

Town of Halfmoon Planning Board Minutes May 11 , 2026

Those present at the May 11, 2026, Planning Board meeting were:

Planning Board Members:

Don Roberts –Chairman
Marcel Nadeau- Vice Chairman-absent
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

Planner/Stormwater Management Technician

Ted Chesnes

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 Planning Board members had a chance to review the minutes from the last meeting?

Rich Berkowitz: I make a motion to approve

Marcel Nadeau: Second

Don Roberts: All in favor Aye? (all were in favor) Opposed? (none were opposed) Motion carried. Before we start tonight two announcements, first one is if anyone, oh Laurie has to recuse herself from the minutes she was not present. If anyone here tonight wishes to speak please come up and sign in on the sign in sheet, print your name and what you're here to speak about, you can go do it now please if you would, it makes it easier if you are going to speak tonight please go sign your name and write down what you're going to speak about this is for the minutes because if we get the names written down its easier to transcribe the minutes sometimes the names don't always come through clear. The other thing is the next Planning Board meeting is going to be Monday June 8th, because 2 weeks from today is Memorial Day if you show up next meeting you're going to be pretty lonely so alright.

Public Hearings:

RIC Energy/Halfmoon Solar, 17 Upper Newtown Rd (SBL 274.-1-30.111) – Site Plan & Special Use

Ciara Hopkins: Good evening, everybody my name is Ciarra Hopkins, I'm a project manager for RIC Energy for the applicant Halfmoon Solar. Today with me I have Brendan Duffy. He is the environmental project manager he has been leading the coordination with the environmental review portion of the process, and also Kate Spirowitz is on the team call she is our civil engineer for the site, so she designed the plans that were part of the application. Before we open the public hearing tonight, I thought that I would just give a quick summary of the project maybe the application process (inaudible) the application process as it relates in context to the project site. The project is located on Upper Newtown Road, I understand from a letter that we received that there was the confusion about the address associated with the project so I did want to quickly clarify that , I have it listed on the application as 17 Upper Newtown Road that's actually a County registered address but that is the address that is closest to the NYSEG internation pole so that's what they use to identify the nearest point of the study so that's what we use on the application. There's not currently an address, a 911 address associated with the project, that will get done once approval happens, and it might be 17 it might change on google maps if you google 17 Upper Newtown Road that does appear to be the parcel on the west side of the bike path and so I want to clarify the parcel where the project is being proposed is on the east side of the bike path so the parcel is located between the bike path and a railroad. Just kind of use those markers, and it's a bit difficult to see because the outline is in black there, so I apologize for that but yea but that is the parcel that we are looking at. The last one I believe its 136 acres roughly and the project that we're looking at is just under 24 acres when it's starting, the target size for the solar project in general (inaudible) that is a community solar sized project. It is an allowable use in the zoning district and to clean manufacturing, so it's considered an allowable use through site plan approval and special use permit approval (inaudible) the applications that we submitted. We submitted those back in October of 2025 and since then we've been coordinating with the Planning Board the Town engineer has reviewed the project and offered comments, we've addressed those and adjusted all of the plans according to all of those comments. The County has also done their review with the County Planning Board and they didn't express any concerns they said that the project was not likely to have any County wide (inaudible) so that was the determination there, the Planning Board has assumed SEQR (inaudible) of the State review once we get done with that and then we have also completed a number of environmental studies and done a lot of coordination with other stake holders like the DEC, Fish and Wildlife Service and Army Corps. So, I think that's kind of a summary of where we are now, looking through the rest of the power point the next image is just a site plan so that kind of shows you where we're planning to have the array and also Progress Road, and where the parcel is located. All of the plans are available when (inaudible) if anyone wanted to look at, it's got more

details than any of the other application materials they are available for review. Next slide this shows a bit about how far away the project will be from the nearest residences so this is just a screen draft of the site plan you can see I believe that's 26 Upper Newtown Road, will be over 450 feet or about 450 feet away the access road at the nearest point and then it would be more southern that's 14 Upper Newtown Road will be about 413 feet to the nearest side of the array, and you can see on the google image photos up at the top that they're kind of viewed through a signature kente wooded area that will all be left in tact for a visual screening. But we did complete a visual impact assessment at per request of the Board so this kind of shows where the array will be this isn't photo simulation so this is a rendering , we selected I think 4 or 5 locations where we went and took (inaudible) photos in the on condition but also the off conditions to show what the worse case scenario would be. I just put a couple of (inaudible) so on the next slide would be location 2 which is kind of near or right in front of 26 Upper Newtown Road , this is from the road, we have to take photos obviously from public land so this is from the road there and its difficult to see with the leaf on photo but the leaf off photo you can see where the existing National Grid electric line is and the array will be over 100 ft at the nearest point beyond that pole. So a pretty significant distance away but there will be a quite a bit of trees that again the trees on the parcel that we're going to be developing, (inaudible) so that this is closer or right in front of the other nearest residence which is the 16 Upper Newtown address and then you would be looking about 415 feet back from here through all of that brush as well so its pretty well, well screened. Any questions? That's my kind of introduction to the project and I'll turn it over to the Board for how you want to proceed

Don Roberts: Okay , before we start we did have a site visit, I was one of the members to visit the site and I was pleasantly surprised to see how much screening is going to be out there, I didn't think there was going to be what it's going to be so my concerns went away once I saw that screening so

Ciara Hopkins: Yea thank you I appreciate that I forgot to mention that we did do a site visit a couple members of the Board and I and Code Enforcement officers, with the Planning Board there and the coordinator and we walked along Upper Newtown Road and the bike path and looked at how dense that existing foliage is and how it will be for years beside the bike path 115 to 135 feet off of that property line and all of that brush and existing vegetation on that side will remain in tact as well as out front you will only be clearing area that is marked for development so that's just the 24 acres for the access road (inaudible) and we will have a proposed buffer area that we will coordinate with the Board on I will get that confirmed as well.

Don Roberts: Thank you. Okay at this time we will open the public hearing if anyone wishes to speak, please come up and say your name and any comment you may have.

Kim DeFelice: Kim DeFelice I'm at 36 Upper Newtown Road, You had indicted that you are going to leave all of the brush and trees and whatever is there up to 135 feet off of the road will you be adding anything in those areas at all, nothing so your not going to add anything in regards to maybe making the border any better with some non foliage?

Ciara Hopkins: We have not proposed any screening beyond what is currently existing and we think that given the distance along the west side which is where the (inaudible) is, is at least 115 feet and then from the front on Upper Newtown Road that's well over 200 at the nearest point to the array, so we think with the existing brush

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and how far back that is that that's plenty and there is not any room to add additional screening unless you cleared more of what is existing.

Kim DeFelic: Where you are going to touch is near the bike path which is the canal path and Radar Road how do I use that strip, how do I use that strip there? So, the rest of that that is from 36 right down the rest of that entire field isn't going to be touched

Ciara Hopkins: That's not our parcel (inaudible) If you're talking about , the only parcel that we have access to is that line in black there so the piece to the last set is what I think your talking about ,and going up towards 136 Upper Newtown Road would be we don't have access to that at all so we cant touch that ourselves.

Kim DeFelic: Okay where does , so this isn't even across from all of those homes. It's not even in this?

Ciara Hopkins: That's correct. I can show you since you're right here.

Richard Harris: You could see on this image the homes are right here right by the word Upper Newtown

Kim DeFelic: I didn't realize that it was all part of the same parcel, so it's been subdivided?

Richard Harris: Hasn't been subdivided for years, not recently it wasn't subdivided, it might have been by one person at some point.

Laurie Barton: This is 36 and that I think that's private property you don't own that you can't touch that

Kim DeFelic: Thank you so much, thank you.

Don Roberts: Say your name what your comment is

Karen Lort: My name is Karen Lort I'm speaking on behalf of Patricia Patenaude, my mother who lives at 64 Newtown Road . I'm a licensed landscape architect so she asked me to come up and speak on her behalf. First off, I do like solar projects a lot I think they are great and I think they are great when they are done well. That's why I'm up here I want to make sure it's done well. So some of the concerns that I have are, are you considering some sustainable land use practices about how are you going to maintain the vegetation underneath the solar panels are you making sure that you are not tamping and compressing down the ground your not treating it with herbicides' and that is the maintenance of the existing vegetation because you don't want that run off impacting what are significant wetlands in that area so I hope that you guys would consider that and make sure that that's written into the approval. Actually the Town of Knox in New York they just passed a really fantastic solar law that I think is probably (inaudible) its really helpful, everything that they did in that is when they looked at the fencing to make sure that it wouldn't be trapping wildlife in there is you do want to protect it to make sure that people aren't accessing your parcel but by including an 8 to 12 inch gap at the bottom it allows more wildlife to move through that. Just to make sure you're not (inaudible) The other thing that is often thought of is how are you going to prevent a roosting or perching, make sure that you are using methods that are not going to negatively impact the wildlife , you know that you don't want perching on there you want to keep the birds off the solar panels , you should really investigate ways that you can do it (inaudible) I think that fact that you are leaving the natural screening up there is fantastic there's nothing that you can do that would be better (inaudible) The fact that you have the mix of shrubs and that whole vegetation its going to wake up any

ones that you have (inaudible) through the trees that is going to be broken up in a way that its not an impact because , another thing is you have to look at is what happens when they decide to move out

Don Roberts: We have a decommission plan, we have that

Karen Lort: Yea I think in the Town of Knox if you want to look at what they did.

Don Roberts: We don't have to we don't need to we always require that (inaudible)

Karen Lort: They've got a really good one

Don Roberts: We've got a really good one too.

Karen Lort: And the other thing is just the identification of (inaudible) to make sure that you guys don't have too many pieces , I would assume that you already did that , because in order to get (inaudible) do you have a mitigation plan for that (inaudible)

Brendan Duffy: Do you have any more questions or we can always tackle the ones you've already mentioned?

Karen Lort: So, stream crossing because that is a significant stream is it actually going to be wide enough so you get the 2 and ½ (inaudible) and still allow for wild life mitigation like wildlife movement through that corridor or whether or not you're going to allow benching on the side also for wildlife to get through that. It's a very well used corridor and you don't want to make it into a wall, you can make sure it's a little (inaudible) So those are kind of my main questions just to make sure like I said (inaudible) but it needs to be done well and you guys are in the perfect position to make sure that will happen.

Don Roberts: This is not our first one so thank you. Do you want to respond to the comments please sir, your name?

Brendan Duffy: Brendan Duffy, thank you so much for those comments its refreshing to hear (inaudible) first so you said vegetation, (Inaudible) birds, you said (inaudible) what we've done in the past is implement what's called wildlife fencing so what we will do is raise I think you actually brought that up, we will raise the fence 8 to 12 inches so terrestrial species to pass freely to the other side with no hesitation. (inaudible) you also mentioned (inaudible) we do routine landscaping around the panels once or twice a year and that's all we do.

Ciara Hopkins: (inaudible) bird friendly

Brendan Duffy: Absolutely yea, across the street, what we designed here is actually a very low disturbance pre-fabricated pre-structured but you mentioned (inaudible) about the stream , we will not divert the stream , channelize the stream what we will do is just put in 2 pre-cast concrete foundations , lay down a seal pre-fabricated bridge structure, built in place but pre-fabricated. Very minimal service to that stream, you also mentioned (inaudible) so yea you are right we did go through the proper channels with fish and wildlife which has been chaotic, as you well know at the federal level and we also contacted DEC as well so for Federal Wildlands The US Fish and Wildlife they found Monarch butterfly in the are which is not a threatened or endangered species at the federal level it's just a proposed at the current time and they didn't find any bats or anything in the area that we know of so and then we also went to DEC and there was a bald Eagle breeding on the east side of the Hudson about a half mile from our site. And so, we were able to (inaudible) if you put a dot

on that breeding location, they put a half mile radius around that. So what they do sometimes is call for what's called a conservation measure so restrictions tree planting in a half mile radius which we are outside of its 660 feet away from that nest you can't cut trees or disturb anything during the breeding season but we're way outside that we are 1500 feet from that nest so we know you're concerned but we have an agreement with the DEC that if a nest is found within our site or on our site we will stop and we will re-evaluate. But a little background on the Bald Eagle, their main habitat is large bodies of water I'm sure you've seen nests all along the Hudson and they also like power lines and things like that, but we haven't encountered them yet. There is really not much of a concern again large bodies of water (inaudible) DEC so they have, so as it stands right now under the new rules as of 2025 all wetlands will be avoided and (inaudible)

Don Roberts: Have your questions been adequately addressed?

Karen Lort: Yes, I just have one final question, the area of land that is not going to be impacted will there be some sort of (inaudible)

Lyn Murphy: We can't control that it's private property

Karen Lort: Alright but if they're coming in saying well let's do 25 acres

Don Roberts: That's all they can do.

Karen Lort: (inaudible)

Don Roberts: They would have to come back before us if they wanted to do something

Lyn Murphy: And it's a totally separate parcel so they can't really stand on it without coming before us

Karen Lort: Well, I mean so they're (inaudible) out the 25 acres ?

Lyn Murphy: No, that's all that they can do

Karen Lort: Okay

Don Roberts: Anyone else in the room wish to speak? (no comments) anyone else in the room wish to speak? (no comments) Anyone online wish to speak? (no comments) Okay we'll close the public hearing , Joel, you have any comments on this?

Joel Bianchi: No, the only thing (inaudible) SEQR findings to support negative declaration to SEQR

Don Roberts: The decommissioning bond that's going to be taken care of.

Joel Bianchi: Yes, they set a value which we found acceptable so its minor paperwork to execute that maintenance agreement in time.

Don Roberts: Okay, thank you. Comments by the Board?

Richard Harris: Could you have the applicant discuss comments from the fire department also?

Don Roberts: Yea could you briefly?

Ciara Hopkins: We got some comments from the fire chief earlier today so that's a preliminary review unfortunately time wise driving out here to do a full review but preliminarily our civil engineer online did look into the comments we can coordinate further with the fire chief I don't believe that they are here this evening or I can get in contact with them and talk through some of the comments we have a couple of questions regarding them one is the question we pose is whether or not there would be Knox boxes which there are all of the access points in the gates for the fences will have Knox boxes and the fire department will have the keys just for that 24/7 there was a question about widening on of the turnaround points , what we have considered doing as done on the plans 20 feet wide which is designed for the international fire code so we would want to ask you know is what is the reasoning for doubling that turn around just because it would increase the LOD increase the tree clearing things like that so we are happy to consider adjusting or change the width of that if it would be beneficial to the fire department.

Lyn Murphy: Joel, are you comfortable kind of being the mid-person for that if the Board wanted to proceed tonight?

Joel Bianchi: Yea , no we can certainly be the sounding board , yes, the governing code is NYS fire code.

Lyn Murphy: Okay

Ciara Hopkins: There was an additional question adding additional turn around on kind of the top side of the first array which again we could do if there would be a substantial benefit for that we do have many turn arounds located at various points which would meet the distance requirements for standard code requirements and again having additional turn arounds increase LOD increase trees varying we would have to play around more with the detention ponds because of the storm water, we would consider it if that was , if it was largely beneficial but we would want to talk through (inaudible) there was a question , I think a suggestion was moving the fence to run along the interior side of the road from the southern array so currently we have the fence line running outside of the road and the suggestion was to move it to the inside of the road. We could do that but that would then limit the distance between the panels and the fenceline to less than 16 feet so it would be tough to get any vehicle inside in-between the panel and fenceline so that's why we have it on the outside because it allows use of the access road and any traverse vehicles through there, so again something we could consider that would be of great benefit but that's the reason we had it on the outside was just to allow a good amount of distance to get vehicles past the array. And lastly there was a comment about a fire hydrant , there are I believe 2 hydrants on the other side of Upper Newtown Road so we don't see a huge benefit to adding one on the side of the road for the project because there are 2 so close, so we can pretty much talk through again what that would look like but that might require extending the water line and that would have to go under the road and there is a gas line there so that would be a little bit tricky and again we can discuss that further if that would be a significant benefit but I think the reasoning is just that if a fire were to happen which is extremely unlikely just given the nature of what the project is there is no burning or anything like that would cause an increase in incidents but if the suggestion was because if something did occur there would potentially have to be a closure of part of the road to get at the hose with the fire were on the other side to where the project is located. And we understand that could be a concern I believe there is pretty good access from either side of a dead end street so if you did have to close a portion of that road because of the fire hydrant I don't think that it would cause that

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much impact to you know the surrounding land owners but again something that we are happy to discuss with the fire department.

Don Roberts: Okay, thank you.

Marcel Nadeau: Clarify the risk no battery storage system on the site, correct?

Ciara Hopkins: No battery storage

Rich Berkowitz: And you agree to the removal bond and everything that was discussed with the public hearing noted on the drawings, the fence, the bridge?

Ciara Hopkins: Yes

Lyn Murphy: What you spoke about, or what he spoke about

Ciara Hopkins: Oh, with the fenceline what's currently proposed is not a wildlife friendly fence if the Board wants to do that, we can adjust the plans and add a wildlife friendly fence.

Rich Berkowitz: I was under the impression since you said

Don Roberts: Yea I think we should do that

Ciara Hopkins: Okay , we've done that on other projects we just don't generally propose it up front

Don Roberts: We should do that

Ciara Hopkins: Okay

Joe Landy: Just devils advocate are their consequences to that, are there reasons you don't do that normally or is it, what am I not thinking of?

Ciara Hopkins: The fence proposed is 8 feet tall

Rich Berkowitz: Are there cameras going to be located in the area?

Ciara Hopkins: For our project no

Rich Berkowitz: Security cameras or anything?

Ciara Hopkins: No, we don't have anything like that.

Rich Berkowitz: Okay

Ciara Hopkins: There are signs, signage details on the plans, do not trespass , and then the gates that are locked that's the only security.

Don Roberts: Anyone else on the Board like to comment?

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

Marcel Nadeau: 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 site plan and special use permit also contingent on Joel okaying the fire department details and the rest of the project, and the animal family fence.

Marcel Nadeau: I'll second it.

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

Ciara Hopkins: Thank you in time to review new formations and give updated plans.

Don Roberts: Okay, thank you.

RIC Energy/Halfmoon Solar– Site Plan & Special Use APPROVED. The applications seeking to construct a 3 MW (ac) solar array facility were approved conditioned on the installation of wildlife-friendly fencing and coordination with the Town Engineer and Hillcrest Fire Department on outstanding comments.

New Business:

Northeast Controls Inc./NECI, 8 Enterprise Av – Change of Use/Tenant (26.080)

Dan Barkevich: Dan Barkevich with Direct Properties here for NECI Northeast Controls

Don Roberts: And what would you like to do?

Dan Barkevich: We would like to expand some of our facilities up into a facility at 8 Enterprise Avenue currently occupied by Shenendehowa School District, they are coming out of their lease its Exit 8 enterprises is offering us that lease its convenient especially since we're located by our old headquarters at 3 Enterprise Avenue right down the hill so that worked out very well for us. And our business is a light industrial assembly facility we don't do , we outsource it if we cant fix it with a hand drill we outsource it, so what our branch is we put things together we use low pressure air tight steam to determine if equipment works and we crate it and ship it out the door. Our business has grown significantly and continues to grow we are looking for opportunities to expand part of our outward issues to other facilities. 8 Enterprise became available our intent is to do our crating and shipping from that facility, assemble , test at our 3 Enterprise facility drive it up the hill do crating. Our primary client is G.E Vernova at OEM and we tell them our progress is ready to pick up and they say thanks we'll be there when we get there, and we might as might hold it for days, weeks , months so they need more storage area and we will eventually be doing that up there. We won't have any equipment coming in other than our own vehicles and common carriers to come and pick up equipment, commissioned from the logistics of customers.

Don Roberts: How many employees?

Dan Barkevich: In the overall, the whole facility? That facility or over on 3 ?

Don Roberts: In Halfmoon your facility, in the proposal that you are presenting here

Dan Barkevich: There will be approximately 5 people in that facility, overall, we have about 60 down at the other facility.

Don Roberts: What are the hours of operation up here?

Dan Barkevich: The hours of operation are normal business hours 8 to 5 we do have people come in that facility at 7 till approximately 5 pm Monday through Friday weekend operations which is usually prepping for something going on or coming up that weekend, we do not have any, we are not a sale company

Don Roberts: Any comments by the Board?

Tom Werner: Any outside storage?

Dan Barkevich: Outside storage , oh you mean containers or something like that, at that facility that is not our intent, in fact our reason for getting that facility is so we could avoid storing anything

Tom Werner: So consequently, you'll have plenty of space for these, for now and for the future?

Dan Barkevich: Yes, for right now our 5 year plan, this facility would need (inaudible) needs and we would not have that additional storage outside.

Don Roberts: are you proposing a sign?

Dan Barkevich: No, we are not.

Don Roberts: Are there any more questions by the board?

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

Tom Werner: I second

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

Dan Barkevich: Thank you very much

Northeast Controls Inc./NECI Change of Use/Tenant

APPROVED. The application to utilize a 10,200 SF building for crating, storage, and final shipping of assembled products was approved.

Moon Exotic Smoke Shop, 1383 Crescent-Vischer Ferry Rd – Change of Use/Tenant & Sign (26.067 & 26.068)

Falasteen Hjoj: Hello everyone my name is Falasteen and I'm opening up a smoke shop at 1383 Crescent Road. I remember the parking was a problem for...

Don Roberts: Which is not your doing, you know this is not you're doing.

Falasteen Hjoj: So, we are negotiating with the landlord to take over one of the apartments up stairs and eventually have one of the workers 2 of my close friends they are training right now at one of our other stores so that's kind of how they would work it out or we would work it out.

Don Roberts: I don't think that's going to work, your landlord has to work with the Department of Transportation to get this thing resolved okay, because he is going to have to work with them, he used their land without permission , so we have to get that straightened out, there is a process but he can do that with a use and occupancy permit which he is not pursuing, so it's up to him but we are going to table this until he acts in good faith and gets permission from New York State Department of Transportation then we can move forward, nothing against you , this is not your doing but he's got to do something.

Marcel Nadeau: This has been in the making for what 4 years?

Don Roberts: Years

Charlie Lucia: This is definitely nothing against you, we want you to be successful.

Don Roberts: We cannot take any action, we are not going to deny this we are going to table it and give him a fair chance to resolve this the proper way.

Falasteen Hjoj: So, what parking spaces are there? Those are the only 6 that are allowed?

Lyn Murphy: So, if you were to drive by there right now, they have jersey barriers up that block them off

Falasteen Hjoj: Yea I've been there

Lyn Murphy: So those are not available so

Falasteen Hjoj: So how many can you park in there?

Richard Harris: These 6 right here, the rest either partially or entirely blocked off by NYS DOT.

Lyn Murphy: And each apartment gets 2

Falasteen Hjoj: And each apartment gets 2?

Richard Harris: That's our code

Falasteen Hjoj: What it seems like is that the apartments upstairs they only got like one car or they don't have.

Richard Harris: Unfortunately, it doesn't work like that .

Falasteen Hjoj: I know it doesn't work that way, if anything I saw a car parked on the right side

Richard Harris: Yea they tend to park , I believe the tenants park over here in this area

Falasteen Hjoj: So those 6 parking spaces that are available nobody uses them, I know by law it is supposed to have 2 for each

Don Roberts: But by our code you need 14,

Falasteen Hjoj: As per our lease they were leaving one car there at that time, at any time given.

Don Roberts: Our Code

Joe Landy: So, someone can move out of the apartment, and two cars could move in, or your friend could get a better job and somebody that needs a car, you can't legislate like

Don Roberts: It's a simple statement is you need that site needs 14 spots minimum, and he doesn't have them. That's how it is.

Falasteen Hjoj: Is there any way we could make this work for us?

Don Roberts: Yea you want to make it work you need to get 14 spots.

Richard Harris: The property owner knows this I have probably ½ a dozen emails over the last 4 years along with NYS DOT and I just got cc'd on a letter from DOT's attorney a couple of weeks ago that they are at their wits end and that's when they put up the barriers, they have been trying for 4 years to have him complete paperwork and I know that the property owner is familiar with that paperwork because he is a former NYS engineer so its not that he is not accustomed to know the process and it's just been 4 years of nothing happening really nothing significant and NYS DOT could issue the proper permits, they hand out those permits all of the time, but they've been very frustrated with the lack of response

Don Roberts: And again, it's nothing against you its against the landlord

Lyn Murphy: It's not against your business or you

Richard Harris: It's a permitted use which is unfortunate

Marcel Nadeau: And it's in his best interest to get it done otherwise whether you leave or not the next applicant won't get it either.

Don Roberts: Okay so we're not denying it we're just going to put it hold to get it done correctly.

Falasteen Hjoj: I will talk to him

Don Roberts: Please do, to be honest with you he should be here, quite honest. He should be

Richard Harris: I emailed him this afternoon also in addition to you, right you received my email about our parking concern?

Don Roberts: Alright so we will table this.

Joe Landy: I make a motion to table the application

Rich Berkowitz: I second

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

Falasteen Hjoj: So, does this mean it will be on another meeting, what does this mean?

Don Roberts: If this get straightened out, it's not going to come back until it gets straightened out.

Richard Harris: If he provides us the proper permit from NYS DOT, we will put it back on the agenda,

Falasteen Hjoj: What is it exactly that he needs to get?

Richard Harris: He needs to get a permit from the property owner that owns all of that yellow which is NYS DOT so that he can have his parking spaces that he went and installed

Don Roberts: It's called a Use and Occupancy Permit and trust me he is well aware.

Falasteen Hjoj: Like the one that we did but just for parking?

Richard Harris: Well with DOT, just like you came to him for permission to rent his property and you didn't just move in there, right?

Falasteen Hjoj: He needs to go to NYS DOT and ask permission to use the parking spaces that he installed on their property.

Don Roberts: Okay , good luck.

Marcel Nadeau: How long does it take him to do that what's the procedure?

Don Roberts: A couple of months that's all it would take.

Moon Exotic Smoke Shop– Change of Use/Tenant & Sign TABLED. The applications for a 1,500 SF smoke shop and retail store and related signage were tabled pending resolution by the property owner and NYS Dept of Transportation to allow use of the additional parking spaces in the State right-of-way.

Vinny's Barbershop, 1521 Rt 9 – Change of Use/Tenant & Sign (26.075 & 26.076)

Anthony Payne: My name is Anthony I'm here on behalf of Vinny's Barbershop we are currently located at 1421 Route 9 we have been working there for the last year, but they are turning that into a school we are looking to expand and move ourselves down to 1521 which used to be Classico Barbershop.

Lyn Murphy: Anthony, can we have your last name please?

Anthony Payne: Payne

Anthony Payne: Yea so the signage is all going to stay the same just switch from Classico to ours and the change of use will stay the same a barber shop.

Don Roberts: No change just the name?

Anthony Payne: Yes Sir.

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

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Charlie Lucia: Ill second it.

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

Anthony Payne: Thank you very much

Don Roberts: You're welcome, you're going to advertise Halfmoon right?

Anthony Payne: No problem

Vinny's Barbershop– Change of Use/Tenant & Sign

APPROVED. The applications to utilize 915 SF of as a barber shop and related signage were approved.

Center for Security, 1613 Rt 9 – Change of Use/Tenant & Sign (26.078 & 26.079)

Scott Hogan: Hi my name is Scott Hogan I'm from the Center for Security, we are located up the road 1639 and we moved down to 1613 Rt. 9 (inaudible) again we have a retail store up the road (inaudible)

Don Roberts: Now this site might actually be a little bigger right?

Scott Hogan: Yes, better parking

Don Roberts: Any questions by the Board?

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

Charlie Lucia: I second

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

Scott Hogan: Thank you.

Center for Security– Change of Use/Tenant & Sign

APPROVED. The applications to utilize approximately 6,000 SF of retail space for the purposes of retail sales and service of security products, locks, safes, and similar items, along with related signage, were approved.

Zeltins Remodel/Duplex, 480 Hudson River Rd – Special Use Permit (26.072)

Peter Zeltins: Peter Zeltins 480 Hudson River Road, I purchased that property 2 months ago and currently they had dog kennels and they had dog grooming and a kitchen and a bathtub, they had a single family upstairs (inaudible) people for the kennel , what I'm looking for is to relocate the bathroom (inaudible) and take the kitchen area with the (inaudible) have a second living space downstairs and that would pay the mortgage and put in another living space downstairs.

Don Roberts: We will need a public hearing for this but any comments by the Board?

Rich Berkowitz: I make a motion to have a public hearing on June 8th.,

Marcel Nadeau: I'll second it.

Don Roberts: All in favor Aye? (all were in favor) Opposed? (none were opposed) Motion carried, see you June 8th.

Peter Zeltin: Thank you.

Don Roberts: Welcome

Zeltins Remodel/Duplex– Special Use Permit

PUBLIC HEARING SET. The Board was presented with an application seeking to convert the existing single-family home into a two-family/duplex and the Board set a Public Hearing for June 8, 2026.

Fortune Construction Garage, 531 S. Main St – Site Plan & Special Use Permit (26.037 & 26.073)

John Fortune: John Fortune, what we are proposing to do is to complete a garage storage (inaudible)

Don Roberts: As you know this has to be denied it doesn't meet the setbacks.

John Fortune: What is the next course (inaudible)

Don Roberts: Well we will give any comment, does anyone have any concerns about this before we get out, if it gets denied you can go to the ZBA and get satisfaction there and if that happens it will come back to us, but we are just going to comment whether we have any concerns or not.

John Fortune: I'm sorry, my question is once it gets denied then I have to apply for additional paperwork

Richard Harris: Yea with the Zoning Board of Appeals what we will do after today, the Board denies you we will send you the application and we can sit down and go over the application and then get you on that agenda those are a minimum of two meetings the law requires a public hearing as the gentleman

in the back he just went through it, that's a couple of months if the ZBA grants the variance then you come back here and pick up right from here and go through the site plan process with this Board.

John Fortune: When will I get that paperwork?

Richard Harris: I will send it to you tomorrow

Don Roberts: Does anyone have any concerns about this before we deny it.?

Rich Berkowitz: I make a motion to deny the site plan and special use permit.

Laurie Barton: Second

Don Roberts: We have a motion to deny all in favor Aye? (all were in favor) Opposed? (none were opposed) Motion carried

Richard Harris: I will reach out and then we can meet and go over the paperwork.

Fortune Construction Garage – Site Plan & Special Use Permit

DENIED. The application to construct a 1,584 SF addition to the existing 4,701 SF building on the site was denied due to the inability to meet front yard and side yard setbacks.

Old Business:

Vopelak Apartments, 482-484 Hudson River Rd – Site Plan (25.186)

Michael Vopelak: Hello my name is Michael Vopelak, I'm the owner of 482-484 Hudson River Road, we're looking to build 2 new construction 4-unit buildings on the property we currently have 2 buildings there each are 4 units so there are a total of 4 buildings, each with 4 units. Went through the ZBA for a non-conforming use that (inaudible) now I'm here answering the questions you guys have.

Don Roberts: Thank you, any questions by the Board? Before we proceed, we have to refer this to our Town engineer MJ and Saratoga County Planning, and also the fire district ,after that any comments from the board? Okay we will refer it and get back to you.

Michael Vopelak: Okay, I will wait to hear from them ?

Richard Harris: What will happen likely is (inaudible) we will do County referral, we will send to fire, once our Town engineer reviews, we will come back and set a public hearing, we don't like to set a public hearing too early in case something changes where we sent everything and it changes so much we have to do another public hearing.

Don Roberts: Alright, okay, you're welcome, you're all set, you're fine.

Richard Harris: I'm sorry public hearing on this is optional for this, I'm getting my special uses mixed up, cause it's a not duplex.

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Don Roberts: I don't think we are going to need it.

Vopelak Apartments– Site Plan

REFERRED TO AGENCIES. The Board was presented with the application to construct 8 new apartments in two 4-unit multi-family residential apartment buildings and referred the Site Plan to the Town Engineer, Saratoga County Planning Board and Halfmoon-Waterford Fire Department.

Don Roberts: Before we adjourn just so everyone knows the next meeting is June 8th so if you come May 30th you are going to be alone.

Laurie Barton: Ill make a motion to adjourn

Tom Koval: Ill second

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