

## **Town of Halfmoon Planning Board Minutes March 24, 2025**

**Those present at the March 24, 2025, Planning Board meeting were:**

**Planning Board Members:**

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

**Planning Board Alternates:**

Alison Pingelski  
Joe Landy-absent

**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

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***The Chairman opened The Planning Board Meeting at 7:00 pm***

**Don Roberts:** Good evening, I would like to call the Planning Board meeting to order. Have the Board members had a chance to review the minutes from the last meeting?

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

**Alison Pingelski:** Second

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

**Decicco Subdivision, 99 Button Rd – Minor Subdivision (24.189)**

**Don Roberts:** Tom Koval reclused himself from this as well.

**Pat Jarosz:** Hi good evening, my name is Pat Jarosz from Van Guilder Associates and I'm here tonight on behalf of the owner for the public hearing for 99 Button Road and just to answer any remaining questions that the Board may have. It's a two-lot subdivision. The existing house is in the rear 1.67 acres and then the new lot is on Button Road, it's 30,000 square feet approximately. We did receive a variance for the four feet we were short for frontage se we are all good to go in that regard, thank you.

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

**Pat Jarosz:** That's it.

**Don Roberts:** Okay at this time we will open a public hearing first of all Rich we got some written correspondence we want to make part of the record.

**Richard Harris:** Yup we received three letters and emails they were all circulated to the Board on Friday, copies are in your packets and the will be part of the record, if you don't have them, you should.

**Don Roberts:** Okay, thank you. At this time the public hearing is open would anyone from the public wish to speak? Come on up say your name and address and any comment you may have.

**Lyn Murphy:** Before Mr. Koval begins speaking, I would also add that he provided the Board at the pre-meeting with documents that are also going to be made part of the record.

**Don Roberts:** Right, thank you Lyn.

**Tom Koval:** Tom Koval 97 Button Road. I own the lot directly adjacent to well it would be the bottom of the two lots actually, and the lots across the road. A couple concerns I have, I'll start with the biggest concern I have. We bought these lots back in 1994 because they were large residential lots we didn't want to have more neighbors. On the approved drawing for this subdivision, dated approved and signed January 94' by I believe it was Chairman Tedrow, it was signed January 94'. It clearly states in one note that these lots will not be further subdivided, that was the approval for the entire subdivision, so this application is, goes directly against the original approval of these lots. Unfortunately, these people are dear friends of mine and the daughter that wants to build this house is a dear friend, but I still don't want neighbors directly, my house would be looking right at the back of their house, which is never what we envisioned, and it is what we bought these lots based on. This goes against the original subdivision, this goes against what we purchased, and it devalues our property. My big concern is if they build this, and God forbid their daughter and future son in law decide to sell this house I will have no idea who's living directly in my back yard. Another concern I have is directly across the street is another two properties I own totaling about 14 acres, one of which is my business. It's a commercial shop, we have trucks, we have deliveries at nights sometimes. I'm concerned that I'm going to be getting, you know everybody says it won't bother us, it's okay we can build a house you're fine and the next thing you know you start getting complaints that there is a truck coming in or there is something going on during the day that they are not happy with. If this gets approved, I want to be very clear this is an operational commercial business directly across the

street from their house. Their house, my side driveway across the street you can see it, you can see my building there at the bottom left. My driveway's pointed right at their front windows. Their house is going to have to be fairly close to the road because of the contour of the land so everybody pulling in and out of my parking lot, headlights are going to be right in the front window of their house. Once again that's their problem but I want everyone to be aware that this is going to be, I don't want it to be an issue. Once again, circle back this was approved to not to be further subdivided. I included a picture of that fact and everything I handed out to the Planning Board. The only other concern I have, and you can answer this for me, Mr. Jarosz, that house is being, it's all pinned out, the back corner of it is 16 feet in the hole in the drainage swale for the whole corner of that road. When they put that foundation in, where's all that water going to go that's coming down that road and going down that drainage swale? It's got to carry further down the road and now go onto my property and wash it out further down on my property? That's not acceptable, not only it's not acceptable, it's against the law to put water onto somebody else's property. I included pictures with that showing, one picture shows a yellow and blue stake. The yellow stake is the back corner of their foundation, literally 16 feet below where their house will be built, in the drainage swale. The other picture shows from the road looking back where the house is you can see where the stake is where the house going to be set. As a surveyor I don't know why you would put a house in a hole but that's not my problem. That's pretty much all I had to say, I ya know we have to cross a couple bridges here with the original approvals and then the other notes I want on there is that I don't want to hear complaints later that you know there's trucks coming in and out of my parking lot because it's a business we have 14, 15 trucks in my fleet so. Thank you.

**Lyn Murphy:** Mr. Koval do you know if there is any deed restrictions, anything written in your deeds that say don't, you can't subdivide?

**Tom Koval:** There's certain deed restrictions as far as, I'm not sure if there is anything about that. I didn't read that because from my personal opinion and what I've researched with New York State Law and some other court actions that have happened throughout the State more towards the southern part of the State. If it's noted that a subdivision cannot be further subdivided it needs to go through a full re-do of the subdivision to create another lot in that subdivision. I could look into the other deed restrictions I know there are certain covenants about ...

**Lyn Murphy:** That becomes a civil matter, but I think that

**Tom Koval:** Deed restrictions would be a civil matter, that's why I didn't get into it, because I'm not going to get into a civil suit with my neighbors. However once again falling back on what the Town approved in the notes that the Town approved, this subdivision based on its not an approved change, it's not an approved , it can't be subdivided and that's the way the Town approved it back when these lots were approved.

**Lyn Murphy:** As you know with map notes as long as it isn't legally, like say you cant have commercial in a residential we all know that you cant change that map, but the whole purpose of having a subdivision come before this Board is that this Board can choose to change, they're gonna change the map, that's the entire essence of what a subdivision is, so the Board does have the authority legally to allow for this subdivision regardless of the map note because they are recreating the map. I'm not saying they should, I'm not saying

**Tom Koval:** But doesn't that recreate the entire subdivision. It changes the entire subdivision if it's approved as a now 8 lot subdivision it was noted I believe and now you're making it 9 lot subdivision it's a complete change in the subdivision.

**Lyn Murphy:** It's to changing this lot based on this map.

**Tom Koval:** It's changing one lot, it's not changing the entire subdivision?

**Lyn Murphy:** Would be my opinion, you could seek your own legal council I can't advise you.

**Tom Koval:** So okay if we are going to go that route, all these other notes on this approved plan have no credence, such as the one that says the common driveway will not be maintained by the Town and cannot be dedicated to the Town. So that's not a problem, we could come back to the Town and say okay we want to change this because

**Lyn Murphy:** It would have to be, come before the Town and the Town would have to approve the change.

**Tom Koval:** So, all of these notes that we approve as a Board, none of them matter in the long run, they can all be changed.

**Lyn Murphy:** They matter because they would be entitled to a subdivision as a right, but this Board can choose to say there is this note there must have been a reason for it in the planning therefore we're going to rely on this note not to allow that subdivision, but they don't have to do that

**Tom Koval:** Right, I understand that, okay because I know in the past this Board has denied this very same thing based on notes, I believe it was Mr. Higgins denied one based on a note on the original subdivision up on Tabor Road maybe.

**Richard Harris:** The Board overruled, and the Board subdivide

**Marcel Nadeau:** That was the Karen Tabor, and I think I brought that to question as to we said there was to be no further, and I believe we had no control on that.

**Lyn Murphy:** You can override a map though

**Marcel Nadeau:** That's what I'm getting at

**Lyn Murphy:** You don't have to, but you can.

**Tom Koval:** Okay so the only other concern I really have is the drainage which I don't want water coming down on my lot when they block off that natural soil.

**Don Roberts:** Can you explain the drainage?

**Pat Jarosz:** Yea, so I took a peek over there today, the ditch work that the Town installed is on the west side of the road, so all the water that's going to come down at least on that side is going to tend to go to that left side of the road into the ditch. It's a rip rap ditch that goes all the way to the bottom where the stream is. What's on our side that swale doesn't show any signs of erosion, there is no rip rap. I don't think it takes a lot of water, it's going to take what's immediately around it, but it doesn't seem to take

what is coming down the road for sure from what I can tell or there would be some evidence of erosion there.

**Tom Koval:** The entire road slopes towards your side of the road, that swale on the opposite side of the road which is filled with gravel was put in for RJ Valente's Road where it comes down that's why it's filled with gravel. Because it comes out of this pit, they filled it in, and the entire road slopes the opposite way so if you were on that road today you had to of seen that the entire road slopes that way. It doesn't go the other way and that's why I've already taken water further down the road on that side of the property. I've had Mr. Bryans from the Highway Department down there because the erosion is getting close to taking out the side of the road further down where the water crosses. That entire bank drains in that swale. There's a reason why it's a swale. It's the water has created that swale over the years. That station here keeps the water from washing over, but it's a swale, and that's where the water is going so I'm not calling you a liar but I've lived there 30 something years I know how that water goes and I'm not using that as part of my argument to deny this, I'm telling you if you build a house there and block it you're going to end up with a pond on the neighbors property because of the way your property comes off. The first 50 feet of that swale is on the neighbors Mr. & Mrs. Lockwood property, so you block it off your backing water up to them or once that backs up your going to follow the road down and it's going to go across my property and cause further erosion. About 250 ft. down and if you take a ride down there, you'll see where it's already eroding from the water just from that point down.

**Don Roberts:** Okay based on Mr. Kovals concerns I think we should have our Town engineer take a look at this, the drainage, okay Joel, and maybe we can get some answers.

**Tom Koval:** I would suggest a site visit.

**Don Roberts:** I think Joel can probably handle it, right Joel?

**Richard Harris:** Anyone online wish to speak on this?

**Don Roberts:** Anyone else in the room wish to speak? Anyone online wish to speak ? No okay we will not close the public hearing, comments by the Board members?

**Rich Berkowitz:** Now the family knows exactly what's around that area?

**Pat Jarosz:** As far as I know

**Rich Berkowitz:** Horse farm, commercial?

**Pat Jarosz:** Right

**Rich Berkowitz:** And drainage problems?

**Pat Jarosz:** I mean I don't personally from looking at it I don't see where the drainage is going to be an issue if it was an issue, it would already be an issue. I don't see where that erosion has occurred on our side. Obviously, it's a swale from eons ago but if it was taking the amount of water that is contended that it is taking, I think it would show a lot more signs of damage than it, it doesn't really show anything.

**Rich Berkowitz:** But you're building a house right on that swale.

**Pat Jarosz:** We're building a house up the swale is quite deep, there is no way our house is going to impact that swale.

**Rich Berkowitz:** Have you been on the property recently and walked the property?

**Pat Jarosz:** Yea, I was there with the ZBA for sure.

**Tom Koval:** Tom Koval, your back left property corner of the foundation, the yellow flag is at the very bottom of the swale, very bottom, right here. So, here's your blue flag that's property, here's your yellow flag that is the bottom of the swale.

**Pat Jarosz:** I don't think that's the corner of that

**Tom Koval:** The yellow flags are all four corners of the house.

**Pat Jarosz:** I did not think it was down that far I will have to go, take another look.

**Tom Koval:** That's what I'm trying to say, you guys walked it, and you pinned it so

**Pat Jarosz:** The crew did but.

**Don Roberts:** Any other comments by the Board?

**Marcel Nadeau:** Yea Don, on the Lockwood residence the letter that we got is that something that we could put in an approval should it be approved with the concern with the manure pile? We did similar to Larry DeVoes property because of wind.

**Lyn Murphy:** There is a right to farm within the Town so

**Don Roberts:** Yea

**Lyn Murphy:** You could but you really don't have to

**Marcel Nadeau:** Yea I know

**Don Roberts:** Okay so we will table this until our Town engineer has a chance to review it and we will get back to you, thank you.

***Decicco Subdivision, 99 Button Rd – Minor Subdivision***

***TABLED. The Board held a Public Hearing, tabled the request and referred it to the Town Engineer for review.***

**Staucet Barber Company, 217 Guideboard Rd (Country Dollar Plaza) – Change of Use/Tenant**

**(25.025)**

**Wes Staucet:** Good evening, everyone, my name is Wes Staucet and I'm here on behalf of Staucet Barber Company. I'm looking to submit a change of tenant at 217 Guideboard Road into a barber shop.

**Don Roberts:** What are you taking over now, what spot?

**Wes Staucet:** It's Elevated Cycles, it's the only business that's behind the Plaza.

**Don Roberts:** Behind it okay

**Wes Staucet:** Yup

**Richard Harris:** Yea a few months back you approved Elevate moving up front and that vacated the space in the back

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

**Tom Koval:** Are you going to be the only barber?

**Wes Staucet:** Nope it's myself and three others.

**Tom Koval:** Three others so you'll be parking, three of you will be parking back there

**Wes Staucet:** Four of us will be parking there

**Tom Koval:** Four of you, because I know there are 12 spots but it's already tight because the other place the employees park back there are you sure you are going to have enough parking?

**Wes Staucet:** It's appointment only, appointments last anywhere from 30 minutes to over an hour so it's pretty much one in, one out so parking definitely shouldn't be an issue.

**Tom Koval:** Right

**Wes Staucet:** The Vasilakos who own the property, I don't think many people park back behind, they let me know that not a lot of cars park behind the building. It was really only occupied by anyone that was coming in for the bicycle shop, so parking should not be an issue.

**Rich Berkowitz:** So, you're not all four there at the same time all the time?

**Wes Staucet:** There will be 3 of us their full time and then 1 part time.

**Tom Koval:** You don't have a sign yet?

**Wes Staucet:** No, I met with the sign person at the beginning of the week, so he is getting the renderings, the measurements, all that stuff

**Tom Koval:** You will just have to come back

**Wes Staucet:** Yea I have the paperwork for that I'm just waiting on him so I can get it filled out and get it submitted to you guys.

**Rich Berkowitz:** You might want to change the application because it says, 2 full time, 2 part time

**Wes Staucet:** Above it it says, employees including myself, so maybe I worded that wrong it was in addition to myself.

**Rich Berkowitz:** Okay, so just them.

**Wes Staucet:** Yea

**Tom Koval:** Just make sure your customers don't park out on the road, that's a bad road as it is.

**Wes Staucet:** Sure

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

**Alison Pingelski:** Second

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

**Wes Staucet:** Thank you very much

***Staucet Barber Company (Country Dollar Plaza) – Change of Use/Tenant***

***APPROVED. The Board approved the Change of Use/Tenant request to utilize 1,100 SF, located at the rear of the building, for a barbershop business.***

**Plainsmen Jr. Cheerleading League, 1595 Rt 9 – Change of Use/Tenant (25.033)**

**Tom Cimino:** Good evening with Tom Cimino with CBRE Upstate, I'm here on behalf of Kevin Hedley. We are seeking a change of tenancy for 1595, which is the rear building, in a three-building collection there, formally the Tae Kwon Do center, also here tonight is coach Alexander Wise Rodner and she is with the Plainsman Jr. Cheerleading League. They will be operating a cheerleading school there. The hours are Monday through Friday 6 to 8, Saturday from 12 -8, Sunday from 12 to 4. There are 14 adult volunteers that are not going to be there all of the time they will rotate in and out. It's a 4,000 square foot-free standing building, we're not changing the site plan, it's just a change of tenancy. Thank you.

**Don Roberts:** What about parking?

**Tom Cimino:** The application said there were 40. I believe there are 55 spaces for the three-building combination and the children are dropped off, do their thing and then they are picked up later on.

**Don Roberts:** now in the past we've seen similar businesses and at times they'll have like competitions, and they will draw people from out of the area, do you anticipate that? No, because that could be an issue.

**Alex Rodner:** That facility is not big enough to hold completion.

**Don Roberts:** Okay, that's good to know thank you.

**Lyn Murphy:** Can you just put that on there

**Tom Cimino:** yea there will be no competitions, the facility is just not big enough to handle that.

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

**Rich Berkowitz:** I would assume during the weekdays it's not very busy because of school?

**Tom Cimino:** It's after school

**Rich Berkowitz:** And during the summer.

**Richard Harris:** Tom, do you have plans for a sign?



**Tom Cimino:** Yea we are going to come back in for a sign. There is already an existing sign in front of the day spa where the three businesses are it will be a change of panel there.

**Rich Berkowitz:** I will make a motion to approve the change of use and tenant contingent on no competitions.

**Marcel Nadeau:** Ill second.

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

**Tom Cimino:** Thank you

**Don Roberts:** Good luck.

***Plainsmen Jr. Cheerleading League– Change of Use/Tenant***

***APPROVED. The Board approved the Change of Use/Tenant request to utilize the 4,000 SF building for a site***

**Life Made Simple Boutique, Suite 110B, 1471 Rt 9 (Crescent Commons) - Change of Use/Tenant**

**(25.036)**

**Don Roberts:** Lyn recluses herself and Tom Koval recluses himself as well.

**Emma Wilson:** Hi, I'm Nicole Wilson from Boutique and Coffee, how are you? We're here about our addition, 110B. This is Emma Wilson, she's the manager there.

**Don Roberts:** Okay explain what you want to do.

**Emma Wilson:** We're making an addition so we can have more storage and a little bit of seating.

**Don Roberts:** Okay so a small expansion then?

**Emma Wilson:** Yes, it's around 480 square feet.

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

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

**Alison Pingelski:** Second

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

***Life Made Simple Boutique (Crescent Commons) - Change of Use/Tenant APPROVED. The Board approved the Change of Use/Tenant request for a coffee shop to expand by 400 SF to an adjacent suite for additional seating and storage.***

**American Promotional Events/TNT Fireworks, 1549 Rt 9 (Walmart) – Change of Use/Tenant & Sign (25.019 & 25.020)**

*American Promotional Events/TNT Fireworks (Walmart) – Change of Use/Tenant & Sign  
TABLED. The Board tabled the request, as the applicant failed to appear.*

**Phantom Fireworks, 1525 Rt 9 (Plaza at Halfmoon) – Change of Use/Tenant & Sign (25.037 & 25.039)**

**Vincent Pagano:** Hi, I'm Vincent Pagano, I'm the State Manager. I have inherited the position from Vinny Zabo who has wonderfully retired and quite happy. We are looking to return to 1525 Route 9, the Plaza at Halfmoon with our 20 x 40 tent and our 8 x 40 storage unit. We've done this in years past and we wish to continue. Do we have any questions?

**Don Roberts:** We've had no issues there?

**Richard Harris:** No, we've had none.

**Marcel Nadeau:** Just about the 12 am are they open until 12 am?

**Richard Harris:** Are you open until 12 am that's what it said on the application for July 1<sup>st</sup> through 4<sup>th</sup> ?

**Vincent Pagano:** Well on the period on the July 1<sup>st</sup> to the 4<sup>th</sup> of July we do want to be able to stay open longer, so that we could take advantage of the busier season.

**Don Roberts:** No, but the time?

**Richard Harris:** Till midnight he said.

**Rich Berkowitz:** I just want to let you know there is a new restaurant there that wasn't there last year. In case you have any problems with parking or anything but.

**Lyn Murphy:** You can get food

**Richard Harris:** But just I mean what they talked about in the pre-meeting you might have heard, you know with more tenants being approved for that plaza unlike your past where there was only the nail salon, and I think a smoke shop that was short lived. There were not concerns regarding parking and I realize you're only there a couple of weeks but particularly your busy time please make every effort for people not to park anywhere other than in the parking lot, meaning no parking on Route 9, or Plant Road.

**Don Roberts:** And also, do you know about how many parking spaces you may be occupying with that tent?

**Vincent Pagano:** Well, we are only going to have like 2 operators on at a time, I don't foresee a huge need for anything more than say 10 spaces. I've never seen us back up much more than that.

**Don Roberts:** Okay, anyone else?

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

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

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

**Vincent Pagano:** Thank you very much

***Phantom Fireworks (Plaza at Halfmoon) – Change of Use/Tenant & Sign APPROVED. The Board approved the Change of Use/Tenant and sign requests to hold a temporary fireworks sale at the southern end of The Plaza at Halfmoon parking lot.***

**Mr. Delicious Food Trailer, 1467 Rt 9 (Garden Time) – Change of Use/Tenant & Sign**  
**(25.035 & 25.040)**

**Donald Roberts:** Rich, you have written correspondence on this as well, right?

**Richard Harris:** Yup. We received a letter from ?? that is in your packet, and we discussed at the pre-meeting, and it has been distributed to the applicant

**Donald Roberts:** Go ahead.

**Joseph Vitale :** Good evening, Board.

**Donald Roberts:** Explain what you want to do please.

**Joseph Vitale:** So, as the application suggests, we have built a brand-new custom food truck trailer. I'm looking to operate on this corner and my hours of operation would be from 7:00-2:30ish every Monday through Friday. It'd be semi-seasonal, meaning we'll probably close down the business in the end of November and open back up in April again and we're looking to serve basically breakfast and lunch. The signs that we have there are basically range from 16 x 22" lawn sign type things up to a banner in there that's like 3' x 9'

**Richard Harris:** Yeah. The hot dogs.

**Joseph Vitale :** And that would really just be for the initial announcement maybe just like maybe a week after the like fully opening there. I don't really want to be messing or monkeying around with signs every day.

**Donald Roberts:** Standing signs would be on private property, not on the right-of-way?

**Joseph Vitale :** Correct Sir, correct.

**Richard Harris:** Will you be taking the signs down every night since they're temporary or what, just so

**Joseph Vitale :** I was hoping that during that initial 30 days coming soon, prepared to be just leave them in place. Once I open full time, just use a feather flag to basically announce we're open for the day and we're closed for the day and then we take those back in and out every day.

**Richard Berkowitz:** Now, the parking spots that you're using, there is sheds occupying those spots right now.

**Joseph Vitale:** Yes, The Garden Time is, ya know, there's a significant amount of work in moving those sheds around from where they are. They just received those three or four sheds recently and they're basically waiting on the Board's decision on whether or not they're going to start shuffling around their sheds on their property. Until you folks have made your decision.

**Richard Berkowitz:** Would that change the site plan because we were pretty specific with that property when we approved it.

**Richard Harris:** I mean, it, we, it depends on what you want to do. I mean he is displacing some of where the parking spaces are going. So, we can ask Garden Time to give us a rendering of what

**Richard Berkowitz:** Six sheds are going to have to be moved.

**Joseph Vitale :** I don't think there's an intent to create any additional parking. We're using whatever's currently there.

**Richard Berkowitz:** I'm just looking at two overheads and where you want to park cars?

**Richard Harris:** Right in this area, Rich you're showing?

**Richard Berkowitz:** I'm just looking at the overhead and I'm counting at least six sheds that are in the way.

**Alison Pingelski:** Yeah. When I went by there today, there's quite a few that are in that spot.

**Richard Berkowitz:** Because, you have to have a parking spot, then you have to have the maneuverability to park in those spots, and that's not on you, that's on the owner of the

**Joseph Vitale :** Yeah. I understand. We just haven't had any real discussions, him and I about that and the spots that were created there, the Engineer took some liberties and through them into the design.

**Richard Harris:** Yeah. So, when you approved that last site plan, it had a Phase 2 to it, back in 2015 or so 17. What we could do is verify where they're 'relocated to is within the approved area that you approved for Phase 2. I'll be honest, we don't go out and do an inventory every year where they're putting them exactly. You gave them general bubble areas of where they can locate these things because some were very large, and if you remember, that's where we talked about units vs. picnic tables, sheds, gazebos. So, we could verify where they move them to, is within the approved area to have sheds, gazebos, units.

**Richard Berkowitz:** He's been pretty good about the whole thing. The site plan

**Richard Harris:** Yeah. There hasn't been anything blocking the driveways or the roads, but it was not, when you approved the site plan, it wasn't exact locations, like this 8x10 will be a shed, this 10x20 will be a gazebo. It was number of units within a, or like a bubbled, bubble area. So, we could verify that when they relocate those, they stay within the approved locational spots on site. Not new areas that are undeveloped right now, today. So, we could do that.

**Richard Berkowitz:** Okay

**Richard Harris:** I don't think it warrants Garden Time coming in with a site plan.

**Richard Berkowitz:** I don't think so, but they have to move them somewhere.

**Richard Harris:** Yup, right.

**Lyn Murphy:** Did they sign an owner authorization?

**Richard Harris:** Yup. We received that yes.

**Alison Pingelski:** So, on the map, it says new parking spaces. That's not new, it's the existing ones?

**Richard Harris:** It's right here on the aerial. This existing, right here.

**Joseph Vitale:** Crusher run.

**Alison Pingelski:** But those are not parking spaces right now?

**Richard Harris:** It's part of the parking lot. I mean, I guess, if they don't have lined spaces there. It's all large gravel area. So, and I remember when this was going through the approvals. You can park anywhere along here. Anywhere along these gazebos. There aren't lined spaces so part, actually, most of this is in a parking lot area. So, if they relocate these, it's crusher run underneath and people can park there like he's showing on this plan. But, they're not grading or clearing grass. They're going to move the gazebos and the sheds in the way right now for those parking spots you show.

**Alison Pingelski:** So, that's one of the questions from the key family that wrote the letter is about the parking space and changing the vegetation. So, the answer to their question is, no, there wouldn't be changes to the vegetation?

**Richard Harris:** They're not proposing to remove, according to this, you're not proposing to remove any vegetation up here, right?

**Joseph Vitale:** That's correct. We're using those bushes to do some blocking actually of, like for instance, where the pedestal, electrical meter is going to be, which we've kept particularly small. Just trying to be respectful of the neighborhood and

**Alison Pingelski:** The other thing they're concerned about is the placement of the portable toilet. So, is that, that's going to be on the outside facing the road?

**Joseph Vitale:** Again, there's a spot there that is kind of buffered by some bushes and trees and such and That was my intent, was to, again, use them for cover.

**Tom Koval:** Where are the Keys? Do we know where their house is in relation to all this?

**Joseph Vitale:** They're on there. Plank Road there.

**Richard Harris:** Are you over here?

**Alison Pingelski:** 279.3.1

**Richard Harris:** Oh. You're right here, 39 Plank Road.

**Alison Pingelski:** Your neighbor is on the corner

**Tom Koval:** So, it's quite a ways from this.

**Richard Harris:** Yeah. You're back here.

**Richard Berkowitz:** Legally, how far does the port-a-potty have to be away from your truck or any picnic tables?

**Joseph Vitale:** I don't know of any ordinance with the Board of Health about that or not. But it's something I could, I'll ensure we're compliant with.

**Richard Berkowitz:** I would assume that there's got to be something.

**Alison Pingelski:** The recommendation is 100 feet

**Tom Koval:** Your trash?

**Joseph Vitale:** Yes. So, we're intending on probably installing one of the smallest steel-style dumpsters. It would probably be, if you can go back to the, it was another overhead shot.

**Richard Harris:** Oh, Of yours?

**Joseph Vitale:** Yeah. Yeah. That one there. Right where that says lot, in the middle there.

**Richard Harris:** Here?

**Joseph Vitale:** Yes. There's kind of like a good spot to kind of sneak one in over there that would be easy to access for the truck that we actually do that dumping, and the dumpsters that I would get would have a cover that would make sure that no animals would get in there.

**Tom Koval:** If this gets approved, you should make sure you're, whoever you hire to dump that, isn't coming in at 5:00 in the morning and waking up the neighbors.

**Joseph Vitale:** Certainly.

**Tom Koval:** They will adjust their schedule based on what you ask.

**Joe Vitale:** That's reasonable.

**Richard Harris:** What about garbage for people eating on-site, by their car?

**Joseph Vitale :** As necessary, they'll be probably a minimum of two garbage cans, and they'll be policed and taken out accordingly. At the end of each day, we'll walk the area and make sure no trash is blown out into the street or anywhere else.

**Richard Harris:** How often do you foresee yourself, I think we talked, you may be do some events or fairs with this, or am I mixing you up with someone else? So, how often will we, the site, let's say you were to get approval between now and December. Is it going to sit there that time or are you going to come and go?

**Joseph Vitale :** Well, my basic idea is to build the business model around folks knowing that they can go Monday through Friday, 7:00-3:00 and know that someone's going to be there to make their egg sandwich or their lunch or whatever they're there to buy. My Phase 2 of the, is maybe I'll play around with going to a fair there and there. I don't really know too much about that business model yet and so I don't, my expectation, if I left and did one of those, it'd probably be like a five-day setup, breakdown at the location or wherever the event is. Like, Saratoga County Fair or something like that.

**Richard Berkowitz:** Now, is this a new venture for you or you've done this somewhere else?

**Joseph Vitale :** This is a new venture for me yes

**Richard Berkowitz:** So, you've never done this anywhere else?

**Joseph Vitale :** Other than in high school, I worked at a Friendly's for a while.

**Donald Roberts:** Anyone else?

**Richard Berkowitz:** I don't feel comfortable until we find out about parking spots.

**Donald Roberts:** With Garden Time?

**Richard Harris:** What specifically, Rich, on the parking spots?

**Richard Berkowitz:** Where they're going to be, where the other sheds are going to be. Basically, if there's any health regulations is the problem. He's never done this before. So, if there's Department of Health regulations concerning the outhouse, garbage, if he needs a license for food preparation.

**Richard Harris:** He definitely, he does, yeah. He needs Department of Health approval on that.

**Joseph Vital :** I'm sorry, I have a hearing loss. I didn't get that last

**Richard Berkowitz:** You need the proper licenses from the Department of Health.

**Joseph Vitale :** Well, everything is going concurrently so, I need some decisions from the Board for them to move forward with their approval. However, I have submitted everything to them that they need up to this point including, I am food service certified, I have state certified, took that course. So, I have all my ducks in a row as far as up to this point.

**Richard Berkowitz:** But you can't get approval from the Department of Health until you get our approval?

**Joseph Vitale :** They wanna know where you're going to be, and that's basically, maybe my fault, for saying I intended to be at one particular place and whereas if they were just giving approval for any food truck, you would, you're going to be in multiple places.

**Richard Berkowitz:** So, are you personally going to be there, or is there going to be a manager or

**Joseph Vitale :** I intend to work it myself and I hope to maybe get an employee to pick up a day here or there at some point.

**Richard Harris:** Rich, what are the questions you want to follow up on? I just wanted to know more specific.

**Richard Berkowitz:** Mainly about the port-a-potty, how close it has to be . If there's any regulations about distances.

**Joseph Vitale :** Okay

**Richard Berkowitz:** I mean, the parking should be alright. Wherever he moves the shed should be alright.



**Richard Harris:** Yeah. We'll, if and when, if you approve this, you can do a condition that it must be within the approved area for the units from 2017 or whatever that was, I don't remember.

**Richard Berkowitz:** I'm not concerned about that. I'm more concerned about the Health Department, wherever that goes.

**Richard Harris:** Okay

**Tom Koval:** If he's going for his Health Department approval based on a fixed location, they're going to come out and look at that before they issue him a license.

**Richard Berkowitz:** That's what I'm concerned about.

**Tom Koval:** Right. So, we could conditionally approve this, approve this with the condition that he, based on his Health Department approvals.

**Richard Berkowitz:** I have no problem with that. What are the months you want?

**Joseph Vitale :** I'm sorry.

**Richard Berkowitz:** What time of the year do anticipate operating?

**Joseph Vitale :** From April to end of, beginning of December.

**Joseph Vitale:** Until it's too cold to work.

**Richard Berkowitz:** April 1 to November 30?

**Joseph Vitale :** Yeah.

**Charlie Lucia:** Would you anticipate the Health Department approving everything for you by 1 April of this year?

**Joseph Vitale :** That's my understanding. The only thing I need to do left is give them advice on where I'm going to be located and sign up with a commissary kitchen. And, I believe I've fulfilled all of the requirements for them and I can tell you with regards to the outhouse, on all of the applications that I've done for them, they have not asked about any of that, which I guess makes sense because if you're a food truck, you're not normally, this is a little bit of a difference. It's a food truck but staying in one spot. So, I think that it wouldn't be a question that they would normally ask.

**Richard Berkowitz:** I wouldn't think so. Because it's kind of a unique situation.

**Joseph Vitale :** Yeah. Yeah. In Saratoga County they have this new streamlined food truck service. It's all through a portal, all the information that I give them, I will eventually have to get inspected by the

Health Department and actually go somewhere. You get your trailer up and running and they check temperatures, they make sure that the hot water is hot enough, etc. So, that's like an inspection that happens at some point.

**Richard Berkowitz:** How often is the port-a-potty cleaned out or switched out?

**Joseph Vitale :** That'll probably be dictated by need and we won't know need until we know customers.

**Richard Berkowitz:** It would be one thing if it would be more scheduled.

**Joseph Vitale :** Yeah. I mean I would imagine that they're going to do it twice a week to start with like what would normally happen on a regular construction site where you'd have 10 people.

**Tom Koval:** They're generally weekly on job sites.

**Joseph Vitale :** I'm sorry.

**Joseph Vitale:** Generally, the port-a-johns at any job site are serviced weekly.

**Joseph Vitale :** Okay

**Tom Koval:** Whether they need to be or not, they send a truck out, they clean the unit and pump it.

**Joseph Vitale :** Well, I intend to use the unit myself so I'm going to make sure it's kept well. Clean it all out, what needs to be done.

**Alison Pingelski:** The Department of Health says it's based on the amount of waste that's generated and then how often that it has to be emptied.

**Tom Koval:** Yeah. Maybe they just do that as part of the contract when you get it.

**Richard Berkowitz:** I'll make a motion to approve the change of use tenant and signs contingent on approval from Department of Health and from April 1 to November 30 with, should we make this yearly?

**Lyn Murphy:** I think you may want to monitor it.

**Richard Berkowitz:** Yeah. For one year and then if this works out you can come back for more permanency?

**Joseph Vitale :** Certainly.

**Charlie Lucia:** I'll second that.

**Donald Roberts:** Ok, we have a motion and a second. All in favor aye (all were in favor). Opposed (none opposed). Motion carried. Good luck.

**Joseph Vitale :** Thank you, Board.

***Mr. Delicious Food Trailer (Garden Time) – Change of Use/Tenant & Sign . APPROVED. The Board approved Change of Use/Tenant and Sign requests for a food trailer and related signage, with the condition of proof of compliance with all NYS Dept. of Health approvals***

**Carola, Amann & Chlopecki Subdivision & Lot Line Adjustment, 42, 48 & 60 McBride Rd – Minor Subdivision (25.034)**

**Pat Jarosz:** Hi, hello again. My name is Pat Jarosz for the record with VanGuilder Associates. I'm just here tonight to request a two-lot subdivision and some lot line adjustments over on McBride Road. The existing lots, 3 lots, 42, 48 & 60 McBride Road will have lot land adjustments as shown on the map. 48 McBride Road will be subdivided into three lots with 48 containing the existing house and outbuilding and two new vacant lots will be created in the process. All the lots are both new and existing, will meet the bulk requirements of the zone. Thank you.

**Donald Roberts:** We'll get a Public Hearing on this, but any comments by the Board?

**Richard Berkowitz:** I make a motion to set a Public Hearing on April 28.

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

**Donald Roberts:** All in favor aye (all were in favor). Opposed (none opposed). Motion carried. See you on the 28<sup>th</sup>.

**Pat Jarosz:** Thank you.

**Donald Roberts:** Of April.

***Carola, Amann & Chlopecki Subdivision & Lot Line Adjustment, – Minor Subdivision PUBLIC HEARING. The Board set a Public Hearing for April 28, 2025, for a Minor Subdivision and Lot Line Adjustment request to create two vacant single-family home lots.***

**Frito-Lay Parking Expansion, 8 Corporate Dr – Site Plan (24.101)**

**Devon Dickinson:** Good evening, everyone. My name is Devon Dickinson, I'm with CHA Consulting. I'm here on behalf of Frito-Lay. So, this project has changed significantly since we were here in July. We've removed all the proposed parking in the rear of the property as was mentioned earlier. The need for

this from Frito-Lay is they are currently parking trucks and trailers stacked, which inhibits the amount of flow through the site employees are parking along. So, this is aimed at addressing those current issues they have so it's employee parking box vans, and trailer parking for the tractor trailers. We are still proposing some stormwater management. We are just below an acre of disturbance now with the reduced scope. We are proposing two stormwater based to treat some of the new and existing asphalt. We are adding minimal site lighting to meet Frito-Lay requirements that they have in their design manual. So, we do have some photometric mapping. Rich, do you scan these in, or something is that why we are not seeing it right?

**Richard Harris:** I did, they came out terrible. I apologize.

**Devon Dickinson:** Is that why we're not seeing.

**Richard Harris:** I checked to make sure everything's there, but didn't check the quality on this and it really blanched out your existing conditions. This shows you existing conditions well. It just doesn't show your expansion so, I apologize.

**Devon Dickinson:** So, in any case, that's the driving factor is, they're trying to rectify a situation they have. There's no difference in the operation. They're just trying to accommodate the parking and the vehicles and have safer travel through the site and have it a little more orderly.

**Richard Harris:** Yeah. So, this is the existing conditions and if you can just memorize this for a second I and then go to this. The additional are on the edges here.

**Devon Dickinson:** Yes. So, it said that the large parking in the rear, we've tried to tuck all the parking in adjacent to existing asphalt and existing parking as best we can.

**Donald Roberts:** So, the homes in the rear, they should not be affected at all now.

**Devon Dickinson:** Yes. So, the nice thing about this is that where the fence is going to stay where it is in place and everything beyond that fence that, I believe, they did this originally somewhere around 2000 was when they built that Frito factory. Everything beyond that fence is wooded so we're not touching any of that.

**Richard Harris:** Yeah. If you want to look up here, the only place that starts to lean towards the neighborhood here is right around in this area. Right, where you're going to, going to shift that parking perpendicular. So, that was the only whereas the prior version, like, gutted this out pretty much, right?

**Devon Dickinson:** Yeah. It was similar to that rear wooded area.

**Donald Roberts:** So, this is much better.

**Devon Dickinson:** It is yes, yeah, I'd agree with that.

**Donald Roberts:** Any comments?

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

**Richard Harris:** Joel, did you have a comment about their permit?

**Donald Roberts:** Oh yes, that's contingent

**Joel Bianchi:** Yeah, they need 24 permits for this area which you have submitted

**Devon Dickinson:** We've submitted everything to New York State DEC.

**Donald Roberts:** So, contingent on the permit,

**Joel Bianchi:** I would say the approval is contingent upon receipt of that permit. If that permit requires and mitigation plan. It may or may not.

**Donald Roberts:** What's the name of the permit, again?

**Joel Bianchi:** Article 24

**Richard Berkowitz:** Ok. I make a motion to approve the site plan contingent on a Article 24 adjacent lot permit

**Charlie Lucia:** Second.

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

**Devon Dickinson:** Thank you.

***Frito-Lay Parking Expansion– Site Plan***

***APPROVED. The Board approved the Site Plan request seeking to expand the existing parking lot, and related stormwater management, lighting and landscaping, with the condition of proof of compliance with Article 24.***

**Donald Roberts:** Okay. Going back one more time, we gave them another chance here.

**American Promotional Events/TNT Fireworks, 1549 Rt 9 (Walmart) – Change of Use/Tenant & Sign (25.019 & 25.020)**

**Donald Roberts:** Are you here? Are you on-line?

**Richard Harris:** No. No one's on.

**Donald Roberts:** Ok. We tried.

2/24/25

Marcel Nadeau: I make a motion to adjourn

Tom Koval: Ill second

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