

**Town of Halfmoon Planning Board Minutes
January 13, 2025**

Those present at the January 13, 2025, 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

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. This is the first meeting of the year so Happy New Year everybody and we've got some administrative hats to take care of , as Rich said in the pre-meeting, I'd like to welcome Hanifa Khatibi in our new planning office , she'll be working with us and welcome. I'm sure we'll do a good job together, alright. Next, at the Town Board meeting Rich Berkowitz was re- appointed to a new term, so congratulations.

Richard Harris: Along with our alternates.

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Don Roberts: I'm sorry, along with our new alternates. Alison Pingelski congratulations to you both, okay that's good. Okay moving along here. First item of business, we need an approval of the minutes for December 9th?

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

Alison Pingelski: I'll second.

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

Rockwood Subdivision, 1460A Crescent-Vischer Ferry Rd – Minor Subdivision & Special Use Permit (24.128 & 24.129)

Sophia Marusso: I'm Sophia Marusso. I'm here with Plan Insight Consulting. I was in just last month with some variances in hand for a proposed subdivision. Our client Glenn and Debra Rockwood reside at this particular parcel. They currently live in the existing house that would be part of the proposed lot A. Lot B is intended to be subdivided off as a 9.9-acre parcel that would accommodate a future single-family residence. Because of the C-1 designation here and the proposal for single family residential the applicant is also required to submit for a special use permit for a single-family residence. As you may have been familiar this project had come, some version of this project had come before the Board for a lot line adjustment at which time we had worked on establishing easements with the adjacent neighbor the Berlins to the west. We would follow suit with a similar drafting of an easement or correlative language that would provide that access to that new created lot. Currently the owner would be in possession of both so at such time if there were a sale that, that would be something that would want to be secured. But obviously we are here tonight with any questions concerns, anything that we can do to help the Planning Board make their determination.

Don Roberts: Okay thank you, at this time we will open up the public hearing. Would anyone in the room wish to speak?(no comments) anyone online wish to speak? (no comments) No, okay Rich have we received any written correspondence?

Richard Harris: No, we did send out public hearing notices to adjacent property owners and post it in the newspaper and in Town Hall, we did not receive any comments, written, verbal or otherwise, email, nothing.

Don Roberts: Okay at this time we will close the public hearing, comments by the Board members?

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

Marcel Nadeau: Ill 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 and special use permit

Tom Werner: I'll second it.

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

Sophia Marusso: Thank you so much, thank you very much.

Don Roberts: Take care.

Richard Harris: See ya.

Rockwood Subdivision – Minor Subdivision & Special Use Permit , APPROVED. Board held a Public Hearing and approved the Minor Subdivision & Special Use Permit requests to subdivide the existing parcel into two new parcels for the purpose of constructing a single-family home.

Park Place on the Peninsula Subdivision, 2 Beach Rd – Minor Subdivision (24.196)

John Montagne: Good evening, everyone John Montagne with GPI. We're here tonight just for a 2 lot minor subdivision, one of the lots is to subdivide off a small piece for Saratoga County Sewer District Pump Station, and the other piece that we are going to do at the same time is what would be a ¾ acre park in the future, but we're doing the subdivision now just to get it all taken care of at the same time.

Lyn Murphy: So, you're subdividing two lots, but it will make three?

John Montagne: It will make three yes.

Don Roberts: And that's it?

John Montagne: Basically, yup

Don Roberts: Okay, thank you. Okay, at this time we will open up the public hearing if anyone in the room wish to speak, you've got to come say your name if you want to speak.

Jim Guyette: Jim Guyette, Ballard Lane, I just wondered when the sewer is coming online. It's been a couple of years, I see everything is all ready to go I mean, working on it, working on it. This year? This year?

John Montagne: So, we just tested the sewer and that's why we're doing the conveyance right now and it really will depend on when our first building has tenants leased into them. We're Looking to have that first building completed by March. I'm looking to have the second completed in April. We need to have at least one building up and running in order for the pump station to pump.

Don Roberts: Alright?

Lyn Murphy: And just so you are aware the Town doesn't have control over sewer, that's a county function.

Don Roberts: It sounds like it's getting closer, sounds like its getting closer, alright.

Rich Berkowitz: So, prior to a first resident hooking into the sewer, it has to be completed?

John Montagne: Yes, correct. I order for it to be online, because you have to have a flow coming out of the pump station to pump the line, everybody else that's along the line just doesn't need one pump.

Rich Berkowitz: Okay

Richard Harris: Yea I mean we need it working for a c/o for the first building.

John Montagne: Yup

Don Roberts: Would anyone else wish to speak in the room? (no comments) Anyone online wish to speak? (no comments) okay, we'll close the public hearing, comments by the Board?

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

Laurie Barton: I'll 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 contingent on an access easement for lot B for the pump station across proposed lot C and the subdivision is for a valid public purpose pursuant to Town Code Section 143-15.

Laurie Barton: Second.

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

John Montagne: Thank you very much

Don Roberts: You're welcome.

Park Place on the Peninsula Subdivision– Minor Subdivision, APPROVED. Board Held a Public Hearing and approved the three-lot Minor Subdivision to allow the dedication of one parcel to the Saratoga County Sewer District No. 1 and one to the Town of Halfmoon, with conditions.

New Business:

Kruse Athletics, 40 Farm to Market Rd – Change of Use/Tenant (24.204)

Bruce Tanski: Good evening, Bruce Tanski Clifton Park. Kruse Athletics currently occupies 1 storage unit in Building 9 at Farm to Market Road Storage Center. They would like to rent one additional unit in Building 6. The total rented space would be 3,000 square feet. As to the current space the tenant would utilize the new unit for storage, sports equipment related to their business as a current tenant Kruse Athletics is aware of the restrictions regarding outside storage, disposal of waste and office use.

Don Roberts: Okay thank you, comments by the Board?

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

Joe Landy: I second

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

Bruce Tanski: Thank you very much.

Don Roberts: Your welcome

Kruse Athletics, Bldg. 6-D – Change of Use/Tenant, APPROVED. Board approved the Change of Use/Tenant request for Kruse Athletics to utilize 1,500 SF of Building #6, Unit D at the Farm to Market Self-Storage Center, for the purpose of storing supplies related to their sports equipment business.

Lowes of Halfmoon, 476 Rt. 146 – Change of Use/Tenant (Seasonal Outside Use)(24.211)

Mike Doyle: Good evening. How are you doing? My name is Mike Doyle, I'm one of the senior managements over at Lowe's in Halfmoon. We're just here again to get the outdoor storage on the side of the building. Everything is exactly the same it has been for the last few years. That's pretty much what we have.

Don Roberts: Rich we have no concerns from last year?

Richard Harris: Nope we have had no issues, I rely on Mr. Berkowitz though to let me know if there's been any issues last year.

Rich Berkowitz: No, they're great.

Don Roberts: Any other comments by the Board?

Mike Doyle: I do have one other questions, is there any way we can get this to not be going on every year.

Don Roberts: No, we like to do it every year just to keep control of things, in case something does happen. You leave someone else comes in they don't do as good a job as you do, we want to have the hammer.

Mike Doyle: Okay

Richard Harris: You don't want to entertain like a two year?

Don Roberts: No.

Rich Berkowitz: I make a motion to approve the change of use and tenant for the seasonal space from February 1st to October 15th, 2025

Marcel Nadeau: I second.

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

Mike Doyle: Thank you.

Marcel Nadeau: See you next year.

Lowes of Halfmoon– Change of Use/Tenant (Seasonal Use) APPROVED. Board approved the Change of Use/Tenant request for Lowes of Halfmoon for the annual seasonal outside storage and display, from February 1, 2025 – October 15, 2025

Eagle Eye Automotive & Cycle, 1489 Rt 9 – Change of Use/Tenant (24.208)

Mathew Falconio: Hello, I'm Mathew Falconio from Eagle Eye Automotive. We are looking to take over the space at 1489 Route 9. Doing basic auto repairs, periodic maintenance and services. New York State inspections and some minor custom motorcycle work as well.

Don Roberts: As I discussed with you before the meeting in the past, that site got to be a bit unsightly, we don't want to see that happen again you'll keep it

Mathew Falconio: Very, very neat we have a very quick turnover rate, we do not keep dead junk cars for parts missing on them sitting out in the parking lot, we don't have garbage laying around, very neat spot. If something is dead its gone. That's usually how it works.

Don Roberts: Questions by the Board?

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

Tom Werner: I second it.

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

Richard Harris: I just want to mention, and we might have talked about this if and when you want to put a sign up

Mathew Falconio: I'm going to fill out the proper paperwork to make sure you guys know about it before I do any of that

Richard Harris: Okay, that will have to come back to the Board.

Mathew Falconio: That will be the next meeting probably you guys have possibly.

Richard Harris: Yea that depends when you get it in

Mathew Falconio: Probably within the next week or so, alright

Richard Harris: Okay, sounds good.

Mathew Falconio: You guys have been a pleasure.

Richard Harris: Okay, good talking to yah.

Eagle Eye Automotive & Cycle– Change of Use/Tenant, APPROVED. Board approved the Change of Use/Tenant request to use the garage portion of the existing 2,200 SF building for the purpose of conducting auto repairs and custom cycle work, including steering parts, suspension repair, NYS inspections and periodic vehicle maintenance.

CPE Tree Service, 73 Ushers Rd – Change of Use/Tenant (24.210)p

Jason Sweeney: Good evening, I'm Jason Sweeney from the Sweeney Company. I own the property, and my business occupies the property. CPE is looking to sign the lease for the back gravel, it's all existing flat level gravel. We're not looking at any buildings, any signs. The lease is strictly park trucks. No logs, woodchips. I currently have a load of woodchips back there that I use for erosion but.

Richard Harris: I talked to the tenant and he's not bringing back logs to cut onsite, like we were concerned about in another site not too far away with a project that hasn't been approved. It's strictly a base of operation for that tree service, for guys to pick up the truck in the morning then at the end of the day come pick up their personal car.

Jason Sweeney: Yea and that is the way my lease is written because I don't want to be left with a bunch of logs and wood chips when he moves out.

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Don Roberts: So, I see it says starting at 7 am, nothing before that.?

Jason Sweeney: Correct, which I believe corresponds with that hours that I was approved for back in 2010, kind of referenced that just so everything is on the same page

Don Roberts: You don't get any complaints by neighbors?

Jason Sweeney: No, I haven't I've gotten along good with the neighbors so far

Don Roberts: Good, okay questions by the Board?

Charlie Lucia: I'm curious, days of the week, is it Monday through Sundry or Monday through Saturday?

Jason Sweeney: Predominately Monday through Friday at like I think it was 7 to 6 and Saturday was kind of like 7 to 3

Rich Berkowitz: If there are any storms, they are going to be doing Sundays also won't they?

Richard Harris: Yea he does do emergency work , I would suggest you approve that, we have had some residents of that road not concerned about Mr. Sweeney but some of the other developments and ongoing existing traffic using it as a public road that isn't attributed to you or any of your neighbors, so it might be good to make sure we cover all bases here.

Lyn Murphy: So are you amending your application to include on an as-needed on Sundays?

Jason Sweeney: For Sunday yea for emergencies

Rich Berkowitz: Do you want all daylight hours?

Jason Sweeney: Yea

Don Roberts: Any other questions

Alison Pingelski: So, what's the final change?

Richard Harris: Sundays as needed I think, an emergency. Emergencies and Sundays as needed.

Rich Berkowitz: I'll make a motion to approve the change of tenant and use for the stated hours and emergencies as stated.

Alison Pingelski: I'll second

Don Roberts: All in favor Aye? (all were in favor) Opposed? (none were opposed) Motion carried, you're on the next one also

CPE Tree Service– Change of Use/Tenant, APPROVED. Board approved the Change of Use/Tenant request to utilize a rear portion of the property for vehicles and equipment related to a tree services business.

Sweeney Co. Storage Building, 73 Ushers Rd – Site Plan (24.212)

Jason Sweeney: Jason Sweeney from Sweeney Company, property owner and occupant. So, my contracting business I'm looking to just get some stuff in from the outside elements and I've got some shelving there that you can't really see it from the road, but I would prefer it was inside the building just to get everything out of the weather. 20 x 40 and actually the footprint sits about 4 foot lower than the road so depending on the actual construction it wouldn't be like a highly visible building from the road

Don Roberts: Okay, we can't act on this tonight because we need Saratoga County Planning Board approval but comment from the Board?

Richard Harris: Once I get the County referral back, we will plan to have it back on, as you discussed at the pre-meeting you are not feeling the need to send it to the Town engineer, so I've got to send out letters to neighbors and do the County Referral. Worst case scenario I think it will be on our February agenda, which is at the end of February. Sometimes they do stuff outside of meetings, if this Board didn't have concerns raised or the Town engineer, I think you just heard no concerns raised, it's not going to the Town engineer, we might get you in quicker but worst case scenario would probably be the second meeting in February, which you understood the time problem.

Don Roberts: Okay, so we will get back to you, alright.

Jason Sweeney: Very good.

Don Roberts: Thank you

Sweeney Co. Storage Building– Site Plan, TABLED. Board received a presentation to construct an 800 SF (20'x40') storage building to protect the materials, tools and equipment related to the existing landscaping business. The Board tabled the request to allow for review by the Saratoga County Planning Board and conduct a Site Plan Notification.

Shafiq Home Based Waxing Studio , 3 Windsor Dr – Home Occupation (Special Use) (24.203)

Warda Shafiq: Hello everyone. My name is Warda Shafiq.

Lyn Murphy: Could you spell that for me.

Warda Shafiq: Warda Shafiq.

Lyn Murphy: Thank you.

Donald Roberts: And what do you plan on?

Warda Shafiq: I'm planning to start a home-based wax studio because I have an 8-month-old so that's why I didn't like ya know, work outside or, you know, work outside, so that's why I'm planning so I start a home-based wax studio.

Imtiaz Ahmed: We both own the property, so she has experience of waxing for more than 5 years, so she has recently had a baby, so we are thinking, wanting to start our own home-based business and then later on just you know, expand it outside.

Donald Roberts: Now, an in-home occupation use there's always a concern about cars. How many customers do you planning on having there at one time?

Imtiaz Ahmed: It should be only one and it's by appointment.

Warda Shafiq: By appointment.

Donald Roberts: By appointment?

Warda Shafiq: Yes.

Donald Roberts: So, it'll only be one or maybe if a person gets there early it might be two at the most?

Warda Shafiq: Yes.

Imtiaz Ahmed: But most likely one because it's by appointment and we don't put any sign. We'll just try to advertise on a website_so that people just stick to the appointment.

Donald Roberts: And what hours of operation are you going to be doing this?

Imtiaz Ahmed: 9:00-6:00

Donald Roberts: Every day?

Imtiaz Ahmed: Monday through Saturday.

Donald Roberts: Monday through Saturday. Ok. Questions by the Board?

Richard Berkowitz: She need approval by the Health Department?

Imtiaz Ahmed: We need the license to operate

Rich Berkowitz: And then you'd get approval from the ...

Imtiaz Ahmed: We have the license already.

Warda Shafiq: I have the license.

Imtiaz Ahmed: License to operate, yeah. We have that.

Donald Roberts: Okay we will need a public hearing on this ,there's no other questions?

Richard Harris: I don't know if it was explained to you. Our Town Law requires us to have a Public Hearing. So, what we do is we handle it. We notify your neighbors by a certified letter. Of course, if you know your neighbors and they're supportive, that's always helpful for them either come or write a letter or send an email back that they don't object to it, or they support it. That's always helpful. What people tend to want to tell neighbors in situations like this is how many cars, because it will change what the neighborhood looks like. Given the fact that you're not proposing a sign, it helps it not look like a business and you have a very large driveway and two car garage. But, we never know what neighbors are going to say. Typically, if it involves cars, they're worried about them parked all over. So, we will send out those notices. The Board will set a Public Hearing date, and we will hear from them.

Marcel Nadeau: I make a motion to set a Public Hearing, February 24, 2025

Richard Berkowicz: I'll second it.

Donald Roberts: Ok, we have a motion to second for a Public Hearing. All in favor Aye? (all were in favor) Opposed? (none were opposed) Motion carried, see you then.

Warda Shafiq: Thank you.

***Shafiq Home Based Waxing Studio – Home Occupation (Special Use) PUBLIC HEARING SET.
Board received a presentation on in-home waxing studio and related services in approx. 384 SF of
the 1968 SF home. The Board set a Public Hearing for February 24, 2025.***

Donald Roberts: Anyone else? Anything else?

Charlie Lucia: I make a motion to adjourn.

Richard Berkowicz: I'll second.

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