

1/13/2020

**MINUTES MEETING  
Town of Halfmoon Planning Board  
January 13, 2020**

**Those present at the December January 13, 2020 Planning Board meeting were:**

**Planning Board Members:**

Don Roberts –Chairman  
Marcel Nadeau- Vice Chairman  
John Higgins  
Tom Koval  
Richard Berkowitz  
Thomas Werner  
Mike Ziobrowski

**Planning Board Alternates:**

Charlie Lucia  
Brendan Nielsen

**Coordinator- Building, Planning and Development:**

Richard Harris

**Senior Planner / Stormwater Management Technician:**

Paul Marlow

**Town Attorney:**

Lyn Murphy-absent

**Deputy Town Attorney:**

Cathy Drobny

**Town Board Liaison:**

John Wasielewski  
Jeremy Connors

**Town Engineer / CHA:**

Joe Romano

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

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

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

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

1/13/2020

**Don Roberts:** All In favor? (All were in favor) Opposed? (None were opposed) Motion Carried.  
Mike Ziobrowski abstains, he was not here.

**New Business:**

**19.184                    GT Toyz, 1537 Rt. 9 – Sign**

**Ron Levesque:** Good evening my name is Ron Levesque Im with the Sign Studio, here representing GT Toyz located at 1537 route 9. Currently underneath the code we were entitled to 272 sq. ft. of signage for this site that included both freestanding and wall signs, so currently at the site right now which had come before the Planning Board in the past was a freestanding sign, that freestanding sign is 118 sq. ft. and is currently on location at this time. That left us with a balance of 154 sq. ft. so what we did is we utilized that square footage for manufacturer branding and for company branding so GT Toyz would be the business identification signage in the Avalon, Yamaha would be the main manufacturing branding. The 36 sq. ft. for the manufacturing branding breaks down to a 3 ft. x 12 ft. sign. All added up to 272 sq. ft.

**Don Roberts:** Okay and the applicant knows that that's it no more signage?

**Ron Levesque** That's it , he knows that sign , I think what we did is we kind of broke it down where the manufacturing signage if he had to in the future maybe he could utilize that sq. footage and change the panels if he had to add another manufacturer to it.

**Don Roberts:** Now are these going to be lit?

**Ron Levesque** These are internally lit.

**Don Roberts:** Okay now we have been having some issues on route with brightness.

**Ron Levesque** Right these are LED lit which is going to be kind of a little different than what you see for your signs that are very very bright, some of those are LED that are exposed, so for example that would be your electronic message boards that would probably be your brightest type signs that you will see out there currently but because these are LED illuminated there slightly brighter than a fluorescent lamp, if it is a fluorescent lamp and it is a daylight lamp maybe a little brighter it depends on lighting , but it would probably be no different than most signs you see currently , not extremely bright, not extremely bright but not overwhelming and as far as the GT Toyz that one will not be illuminating a lot of lighting out of it because it is a daylight and night time signage which means it looks black during the day but it will turn white at night but because there is a black diffuser on the face of it the whiteness of those letters is not going to be that bright.

**Don Roberts:** Because we have had to go back out and request that certain businesses dim it a bit, hopefully we won't have to do it on this site.

**Ron Levesque** No, this shouldn't be a problem on this here, these lights as well.

**Tom Koval:** Are they dimmable drivers in them?

1/13/2020

**Ron Levesque** No there are no dimmable drivers in these, like I said these are probably similar to 90 percent of the extrusion sign cabinets that you see out there that's lit with LED lighting. These lightings are not going to be the fluorescent type tube lighting that you see with LED's we are going to use LED modules which tend to separate the light a little more, spread it out a little bit more and it uses a little bit of a wider span on it so it doesn't get as bright, usually those other ones are more concentrated and a lot brighter so using a module for example instead of spacing it out at maybe 6 inches we are going to be spacing them out at 12 inches and you will see the span from so one module would have to spread out 6 inches one way and 6 inches the other, where you will see if you use LED tubing they maybe a little closer and more intense.

**Don Roberts;** Any other questions?

**Rich Berkowitz:** Are there going to be signs in the windows?

**Ron Levesque** None that was proposed to me at this time whether he wants to put a sign in the window or you may see a sign as a display that is something that would have to come up with the owner at the time.

**Rich Berkowitz:** He is allowed? He is not allowed?

**Richard Harris:** There is no regulation once it's inside the building, we don't regulate signs inside there.

**Rich Berkowitz:** Okay.

**Ron Levesque** Yea because a lot of retails POP's can be seen from outside the windows unless there is a code that says within so many feet of a window, that is considered an exterior signage.

**Tom Koval:** And the DMV signs aren't going on the exterior of the building anywhere?

**Ron Levesque** He is going to have to put DOT on there, it's going to be required by NYS for him to do inspections

**Rich Berkowitz:** It's in the bottom window by YAMAHA

**Richard Harris:** Those are exempt because they are required by DOT.

**Ron Levesque** Yea parking signs, ada signs that sort of thing.

**Don Roberts:** Anyone else?

**Tom Koval:** I make a motion to approve

**Mike Ziobrowski:** I second

**Don Roberts:** All In favor? (All were in favor) Opposed? (None were opposed) Motion Carried, and make sure the applicant knows that he is done with signs.

**Ron Levesque** Okay, I will definitely let him know.

1/13/2020

**Don Roberts:** Okay thank you.

**GT Toyz – Sign**

**APPROVED. Board approved the Sign application to install three (3) new wall mounted signs.**

**19.210                    Rollin Smoke, 22 Guideboard Rd. – Sign**

**Rob Carmel:** How are you doing? My name is Rob Carmel my wife and I own Rollin Smoke Handcrafted BBQ, on 222 Guideboard Road. We are just looking to swap out the Inferno Pizza signs and slide our signs in, that is basically it.

**Don Roberts:** Basically it is just a straight swap?

**Rob Carmel:** That's all it is.

**Don Roberts:** No other changes?

**Rob Carmel:** Nope.

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

**Tom Koval:** I make a motion to approve.

**Mike Ziobrowski:** I will second that

**Don Roberts:** All In favor? (All were in favor) Opposed? (None were opposed) Motion Carried, make sure to advertise Halfmoon right.

**Rob Carmel:** Yes we will, thank you very much.

**Rollin' Smoke. – Sign**

**APPROVED. Board approved the Sign application to install replacement panels on two (2) existing sign structures (wall mounted & free standing).**

**19.194                    Condor Trading, 7 Freeman Lane – Change of Use /Tenant**

**Michael Rozowicz:** Ladies and gentlemen Im just looking for a change of address from 1516 route 9 in Clifton Park which is the old Louis Henry lot to 2 Freemans Lane Clifton Park NY. No display we are strictly wholesale automobile dealer, there will be no display no cars parked it's just a place to hang the sign, as far as motor vehicle is concerned and like I said there will be no display it's on the back lane, back where Jays Auto Repair owns a repair shop or actually a body shop on the back lane and I could put the license there.

**Don Roberts:** So the same use that you had at the other site?

**Michael Rozowicz:** Correct

**Don Roberts:** Are you going to have a sign of your own besides the motor vehicle?

1/13/2020

**Michael Rozowicz:** No Sir.

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

**Marcel Nadeau:** I make a motion to approve the change of tenancy.

**Rich Berkowitz:** Ill second.

**Don Roberts:** All In favor? (All were in favor) Opposed? (None were opposed) Motion Carried

**Richard Harris:** Don I just want to mention that Jays Auto is still there so there are two or three cars there that aren't his, you approved that back in I think 2017 there was an overflow for Jays so that's not his cars so I just wanted you to be aware if somebody drove by and saw 2 or 3 cars there, they use the property, the building in the back and he is the house in the front.

**Don Roberts:** Okay thank you Rich, Good luck.

**Michael Rozowicz:** Thank you.

*Condor Trading– Change of Use/Tenant*

*APPROVED. Board approved the Change of Use/Tenant application to allow the use of the existing approx. 1,400 SF building (residence) as an office for an automotive wholesale dealer.*

**19.196 / 19.197     Mane Tame, 1471 Rt. 9 – Change of Use/ Tenant & Sign**

**Jill Papino:** Jill Papino at Mane Tame, 1471 Route 9, suite 104. We've been operating there for 6 years and would like to absorb into suite 105 also giving us about 300 additional square feet and put an additional sign up above that door.

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

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

**Tom Koval:** Ill second.

**Don Roberts:** All In favor? (All were in favor) Opposed? (None were opposed) Motion Carried.

**Jill Papino:** Thank you so much have a good night.

**Don Roberts:** thank you, you too

*Mane Tame – Change of Use/Tenant & Sign*

*APPROVED. Board approved the Change of Use/Tenant and Sign applications for the expansion of an existing pet grooming business into an adjacent, approx. 400 SF space and replace one (1) sig*

1/13/2020

**19.205**                    **Platinum Property Care Inc. & Bulldog Built, 1471 Rt. 9- Change of Use/ Tenant**

**Chris Walsh:** How are you doing, my name is Chris Walsh my address is 213 A 1471 Route 9. I am just looking to move my business into an office, no sign very simple.

**Don Roberts:** What do you do there?

**Chris Walsh:** I own a landscaping and snow removal company which will be operated with just the office part and I own a fitness clothing line, early stages which would just be the office for that, no customers, no additional parking nothing.

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

**Mike Ziobrowski:** This is 7 days a week?

**Chris Walsh:** I mean Im a landscaper so it's whatever day I can get there, when im not in the field.

**Mike Ziobrowski:** Okay.

**Tom Koval:** You're not storing any equipment?

**Chris Walsh:** No, no.

**Mike Ziobrowski:** I would like to make a motion to approve the change of tenant and use application

**Rich Berkowitz:** Ill second.

**Don Roberts:** All In favor? (All were in favor) Opposed? (None were opposed) Motion Carried.

**Chris Walsh:** Thank you.

***Platinum Property Care Inc. & Bulldog Built – Change of Use/Tenant***

***APPROVED. Board approved the Change of Use/Tenant application to allow the use of approx. 500 SF vacant space (Suite 213) in Crescent Commons for a landscaping/outdoor care and retail clothing business***

**19.202**                    **Flex Financial Planning, 28 Corporate Dr. – Change of Use /Tenant**

**Joe Abele:** Hi my name is Joe Abele Im here for Abele Builders, Flex Financial Planning has two employees, and the head is a woman named Rachael Abler. They are moving from a current location an existing location in Halfmoon just to one of our buildings. They will be working basic 9 to 6 pm more or less schedule, no weekends and it's just two employees. There will be no additional signage, there is an existing monument sign out in the front, there is one directory plaques what we generally do is just slide a new one in, I don't know if that requires a permit or not?

**Don Roberts:** Yea you should come back for that

**Joe Abele:** Okay I can do that no problem

1/13/2020

**Don Roberts:** The same problem with all of the rest of them down the line here

**Joe Abele;** Okay, sure

**Don Roberts:** So parking is not a big deal

**Joe Abele:** No

**Richard Harris:** Although they were constructed originally to meet the code, 200 sq. ft., one space for 200 sq. ft. so this is the same use as originally intended, so there is adequate parking.

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

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

**Mike Ziobrowski:** I'll second

**Don Roberts:** All In favor? (All were in favor) Opposed? (None were opposed) Motion Carried

*Flex Financial Planning – Change of Use/Tenant*

**APPROVED.** Board approved the Change of Use/Tenant application to allow the use of approx. 1,200 SF of existing office space for a financial planning business.

**19.203                    Schopf & Hoffman Law Firm, 28 Corporate Dr. -0 Change of Use /Tenant**

**Joe Abele:** Joe Abele again, from Abele Builders, with the approval of the Town Schopf & Hoffman Law firm will be moving from Clifton Park to Halfmoon on February 1<sup>st</sup>. They are a law firm, it is John Schopf and Laura Hoffman just the two of them there will be more or less a 9 to 5 schedule but it could go a little later, parking shouldn't be an issue for that as well and the same deal with the sign, I will need to come back to get a sign permit just for a directory sign out in front.

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

**Tom Koval:** I make a motion to approve the change of use /tenant.

**Mike Ziobrowski:** I second.

**Don Roberts:** All In favor? (All were in favor) Opposed? (None were opposed) Motion Carried.

*Schopf & Hoffman Law Firm – Change of Use/Tenant*

**APPROVED.** Board approved the Change of Use/Tenant application to allow the use of approx. 1,512 SF of existing office space for a legal office/law firm.

**19.204                    Fleury Risk Management, 28 Corporate Drive – Change of Use/Tenant**

1/13/2020

**Joe Abele:** I will say these next 2 items here were brought to my attention by John Cooper during an inspection it is my mistake and I apologize that I never got a change of tenant for them I think it is because there is no fit up required they were quickly assessed and the tenant just moved in , so the tenant John Fleury for Fleury Risk Management is in there right now its him and his wife and one other employee they also moved from Clifton Park , they sell insurance 9 to 5 schedule , they have been there for a while never had an issue with parking.

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

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

**Mike Ziobrowski:** I second.

**Don Roberts:** All In favor? (All were in favor) Opposed? (None were opposed) Motion Carried

**Richard Harris:** Joe are you guys going to do any remodeling or do you need to for the three different tenants? Wasn't this taken up by the one large tenant before?

**Joe Abele:** Yes so there was no, you're right. Kit Weir was in most of that space, actually for Fleury it was another tenant named Schnabel, they moved up stairs there was no fit up required, for the Flex Financial planning the first one I spoke about there is no fit up required either we are just painting, and then for Schopf there is very minimal fit up a little bit of plumbing work that is it but luckily for us nothing drastic.

**Richard Harris:** Okay, I just wanted to remind you if you guys were going to be, doors and cutting up space that might need a building permit.

Joe Abele: Absolutely sure.

**Don Roberts:** Thanks Rich, let me back up a bit we have a motion and a second for approval? (All were in favor) Opposed? (None were opposed) Motion Carried.

***Fleury Risk Management. – Change of Use/Tenant***

***APPROVED. Board approved the Change of Use/Tenant application to allow the use of approx. 1,748 SF of existing office space for an insurance-related services office.***

**19.205                    Block & Colucci Law Firm, 21 Corporate Drive – Change of Use/Tenant**

**Joe Abele:** Joe Abele, Abele Builders , this is the same issue that was brought to my attention by John Cooper this is a husband and wife law firm of Block and Coluccio, they moved in , no fit up required it was a quick lease and they just took the space ,it just happened in a matter of weeks so they are same schedule as all of them more or less , its 9 to 5 it's a husband and wife and they have been there for a while and traffic and parking has not been an issue.

**Tom Koval:** Joe we are not going to see a pattern here are we? You don't want to get on my list of people to start checking on.

**Joe Abele:** Yea, well as you know I generally always come here these were ones that honestly they slipped me.

1/13/2020

**Don Roberts:** That happens.

**Mike Ziobrowski:** I would like to make a motion to approve the change of use / tenant application.

**Rich Berkowitz:** Ill second.

**Don Roberts:** All In favor? (All were in favor) Opposed? (None were opposed) Motion Carried.

**Joe Abele:** Thank you very much.

*Fleury Risk Management – Change of Use/Tenant*

*APPROVED. Board approved the Change of Use/Tenant application to allow the use of approx. 1,748 SF of existing office space for an insurance-related services office.*

**Old Business:**

**19.102 Creekview Estates Residential Planned Development District (PDD), Upper Newtown Road – Major Subdivision**

**Scott Price:** Good Evening my name is Scott Price Im with MJ Engineering. Im here before you tonight for as you mentioned Creekview Estates, the current landowner is Dorothy E. Pingelski the applicant is Beacon Development the parcel is 96 acres. The proposal's developed 56 acres of the property under a PDD into 70 residential lots, with the remaining 40 acres to be retained by the owner. The map behind you the blue shaded area is what's being retained by the current owner. The PDD was approved by the Town Board in the winter of 2018. As mentioned the PDD involved 70 residential lots with the minimum lot size of 10,800 sq. ft. minimum lot width of 80 feet, the specific set backs are 30 feet for the front and 10 foot for the sides and 20 feet for the rear. There is 27 acres of open space of which brings it to a provided 49 percent when 20 percent is actually required. So the yellow hatched areas is the open space on that map. 8 acres of that open space is unconstrained, again we are exceeding the required 25 percent we are providing 29. The project will be providing monetary contribution to the Town on a per lot basis towards the traffic improvements. The project is also part of the development agreement to improve the intersection of Upper Newtown Road and 146. SEQR was completed as part of the PDD, the Town Board issued a neg dec on that. Preliminary subdivision was approval with conditions granted by the Planning Board in the winter of 2019 and again we are looking for a final plot approval and obtain final signatures on the plans. Environmental studies, wetlands, there are no impacts to State or Federal wetlands and there is also no work within the 100 foot buffer for the State Wetlands. Cultural resources archeological perform that study SHPPO issued a no effect letter on the 15<sup>th</sup> of March of last year for utilities, the roads are designed and will be built according to Town standards, and they will be turned over to the Town. The water will be connecting to the existing water mains on Upper Newtown Road again they will be offered to the Town as well. For Sanitary sewer we are connecting to the sewer district at Swatling Falls that will be offered to the Saratoga County Sewer District #1. Stormwater pipes in the Roads will be conveyed to the Town, the stormwater management areas, those will be conveyed to the homeowners association they will be maintaining those. All of those are within the yellow areas as well. For the pedestrian trail network there is another page so there has been several meetings with Town staff for the trail network, they settled on a low maintenance trail systems so the purple lines that you see are the trail system that connects to the existing pass so the green line on the bottom comes from Swatling Falls or will be coming from Swatling Falls so we have a connection to there with our trail system. The proposal also includes a parking area so if you follow the pink lines or red lines the one to the left where it meets the proposed road right there , yup there is a parking lot right there for users to use. There is also red easements along Upper Newtown Road those are

1/13/2020

going to be easements for future multi use trail by the Town or others. So far the approvals granted so far have been the DEC , the DOH has also issued their approval , the Saratoga County Sewer District approved the plans back in December the TDE issued a final sign off in January last week I believe.

**Don Roberts:** That's it, now how will the homeowners association be made aware of all the responsibilities?

**Scott Price:** I believe through the covenants through sales of the lots.

**Don Roberts:** Because we don't want them coming back to us complaining.

**Scott Price:** Right.

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

**Marcel Nadeau:** Don that is in place the homeowners?

**Don Roberts:** Not yet, it will be once they... right.

**Rich Berkowitz:** The public benefit is the \$140,000 for general highway improvements is that including contributions to the light or is that separate?

**Richard Harris:** Im sorry that's part of the Betts agreement, the lights already , we've got the ones for that from the three developers the money for the light, but this is part of the MOA where it will be a per lot contribution towards the road improvements related to the light .

**Rich Berkowitz:** So this all ties into the traffic signal that's going to go onto.

**Richard Harris:** That is correct, specifically the light , we have already collected from the three builders for that , Swatling Falls , Falcon Trace and Glenn Meadows, Abele and Tanski.

**Rich Berkowitz:** Okay I will make a motion to approve the final subdivision including the conditions that are related to final sign off that I received by the Town from the involved agencies.

**Tom Werner:** Ill second that.

**Don Roberts:** All In favor? (All were in favor) Opposed? (None were opposed) Motion Carried

**Scott Price:** Thank you.

***Creekview Estates Residential Planned Development District (PDD), Upper Newtown Road - Major Subdivision APPROVED. Board granted Final Subdivision Approval for a 70 lot single family home residential local agencies.***

19.076

**Eastpointe Homes, Cemetery Road- Major Subdivision**

1/13/2020

**Jason Dell:** Good evening my name is Jason Dell, Im an engineer with Lansing Engineering here on behalf of the applicant for the Eastpointe residential subdivision. For the project the applicant is proposing the construction of 37 lots the modification to the PDD for the Inglewood PDD that brought forth this project was approved by the Town Board , we received preliminary approval from this Planning Board back in September , since then we have received our approval from Saratoga County Sewer District from the New York State DEC as well as DOH and we received the CHA technical sign off letter, the one remaining item in the CHA letter was with respect to tying the construction of the sidewalk and giving it a timeframe and I believe it's at the 18<sup>th</sup> C/O and we are agreeable to that stipulation being placed on the final plans. So we are here this evening to request the final approval for the plot plan.

**Don Roberts:** Joe you are all set with this? (Staff notes there was a nod of agreement from Mr. Romano) okay questions by the Board?

**Tom Werner:** Who will be maintaining the sidewalks?

**Jason Dell:** The HOA

**Don Roberts:** And once again they will be made full aware of that

**Jason Dell:** That's correct.

**Richard Harris:** Not the one on Werner road.

**Jason Dell:** Not the one on Werner road, no.

**Don Roberts:** No, no, no, no the interior.

**Tom Koval:** We are all set with the neighbors with that berm and planting that?

**Richard Harris:** Yes right up on the plans we have preliminary (inaudible) soil disturbance permit, and as part of that being (inaudible) the perspective builder has spoken to one of the neighbors there about their need to take some of the trees down on the other side in Inglewood, actually I'm hearing it third hand he had requested some on his own property be removed for fear that now that the hill on the other side of the road is exposed could topple down the trees, so we had discussed some type of landscaping on his property this is what he proposed.

**Jason Dell:** When I, Chris Abele directed me to put the additional trees on this plan per his discussion with the neighbors.

**Tom Koval:** Any approvals based on those trees being planted.

**Jason Dell:** Understood, there is significantly more than what was on our initial submission.

**Tom Koval:** I had spoken to one of the neighbors and they told me they asked for the large trees to be taken down (inaudible)

**Mike Ziobrowski:** Jason what's the possibility that the same tree line that you have there can exist on the most northwest corner as well, since they have done the grading and you look up from Cemetery road you can see right

1/13/2020

into the auto auction and my feeling is that whether there are homes there or not you are still going to be able to see right through into the auto auction from Cemetery road.

**Jason Dell:** Right along here...

**Mike Ziobrowski:** Go all the way to the most western side.

**Jason Dell:** this is our stormwater management

**Mike Ziobrowski:** Right so up on the top slope of that is it possible to put some trees up on the most

**Jason Dell:** We will certainly take a look at that, typically on the burm of stormwater management area you don't want to put trees on top of that burm because you don't want to under mind that burm, but we can certainly take a look at that.

**Mike Ziobrowski:** Even maybe just along that road on the northern side of the homes.

**Tom Koval:** You're trying to protect future homeowners? (garbled 3 way conversation)

**Mike Ziobrowski:** It's just the unsightliness from going on Cemetery road,

**Tom Koval:** Someone buying that house should know it's there.

**Mike Ziobrowski:** It should seem pretty obvious that it is there.

**Jason Dell:** You wouldn't be able to miss it.

**Mike Ziobrowski:** My opinion is such

**Don Roberts:** But you will look at it right Jason?

**Jason Dell:** We will.

**Don Roberts:** Thank you, anyone else?

**Mike Ziobrowski:** Upon the notion of the 18<sup>th</sup> certificate of occupancy the Cemetery road sidewalk, cross walk, pedestrian signs will be in place I would like to make a motion to approve the subdivision.

**Rich Berkowitz:** Ill second it.

**Don Roberts:** All In favor? (All were in favor) Opposed? (None were opposed) Motion Carried.

**Jason Dell:** Thank you.

**Don Roberts:** You're welcome

*Eastpointe Homes, Cemetery Road – Major Subdivision*

1/13/2020

***APPROVED. Board granted Final Subdivision Approval for a 37 lot single family home residential Subdivision/Planned Development District, conditioned on installation of the sidewalk, crosswalk***

**Mike Ziobrowski:** I would like to make a motion to adjourn the meeting.

**Rich Berkowitz:** Ill second.

**Don Roberts:** All In favor? (All were in favor) Opposed? (None were opposed) Motion Carried