There's nothing there.

Richard Harris: Ok.

Joseph Vanning: Outside.

Donald Roberts: Questions by the Board.

Richard Berkowitz: So, you bought the business, tires, everything.

Joseph Vanning: Not I, myself.

Richard Berkowitz: Well, your company did.

Joseph Vanning: Yes. Yes.

Richard Berkowitz: So, you're going to clear up the building and bring in new inventory?

Joseph Vanning: Yes

Lyn Murphy: You did or did not?

Joseph Vanning: Repeat that again.

Joseph Vanning: The question was did new inventory get brought in now.

Joseph Vanning: No.

Richard Berkowitz: So, your company bought the business as is

Joseph Vanning Yes is. Yes.

Richard Berkowitz: Nothing has changed except the ??

Joseph Vanning

John Montagne: Zero, including him. He was the manager before at Tire Warehouse and he's still there.

Donald Roberts: As far as the sign goes all you changed was what was there before? Add nothing new?

Joseph Vanning: That's it.

Donald Roberts: No new sizes, no nothing?

Richard Berkowitz: No added services?

John Vanning No.

Richard Berkowitz: Subtracting services?

Joseph Vanning: Same thing.

Richard Berkowitz: Ok. I make a motion to approve the Change of Use and Tenant and sign

Donald Roberts: We have a motion for the change of use and tenant and the sign, do we have a second?

Charlie Lucia: Second

Donald Roberts: All in favor aye (all in favor). Opposed (none opposed). Motion carried, good luck.

Joseph Vanning: Thank you.

Donald Roberts: And you're going to advertise that you're in Halfmoon, right?

Joseph Vanning: Yes, yes

Donald Roberts: Thank you.

Steve Shannon Tire Co., – Change of Use/Tenant & Sign

APPROVED. The Board received a presentation and approved the Change of Use/Tenant and Sign applications for a tire and automotive repair facility to occupy the existing buildings.

JC Residential and Light Commercial LLC, 113 Tabor Rd – Change of Use/Tenant (25.023)

Donald Roberts: Lori's going to recuse herself.

Jason Dell: Jason Dell. Engineer with Lansing Engineering here on behalf of the applicant for this change of use. York HVAC is seeking approval from the Town to lease 113 Tabor Road for shipping, receiving storage and sales of residential and commercial HVAC units, parts and supplies. York is looking to lease approximately 21,000 sq. ft. of the 50,000 sq. ft. building. They are also seeking about a 2,250 sq. ft. temporary fenced outdoor storage area shown in yellow on the plan on the screen for approximately six

months. And, during that six months York is planning to pursue a permanent approval for the outside storage in that area for HVAC units that are too large to fit inside the building. They come delivered and they can't get through the doors so their new equipment that will just be stored in that area until it's transported off-site for use by a customer. The hours of operation will be between 7:30 in the morning until 4:30 p.m., Monday through Friday and most of their business and traffic is anticipated between 8:00 a.m. and 10:00 a.m. There will be three full-time employees at the location and for the most part, the majority of the traffic into and out of the facility will be HVAC professionals picking up products and supplies. So, we're here this evening to request the change of use as well as the temporary storage approval.

Donald Roberts: I have two questions. What are the size of the trucks?

Jason Dell: The size of the trucks, right now it'll be limited to the WB-40 until the work is completed on Tabor Road. Right now, the exact size of those trucks will have to be WB-40 or less.

Donald Roberts: Okay when that work is completed then you'll have what?

Jason Dell: When that work is completed, the site will be able to accommodate up to the 67. The big highway haulers. Another aspect of this project that's not on the agenda tonight is the further potential development to the north and west on this site that are, will provide two points of access. One for this building as well as another one that's coming up from Tabor Road. Those plans are with the T&E right now. We're going back and forth with comments so access with larger vehicles will be easily accommodated by the site.

Donald Roberts: Okay now the flow of traffic for the trucks. They're going to kind of go off Route 9 onto Tabor into your site?

Jason Dell: That's correct.

Donald Roberts: When they leave, they're going to come off, they're going to come out of your site, get back on Tabor, go to Route 9. They're not going further down into the residential areas, right?

Jason Dell: That's correct.

Donald Roberts: Okay, thank you. No, but we want to discourage that.

Marcel Nadeau: Who polices that the trucks are at the proper size? Who's policing that?

Jason Dell: We would have no way to monitor that.

Donald Roberts: Not me. Somebody'd have to complain and then somebody would.

Richard Berkowitz: But that issue is going to be solved once the pavement plants open up?

Jason Dell: Yes, Joe Rekucki has already met with Bill Bryans out there on the site. As Rich indicated in the pre-meet, we did submit plans for that widening. So, the plans are in the works. Speaking with Joe right after the pre-meet, he mentioned that they plan to get that going as soon as they can in early April and hope to have it completed by May 1.

Richard Berkowitz: So, it takes a few weeks to finish the road project?

Jason Dell: It's actually not a lot of work to do. It's just that that bad turn just past that house that's just right up against the road. Joe indicated that if weather permits and cooperates, it's only about a week's worth of work.

Richard Berkowitz: For the temporary storage, how many units would be in there and how long do they stay there?

Jason Dell: I don't have the answer to that.

Richard Berkowitz: So, are special order equipment and then they're delivered to you and then you bring them onto the site?

Joe Rekucki: Joe Ricucci, MJ Properties. So, it was indicated to me by Yorks's realtor that basically what it is, is its special-order air handlers that go on a roof. Their sizing is around 17 feet, and they just don't fit through any of the overhead doors. I don't know the exact amount of time that they would be on site but it's more or less just a place for them to unload them from manufacturer and put them onto a shipping company that would get them to their final destination.

Richard Berkowitz: You can assume that they're only going to be there for a short time because they don't want to sit there. They want to

Joe Ricucci: Correct. They're going to want that piece of equipment sitting out for that amount of time. I can't imagine it'd be a permanent storage for a long period on these items.

Richard Berkowitz: And what type of fence is it going to be?

Joe Rekucki: I'd have to assume that if it's temporary storage they would probably be doing a temporary chain link fence for now. Until final, until they can work through the final possibility. I would assume at that point, it would be negotiated with the permanent fencing would be.

Richard Berkowitz: Is it possible to increase the size of one of the openings, or no?

Joe Rekucki: Unfortunately, I don't believe so to meet the width because the internal steel structure is only about 20 feet wide. So, by the time you add all of the opening, all of the operational stuff for the doors, don't think they would fit.

Richard Berkowitz: Plus, these things are boxed.

Joe Ricucci: I believe so, yes.

Donald Roberts: As we discussed in the pre-meeting, any word of hours of operation up there?

Joe Rekucki: Like I said, ya know, it was indicated to me that their hours of operation are 7:30-4:30. They did not say anything. They said there was no, not open on the weekends. As far as working any later than the 4:30, I would have to assume that they shut their doors at 4:30. There's probably going to be a little bit of cleaning and putting away inside of the warehouse. There should be no external work.

Marcel Nadeau: So, there's no late-night deliveries?

Joe Rekucki: Not that I'm aware of, no.

Lyn Murphy: A yes or no would be fantastic.

Donald Roberts: As you can see in retrospect, it might have been better to have someone from the company actually here to answer these questions.

Joe Rekucki: I will agree to that 100%.

Donald Roberts: You know what I mean?

Joe Rekucki: And I wish they would have sent someone.

Richard Berkowitz: But there will be no one there to receive a shipment after 4:30, 5:00.?

Joe Rekucki: That's correct.

Donald Roberts: Do I have any questions by the Board?

Charlie Lucia: Yeah. I'm just curious about the AC units. The large ones. Obviously as you build into this you may need those now. AC units are AC units has the company grows or does very well. Could we have anticipated that one day you're going to be back asking for outdoor storage for large units again?

Joe Rekucki: I know right now what's being asked of right now what's being asked of right now is just the temporary size. I have to assume that when they're going into the application through the site plan approval, they will have probably more. Thought about the further in and when they go for that, they'll be looking for, I'm sure it won't be, I'm sure it'll a little bit larger size.

Richard Berkowitz: And you're fine with the six-month, temporary trial storage period?

Joc Rekucki: Yeah, yup.

Charlie Lucia: Just curious, and also, forgive me on this, because that turn, I mean obviously you've made accommodations for it. Is there, to widen the road, you only have a foot and a half shoulder and can you just acknowledge even tonight, through our own comments, there's a house close by. A residential property close by. There's no intent then to put a guard rail, guide rail, something there to help preserve the entirety of that property?

Jason Dell: Back when we got this facility approved, we supplied and were asked to do kind of a turning study that showed the trucks and what was going on over there and the public was absolutely correct in saying that the large trucks would just have to cross over the center line, so they didn't drag the tires across the dirt. So, by us widening that area, we are widening it about four or five feet, I believe, but we're also reconstructing the guiderail next to that. So that will allow for those trucks to freely, you're not dragging the trailer anymore. So, the house wasn't the problem, it was a little bit passed the house where, yeah, the turn gets tighter.

Richard Berkowitz: Thank you. Okay, I'll make the motion to approve the change in use and tenant, contingent on the road being updated.

Lyn Murphy: By May 1?

Richard Berkowitz: By May 1st and temporary storage that's going to expire by September 1. It's in six months.

Laurie Barton: You're approving the change in use for May 1 even though they want to open in April?

Richard Berkowitz: No, they could use of facilities as long as they don't use tractor trailers for delivery.

Laurie Barton: So, they're going to have to get the road done by May 1?

Richard Berkowitz: Yeah.

Marcel Nadeau: And there's no nighttime deliveries?

Richard Berkowitz: No. Operation hours, not to begin until 7:30 a.m. and ceasing outside at 4:30 and then overnight work. No overnight deliveries also.

Marcel Nadeau: I'll second that.

Donald Roberts: All in favor aye (all were in favor). Opposed (none opposed). Motion carried.

Jason Dell: Thank you.

Donald Roberts: You're welcome.

***JC Residential and Light Commercial LLC – Change of Use/Tenant
APPROVED WITH CONDITIONS. The Board received a presentation and approved the Change
of Use/Tenant application, with conditions, for an HVAC equipment and parts supply company to
occupy approx. 21,000 SF of the 50,000 SF building.***

Cheema Petro LLC (Valero), 1493 Rt 9 – Site Plan (23.202)

Rich Nolan: Yes, thank you I'm Rich Nolan, Nolan Engineering representing Cheema who unfortunately couldn't make it today. He hurt his back. We were here several months ago. Jason presented. Since then we have received several comments from MJ Engineering and responded to those, about three rounds of them. I think we are pretty much responded to all of the comments successfully. Today, we received the No Effect letter. I don't know if you've received a copy of that yet. It was just handed to me today. So, we can pass that on.

Richard Harris: Did you just send that to me. Somebody sent that to you late today?

Rich Nolan: Maybe somebody did. Maybe Kevin?

Richard Harris: Jason, did you send me a No Effect letter late today?

Jason Dell: He did.

Richard Harris: Alright.

Donald Roberts: It's right here.

Richard Harris: That's the one I'm thinking of. You're mentioning Jason., yeah. You're right.

Rich Nolan: I could refresh you on the project if you need me to. I think you guys are probably aware of it but if certainly you have any questions, let me know. I do have, fortunately today, someone here to speak to traffic. I think that was where most of the comments were coming from. I also, unfortunately, have Brett Steinberg who did the stormwater analysis for the site. So, between the three of us, hopefully, we can answer any questions that you may have

Donald Roberts: Ok. Thank you, questions by the Board?

Marcel Nadeau: Explain the traffic situation to us.

Richard Harris: Yeah. What I did at that meeting over a year ago, some Board members expressed concern about the turning movements in and out, any stacking concerns, that type of thing.

Rich Nolan: Would you like to hear a little bit about that?

Richard Harris: Sure, yea sure

Alana Moran: Good evening. Alana Moran with Lansing Engineering. I'm here to answer your questions about traffic operations at the site. So, currently at the site, there's the two wide full access driveways along Route 9 and then there's the single access in back that goes toward Guideboard Road. So, with project construction, both of the driveways along the Route 9 frontage are going to be narrowed up. The southern driveway will have access into and out of the site and then the northern drive is an exit only and access to the back to Guideboard Road will be maintained. So, the biggest changes is narrowing up on the project frontages and then having exit only on the northern drive itself.

Donald Roberts: The northern drive, is that going to be right only or both right?

Alana Moran: You can turn left or right. There was no restriction put in place, but I would be surprised that anybody would choose to make the left turn out of the site. We'd like to try to maintain as that width and not have to do, like a physical restriction for trucks just because it's only about 16 feet wide and when there is a delivery vehicle coming through, they need a little bit of space. But, if you're coming from the south and you're going to go right in and circle around, you're going to continue on north. You're not going to make a left turn out there. It's just not really practical.

Richard Harris: You'd sit there for awhile.

Richard Berkowitz: Is there going to be a Do Not Enter sign on the northern?

Alana Moran: Yes. There will be Do Not Enter signs, yes. And the project did receive DOT concept approval with this access.

Richard Harris: It did okay

Alana Moran: Yes. So, we've got the DOT stage 1 all in in place and Joel and MJ had signed off on the project as well. Alright. Thanks.

Donald Roberts: Anyone else?

Marcel Nadeau: Just to clarify again, did the exit on Guideboard, is one-way only?

Alana Moran: No, that's two-way.

Donald Roberts: got a little road going through you mean?

Marcel Nadeau: Right.

Donald Roberts: That's two-way.

Marcel Nadeau: Okay I thought someone said it was one-way only

Richard Harris: Are you talking about up here on Guideboard?

Jason Dell: Yeah. That's one of the exits onto Guideboard.

Richard Harris: That's exit only, correct?

Alana Moran: No. That's a full access right-of-way.

Richard Harris: Oh, it is I'm sorry I gave him the bad info.

Marcel Nadeau: That is two-way

Don Roberts: Yes, right that is two-way?

Alana Morand: Yea it's a full access entering and exiting on the back.

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

Laurie Barton: Second.

Donald Roberts: All in favor aye (all in favor). Opposed (none opposed). Motion carried.

Richard Berkowitz: I make a motion to approve the site plan.

Laurie Barton: Second.

Donald Roberts: All in favor aye (all in favor). Opposed (none opposed). Motion carried.

Rich Nolan: Thank you very much.

Donald Roberts: You're welcome.

Cheema Petro LLC (Valero) – Site Plan

APPROVED. The Board received a presentation and approved a revised site plan for renovations of an existing gas station and convenience store.

1542 Mixed Use Development, 1542 Rt 9 – Site Plan, Special Use & Minor Subdivision (24.131)

Jason Dell: Jason Dell, Engineer with Lansing Engineering, here on behalf of the applicant for the 1542 Rt 9 site plan. We were just recently before you folks last month and we're back this evening just to provide an update as well as request that you schedule a Public Hearing for the subdivision as well as the special use for the drive through. At the last meeting we discussed quite a bit the access and department state issue and what we're back before you this evening with is proposed subdivision and a private road access into the facility that would have

shared access amongst the new development as well as for the edge to the back. So, for this subdivision, Lot #1 will be a little over an acre, Lot #2 along Route 9 will be about .64 acres, Lot #3 will be about 2.88 acres, Lot #4 will be 6.23 acres, Lot #5 will be about 2.98 acres and Lot #6 for their proposed private road would be about .73 acres. Now, we did hear at the pre-meet, Lyn's concern about that being, the private road being on its own individual lot. When we were developing the subdivision plan it seemed to be the most, the cleanest route but we would have no problem if that's the way you wanted us to go or preferred us to go incorporating that into a lot. We can certainly revise this plan to do that.

Lyn Murphy: If you incorporated it into a lot, obviously, we're gonna need a maintenance agreement and we're gonna need a bunch of different documentation if you the private road route. But if you incorporate it into a lot, that person has a responsibility to maintain the road, basically.

Jason Dell: Understood.

Lyn Murphy: But we would want that maintenance agreement. I would. I don't know what the Board wants.

Richard Harris: I think, also, in terms of fire code in short that there's a responsible party for fire access which is kind of the intent purpose behind the access provisions.

Joel Bianchi: So, if the Board recalls, this sort of overcomes a fire code issue?

Lyn Murphy: That was the distance, right, for the door?

Joel Bianchi: It was. You needed, because the fire code looks at buildings on the individual lots, tax parcels. So, by creating that road and it's off the tax property, then you have 2 access points, and you meet the remoteness requirement. So, it's just in the way fire code defines is just a publicly accessible road not a publicly owned road. It does not say that. So, this is, the project doesn't really change per se. It's just lines on paper but creates valid issues that you rose about ownership and all that. It also may be able to look at this utilities, because before it was one property, now you can't extend water to multiple properties without that water being publicly owned so that's something else we'll have to look into.

Lyn Murphy: What about, I was just going to ask you that. Like town-owned road. You have fire hydrants within a certain, what is it, 50' or 500 yards or something.

Joel Bianchi: Their usually, the spacings 4-500 feet.

Lyn Murphy: Ok.

Joel Bianchi: By the fire code, State standards there's a myriad of things.

Lyn Murphy: Does that hold true with a private road?

Joel Bianchi: If they were putting hydrants on the road but you're not. You're doing individual services and then you have

Lyn Murphy: How do not have a hydrant?

Joel Bianchi: The current plan, he has hydrants within a certain distance.

Lyn Murphy: He does. Ok.

Joel Bianchi: If he was extending a public main, then there are other things that kick in which I think you're speaking of at this point, that's not what they're proposing.

Jason Dell: That's correct.

Richard Harris: Joel, can I ask...in your work, in your firm's work in other towns has this been a tool used by other people, private road?

Joel Bianchi: I'll give an example as one of the towns that we deal with a lot is, there was a school with five buildings and because of ownership, they had to create five individual lots. When they did that, it triggered the fire code because certain buildings were over 30 feet so now you need individual access, two forms of access to each lot. But when you didn't have the subdivision, which was strictly ownership and financing, the fire code issue wasn't there because you had one lot, all buildings, you had two accesses. But once you created lot lines,

Richard Harris: So, it's kind of the opposite scenario.

Jason Dell: This is the reverse

Richard Harris: Gotcha, gotcha

Joel Bianchi: So, this is not, we weren't going out on limb for suggesting this. We know this has worked elsewhere and it's saying this is a completely acceptable way to go.

Lyn Murphy: Yeah, the biggest issue is the maintenance issue because we don't own it, we don't maintain it and if somebody just

Jason Dell: Absolutely. So, by putting it's on it's own lot. So, putting it on another lot, that resolves, that becomes an ownership issue for that lot.

Chuck Pafundi: Yeah. We would prefer maintenance. Chuck Pafundi owner's representation. Yeah, I would say that we would want the maintenance or the maintenance agreements as well. ??? has mentioned that in the very early conversations that we had with them and we go into lease agreements and stuff in the front end, retail lots, those become critical. So, we'll definitely have those drafted.

Donald Roberts: Anyone else want to, have any questions? Rich, the Fire Department's all set. We're waiting for County later in March.

Richard Harris: Yeah.

Donald Roberts: And, Joe, do you have anything to add or no?

Joel Bianchi: The only thing is, we initiated SEQR, and I need to make sure from our internal, and I'll talk to Rich, of whether we need to recirculate now that there's a subdivision on it. I don't think it is substantive enough to trigger the need to recirculate SEQR. Because it's a minor subdivision. It doesn't trigger more regulatory involvement and it's, again I use the term lines on paper.

Richard Harris: Under our local code it's a major subdivision?

Joel Bianchi: No. Under your local code that's your extending utilities

Richard Harris: But, because

Joel Bianchi: You're extending utilities. Actually, isn't it public roads or public utilities.

Richard Harris: Well, it's five lots or 5 acres or less.

Joel Bianchi: Well, residential subdivision's, 5 more lots, 5 acres or less within the

Jason Dell: That's a realty subdivision. If your application's anything more than 5 acres is a major, correct?

Richard Harris: Anything in five lots or more. We don't put an acreage in the low one, but it would trigger realty subdivision which is type 1.

Jason Dell: It wouldn't on a commercial. If this is a residential.

Richard Harris: Oh. Alright.

Joel Bianchi: Well, it sounds like you're going to reduce the lots, aren't you.

Jason Dell: We're going to be down to 5 lots.

Donald Roberts: Anyone else? We'll wait until we hear back from the County and take it from there.

Richard Harris: Just an idea, did you want to set a Public Hearing April?

Jason Dell: I think we should wait.

Richard Harris: Okay You want to wait? Okay

Donald Roberts: Okay Alright.

Lyn Murphy: Changes, they have to do.

Richard Harris: Right.

Donald Roberts: And so, we'll wait to hear that from the County and get back to you alright?

Jason Dell: Thank you.

Donald Roberts: Okay Thank you. Anything else?

Lyn Murphy: And Jason, with the County, you'll give them an updated map?

Jason Dell: We'll give Rich an updated map tomorrow.

Lyn Murphy: Okay

Richard Harris: Yeah, I got to get that

Lyn Murphy: Oh, that's right, we send them

***1542 Mixed Use Development – Site Plan, Special Use & Major Subdivision
TABLED. The Board received a presentation on a revised plan proposing to subdivide the property,
and tabled the applications pending additional information.***

3/10/2025

Donald Roberts: Anything else?

Laurie Barton: I make a motion to adjourn.

Charlie Lucia: Second

Donald Roberts: All in favor, aye (all were in favor). Opposed (none). Motion carried. Thank you, goodnight.