

1/25/21

**MINUTES MEETING  
Town of Halfmoon Planning Board  
January 25, 2021**

**Those present at the January 25, 2021 Planning Board meeting were:**

**Planning Board Members:**

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

**Planning Board Alternates:**

Charlie Lucia  
Brendan Nielsen-absent

**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:**

Joel Bianchi

---

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

**Don Roberts:** Good evening, welcome to the Town of Halfmoon Planning Board I would like to open the meeting by asking the Board members have you had a chance to review the minutes from the last meeting.

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

**Mike Ziobrowski:** Ill second

1/25/21

**Don Roberts:** All in favor aye? (All were in favor) Opposed? (None were opposed) Motion carried, and Tom Koval you can recluse yourself right? (Yes)

**Public Hearing(s):**

**20.148                    Lands of Pingelski Subdivision & Lot Line Adjustment, 246 Upper Newtown Rd – Major Subdivision**

**Don Roberts:** Is someone there to represent the Pingelski Subdivision?

**Duane Rabideau:** Duane Rabideau with VanGuilder and Associates representing Patrick Keyoskey before the Board for a two lot subdivision and lot line adjustment. Its located at 246 Upper Newtown Road, the proposal is to cut out a 2.87 acre parcel of land from the remaining 40 acres of lands of the Pingelski Family Trust that was left over from the Creekview Estates PDD. This 2.87 acre parcel is for a personal family residence, he tied into the public water that runs along Upper Newtown Road, and onsite septic. The other portion of this proposal is to annex a half acre of this remaining 40 acres of land which is tie another piece to the existing 5 acre lot which is just to the left of the 2.87 acre parcel which we are trying to create. This 5 acre parcel is owned by Richard Pingelski and that is our proposal tonight.

**Don Roberts:** Duane is that your presentation?

**Duane Rabideau:** Yes

**Don Roberts:** Thank you, at this time we will open the public hearing is there anyone out there that would like to comment on this proposal just speak up? Once again anyone out there like to speak on the Pingelski subdivision public hearing? (No comments) Since no one wishes to speak we will close the public hearing, comments by the Board members?

**Rich Berkowitz:** I make a motion on neg dec on SEQR.

**Tom Koval:** Ill second.

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

**Rich Berkowitz:** I make a motion the major subdivision.

**Tom Werner:** Ill second.

**Don Roberts:** All in favor aye? (All were in favor) Opposed? (None were opposed) Motion carried Duane your all set.

**Duane Rabideau:** Okay thank you.

**Don Roberts:** You're Welcome.

***Lands of Pingelski Subdivision & Lot Line Adjustment – Major Subdivision***

***APPROVED. Board approved the Minor Subdivision and Lot-Line Adjustment to create a new residential lot.***

1/25/21

**New Business:**

**21.001                    Baetz Barre Fitness, 1603 Rt. 9 (Town Plaza) – Change of Use/Tenant**

**Don Roberts:** Is someone there for this application?

**Donald Macelroy:** Yes Mr. Chairman, Donald Macelroy from DCG Development Company.

**Don Roberts:** Hey Don, how are you doing?

**Donald Macelroy:** Good Sir

**Don Roberts:** Good, go ahead please.

**Donald Macelroy:** We are here tonight to request a change of tenancy, we have an agreement to lease space at Town Center to Baetz Barre Fitness, they are a Pilates and Barre Fitness, they would have classes scheduled for the most part before 7 in the morning and after 5 at night they do have one class during the day and their schedule of activity meshes very well with our other tenants on the site, in terms of traffic and parking requirement.

**Don Roberts:** How many employees Don?

**Donald Macelroy:** I believe there are 4 full time employees, give me just a moment here I've got to refer back to some communication with Paul Marlow.

**Richard Harris:** 2 full and 3 part time according to him.

**Donald Macelroy:** Okay yup

**Don Roberts:** 2 Full time and 3 part I guess alright, questions by the Board?

**Rich Berkowitz:** Are there going to be any overlap of classes?

**Donald Macelroy:** No

**Rich Berkowitz:** Any shower, locker room facilities?

**Donald Macelroy:** No they do not provide those facilities, they are presently operating out of a location of ours in Clifton Park and again they deemed it not necessary not to have those facilities.

**Rich Berkowitz:** Okay.

**Marcel Nadeau:** I will make a motion for a change of tenant.

**Rich Berkowitz:** I will second.

1/25/21

**Don Roberts:** All in favor aye? (All were in favor) Opposed? (None were opposed) Motion carried, now Don if you want a sign you have to come back for a sign right?

**Donald Macelroy:** Yes, yes I, actually the tenant is going to do that, they don't have their design complete yet but they will be applying to the Town for the signage.

**Don Roberts:** Okay great, thank you very much.

**Donald Macelroy:** And thank you.

**Donald Roberts:** Okay take care bye now.

**Donald Macelroy:** Bye, bye.

**Baetz Barre Fitness (Town Plaza) – Change of Use/Tenant**

**APPROVED. Board approved the use of 2,958 SF in the existing building for a Pilates and fitness studio.**

**21.007                      293 Middletown Road Re-Use, 293 Middletown Road – Change of Use/ Tenant**

**Don Roberts:** Is the applicant there?

**Jennifer Manning:** This is Jennifer Manning from Townline MCA Development, we are seeking a tenant change for 293 Middletown road for we want to utilize the 900 sq. ft. garage that is at the back of the property, we are requesting to be able to use it for business asset storage for tent tops , tent poles, tables and chairs and the garage is approximately 150 to 200 ft. set back from the road, and it has historically been used for Town Vehicles and the Town assets, so we are requesting to be able to utilize that garage for similar purposes to what it's been used for in the past as we purchased it , for us.

**Don Roberts:** Okay, thank you. Now as you know it's a residential zoned R-1 since you're going to have a commercial use this Board has no choice but to deny you and then you can go to the Zoning Board of Appeals and try and get a variance but before we do that any comments by the Board?

**Tom Koval:** Jennifer Tom Koval, are you planning on also moving your excavating business down there.

**Jennifer Manning:** I do not own an excavating business that is another family member of ours that has nothing to do with us.

**Tom Koval:** Oh, okay I was under the impression it was the same, I'm just up the road from you guys and you used to have your trucks, both your sets of trucks there so I was always under the impression it was the same people.

**Jennifer Manning:** Yea I think you're thinking of my brother in law but that has nothing to do with us we are a completely different company.

**Tom Koval:** So you are just strictly the tent business?

**Jennifer Manning:** Yes

1/25/21

**Tom Koval:** So if down the road something changes and it is no longer just the tent business you realize you are going to have to come back in front of us?

**Jennifer Manning:** Yes absolutely and we have been running this business for 10 years and we have, we rent space separately so yea if we needed to use it for anything else we know we would have to seek an additional variance, but that is not our plan, our plan is just to deal with the current business we've had for a decade.

**Tom Koval:** Alright thank you.

**Jennifer Manning:** Thank you.

**John Higgins:** Now you plan on just using the building itself to store your tents and poles and things like that correct?

**Jennifer Manning:** Yea just the garage at the back of the property.

**John Higgins:** Okay what do you do if the tents are wet and you have to dry them out?

**Jennifer Manning:** We actually, when we take them down on job sites they are dried before they are folded, and put onto our truck, we don't take down, we don't store equipment that is wet because it isn't good for our items, so we always dry them before we take them down, we try never to take them down in the rain.

**John Higgins:** I understand that but what happens if you can't leave it onsite long enough to dry, how, are you planning on setting up the tents on this site to dry?

**Jennifer Manning:** Nope, nope, they would be stored on the truck, no we never set them up on that site to dry, and nope we would not do that.

**John Higgins:** Everything is going to be strictly inside the building in the back?

**Jennifer Manning:** Correct.

**John Higgins:** Okay, thank you.

**Jennifer Manning:** Thank you.

**Don Roberts:** Okay anyone else? Now Jen as you know we have no choice but to deny, we have to deny this application because it's R-1 zoned and you have a commercial use then once it gets denied you go to the zoning board of appeals and if they grant your approval then you will be back before us again okay

**Jennifer Manning:** Okay

**Don Roberts:** Okay so good luck with that

**Rich Berkowitz:** As described I have no problem with this project but we do have to deny it.

**Jennifer Manning:** Okay yea, then how do I find out what the next step is?

1/25/21

**Don Roberts:** First let's go through, we have the motion to deny, right Rich?

**Mike Ziobrowski:** Ill second the denial.

**Don Roberts:** Okay now we have the second, we have a motion and a second okay, all in favor of denying this proposal aye? (All were in favor) Opposed? (None were opposed) Motion carried that the motion is denied, now Jennifer your next step would be go before Zoning Board of Appeals.

**Jennifer Manning:** Okay

**Don Roberts:** You can call the Planning office.

**Richard Harris:** Yup you'll want to deal with , this is Rich Jennifer ,you'll want to deal with Paul on that, he will go over the application with you, as I explained the one call we had there is a specific set of four questions, they're standards that are on the application, that's right from state law, that he can go over with you that are kind of the core of the application and then once you get that in they will schedule you with the ZBA for an appearance before the ZBA.

**Jennifer Manning:** Okay is that a set date that is already known or is it set once I submit the paperwork?

**Richard Harris:** Once you submit everything depending on when you get it in the ZBA meets once a month and it is the first Monday of every month, and Pauls' deadline is usually about 10 days before the meeting, two weeks before the meeting date so as of right now you know by the time you get it in you would probably be looking at the March, whatever the first Monday in March is for your first meeting in the ZBA, its March 1<sup>st</sup> Paul said.

**Jennifer Manning:** Okay thank you.

**Richard Harris:** Sure

**Don Roberts:** Okay good luck, alright take care

**293 Middletown Road Re-Use – Change of Use/Tenant**

***DENIED. Board denied the use of the vacant building for storage of materials related to their tent business due to the fact that is not a permitted use in an R-1 (residential) zoning district.***

**20.166                      Life Storage, 1406 Rt. 9- Sign**

**Terry Meissner:** This is Terry Meissner from Saxton Sign Corporation, okay so what we got is the face is to be replaced on the Pylon sign up by the road, and they are roughly 5 ft. by 10 ft. and then they have a Pan sign which is a new sign I don't believe there is one there now and it is going to be 18 inches by 3 ft. and it will be made out of aluminum , not illuminated, just to direct people in the right direction , and in between there is another sign there is a post there now , there will be another sign it will also be directional with their sign on it to guide people back towards the offices, and that is 2.6 x 3 ft., that is not illuminated as well.

**Don Roberts:** Okay, signs all meet Town code, comments by the Board?

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

1/25/21

**Tom Koval:** I second.

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

**Terry Meissner:** Okay well thank you.

**Don Roberts:** You're welcome.

*Life Storage – Sign*

**APPROVED.** *Board approved new signage for the existing self-storage facility*

**20.177                      Garden Gate Plaza, 1516 Rt. 9- Site Plan Renewal**

**Frank Alessandria:** Hi Frank Alessandria with F.H. Alexander, just a simple renewal of the, what was approved a year ago, we just had some delays this summer in getting permitting taken care of we are also tweaking a little bit of the interior design before we apply for a building permit and we would just like an opportunity to have a little bit more time to bring the building permit together.

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

**Marcel Nadeau:** So there has been no change what so ever to this site plan?

**Frank Alessandria:** No changes what so ever, we have some interior questions that we are still hashing out, but exterior and site plan are completely unchanged.

**John Higgins:** The original application had other businesses onsite including car sales and car storage, none of that is part of this application at this time is that correct?

**Frank Alessandria:** That is correct. The owner had a short term agreement with GT Toyz to continue to use the , a part of the parcel until his parcel up the road , until his construction was completed but that's long expired and the agreement has expired and this is only, there are no other businesses involved at this point.

**John Higgins:** Okay thank you.

**Frank Alessandria:** Thank you.

**Don Roberts:** May I have a motion please, Marcel you made a motion right?

**Marcel Nadeau:** Correct

**Mike Ziobrowski:** Ill second it

**Don Roberts:** Okay I have a motion and a second to approve all in favor? (All were in favor)Opposed? (None were opposed) Motion carried.

**Frank Alessandria:** Thank you very much

1/25/21

**Don Roberts:** You're welcome

***Garden Gate Plaza– Site Plan Renewal***

***APPROVED. Board re-approved the request to construct a 9,000 SF commercial/retail building.***

**20.173                      Rexford Way Site Plan, 5 Rexford Way – Site Plan**

**Joe Dannible:** Hello Joe Dannible Environmental Design Im here on behalf of Kings Crossing LLC. , affiliated with Bast Hatfield in our application to construct a parking area for up to 10 tractor trailers at 5 Rexford Way. This land was recently annexed from an adjacent property owner, since then we have been working with the United States Army Corps Of Engineers, while we have obtained all of the necessary permitting to cross a small finger of wetlands, what we are proposing to do is install a gravel pad roughly 80 x 130 feet or so. We are looking to, the owners to lease that to a tenant along Rexford Way who is running out of room to park tractor trailers for the vehicles getting worked on, that is going to house 10 trailers during that time, very little else involved with this one, no buildings, no sewer, no water, about as straight forward as you can get for an application, looking to get a site plan approval tonight.

**Don Roberts:** You're not going to get site plan approval tonight, alright.

**Richard Harris:** Joe this is rich I think you were on the emails we need county review.

**Joe Dannible:** I forgot about that

**Don Roberts:** We will let the Town Engineer look at it as well, right Joel?

**Joel Bianchi:** Yes

**Don Roberts:** So Joe Dannible we are going to have to get County review and our Town Engineers review and that being said questions by the Board.

**Mike Ziobrowski:** Joe I had just a couple of questions , understanding that you are going to be servicing tractor trailers on this site I just , you had mentioned that there is no public septic or water that is going to be on this site or brought to the site?

**Joe Dannible:** Right so currently this is part of a 5 Rexford Way has an existing building that has sewer and water operating and connected this is an additional piece of land that the owner of that parcel not necessarily the owner of that business, this parcel is leased, that building is leased from the owners. The owners have recently annexed this piece and they are going to lease this area for the storage of trailers only not the vehicles, just the trailers only because the rig portion of the tractor trailers are going to be worked on and they need to park the tractor trailers somewhere else during that time

**Mike Ziobrowski:** Okay so vehicles are not going to be worked on just a parking lot kind of, sort of?

**Joe Dannible:** Right, not even the vehicles literally just the trailers

**Mike Ziobrowski:** Got it, okay.



**John Higgins:** What are you going to do about storm water retention you're putting an awful lot of gravel in there that's impervious obviously?

**Joe Dannible:** Right so what we are looking at this is a gravel service we are not doing pavement that is impervious the gravel does have some sort of a permeability we also have culverts between what we are proposing and wetlands our disturbance is significantly below one acre, not tipping any thresholds on New York State DEC for post storm constructions or stormwater controls.

**John Higgins:** I think our Town engineer should look at this and make sure we are not going to have any problems with run off.

**Don Roberts:** Like I said before John this has got to be referred to Joel anyway so he'll look at it alright.

**John Higgins:** Thank you.

**Don Roberts:** Anyone else? Okay so we are going to refer it to Saratoga County Planning Board for review and also our Town engineer and MJ Engineering Joel you'll review it as well alright

**Joel Bianchi:** Yup that's good

**Don Roberts:** Okay thank you very much Joe good night, take care.

***Rexford Way Site Plan – Site Plan***

***TABLED. Board received a presentation for an Addition to Site Plan request to expand the existing parking area and referred the project to the necessary agencies for review.***

**21.000                      Impact Athletic Center – Volleyball Court Relocation Rt. 146- Amendment to Site Plan**

**Jason Dell:** Good evening Jason Dell engineer with Lansing Engineering here on behalf of the applicant, as your aware the Impact Athletic Center is currently under construction along route 146 , and we are here this evening to request a minor site plan modification for the project. The applicant is proposing two sand volleyball courts to be located to the west of the proposed building. The previously approved site plan included volley ball courts located to the south side of the parking lot, the volley ball courts being located in that area would have required army corps permit for that location, so the proposed re-location will no longer require that impact to the ACO wetlands and will therefore not require a permit. So for the re-location of the volley ball courts along that area, the retaining wall along the western edge of the developed area will need to be extended to the north to accommodate those volley ball areas, and the fence is going to be proposed along the top of the retaining wall for the safety of the athletes. We are here this evening to request that minor site plan modification to relocate a couple of those volley ball courts to the western side of the building.

**Don Roberts:** Thank you Jason for the record, this amendment is going to actually move the volley ball courts further away from the Point West residential development correct?

**Jason Dell:** That's correct

**Don Roberts:** Okay thank you for doing that, there was concern about that, so thank you very much.

1/25/21

**Jason Dell:** Considerably further away

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

**Mike Ziobrowski:** Jason what is the height on the fences is there a possibility as crazy as it sounds the volley balls could make their way to 146?

**Jason Dell:** We have thought about that, the fence we are proposing along there would be about a 10 ft. high fence we would try to mitigate that.

**Mike Ziobrowski:** Alright, thank you.

**Don Roberts:** Anyone else?

**Rich Berkowitz:** I make a motion to approve the amendment to the site plan.

**Mike Ziobrowski:** I second

**Don Roberts:** All in favor aye? (All were in favor) Opposed? (None were opposed) Motion carried, you're all set Jason thank you.

**Jason Dell:** Thank you.

***Impact Athletic Center (Volleyball Court Relocation – Amendment to Site Plan***

***APPROVED. Board approved the relocation of the proposed volleyball courts to the west side of the property.***

**21.004/21.005      Tech Electric Site Plan, 570 Hudson River Road – Site Plan & Special Use Permit**

**Don Roberts:** Are you there?

**Jason Dell:** Yes, Jason Dell again with Lansing Engineering, here on behalf of the applicant for the project Tech Property Management. The proposed site plan is located at 570 Hudson River Road. The property encompasses a little over 8 acres and is zoned as part of W2 the waterfront commercial zone. The project site currently contains a warehouse on the northeast portion of the parcel with the balance of the property being vacant kind of a meadow area, before the project we are proposing the construction of 2 – 4,000 sq. ft. warehouse office buildings kind of mixed use buildings with associated driveway and parking lot as well as storm water features to treat the proposed development, there will be one access point over to the two buildings and that will be from the existing access that's currently there for tech electric. The proposed warehouse buildings , or warehouse and office buildings are going to be utilized by multiple entities with varying uses those uses aren't known at this time however they would be required for each one of them to go back before the Board and seek approval for the use at that time. Parking is proposed for the facility and in accordance with the Town of Halfmoon requirements. They are required to have 8 spaces per building and that is provided and as you can see out there if there is ever an additional need for additional parking that certainly could be accommodated for in the future. Water service will be provided by a connection to the existing main that is out there along Hudson River Road, individual septic systems will be used for the buildings and stormwater will be managed onsite in accordance with all of the requirements. So we are here this evening to introduce the project to the Board, answer any questions you may have in the hope of having it referred to engineering for a review.

1/25/21

**Don Roberts:** Thank you Jason, first of all we are going to refer this to Joel our Town Engineer from MJ Engineering so Joel is going to get a crack at this first, and we are also going to refer it to the Saratoga County Planning Board and also the fire district for their review okay so all three of them are going to be asked to chip in on this, that being said any comments by the Board?

**Tom Koval:** Nothing on my end

**John Higgins:** Don when Joel's looking at this he should also make sure of the site distances and the access at the Hudson River road, because presently it's just a single driveway for a single business and now we are going to be potentially having several businesses having to utilize that same curb cut

**Don Roberts:** Thank you, John I'm sure Joel will check on that thank you.

**Tom Koval:** We can look at that as they come in with tenants

**Jason Dell:** Right.

**John Higgins:** But if the buildings are already built, all I am saying is you know Joel should look at that before we give our final approval.

**Tom Koval:** Absolutely

**Don Roberts:** Anyone else?

**Mike Ziobrowski:** Jason as far as you may be mentioned them making a water tap on Hudson River is there going to be a shared fire hydrant or is there going to be separate fire hydrants for the new buildings?

**Jason Dell:** We will have to take a look at that and see what the requirements are see where the closest hydrant is but we can certainly work through that with Joel and if one is required we will certainly have to do that but we will look at that as we work through the design.

**Mike Ziobrowski:** Okay.

**Don Roberts:** Anyone else? Okay very good so we will refer to our agencies we mentioned and then we will get back to you Jason alright.

**Jason Dell:** Thank you very much.

**Don Roberts:** Thank you very much, take care.

***Tech Electric Site Plan– Site Plan & Special Use Permit***

***TABLED. Board received a presentation to construct two new 4,000 SF buildings at 570 Hudson River Road***

**Old Business:**

20.134

**Robleno Mixed Use Development, 9 Parkford Drive – Site Plan**

1/25/21

**Don Roberts:** Are you there?

**Jason Dell:** Jason Dell engineer with Lansing engineering, here on behalf of the applicants for the Parkford Drive mixed use development. This project is located along Parkford Drive right at the corner of the access road into the 421 Flex Park, as Rich had indicated in the pre-meet this property was included with the 421 Flex Park, when it got its overall approval, now we are back for this individual site plan in there and we had included this in the original site plan for 421 Flex Park just to make sure we sized all of the infrastructure appropriately for this building. So this parcel itself is about a 1.92 acres in size again its zoned as far as the Parkford PDD, the applicant is proposing a 15,000 sq. ft. mixed use building, again none of the tenants are known at this time however the applicant is aware that each tenant proposed would have to come back in for a change of use application with the Town, so we will have access into this building is from Parkford drive as well as the access that was constructed for the 421 flex park. Parking is proposed in accordance with the Town of Halfmoon requirements. We are required to have 27 stalls we've got that as well as an additional 4 banked stalls. Water will be provided by a connection to the newly constructed line out there as well as sanitary sewer will also be connected to the force main that was installed for the park. Stormwater will be collected and treated in the main storm water basin that was designed and constructed by the designers of the 421 flex park as well. So at this point we've addressed all of CHA's technical comments on the project and we are here tonight to request a final approval.

**Don Roberts:** Okay thank you Jason, Joe Romano you reviewed this as the engineer are you okay with this?

**Joe Romano:** Yea we're all set, as Jason Said we have reviewed it as part of the overall 421 Flex Park in terms of infrastructure and stormwater and what not and we've gone through a few reviews on this specific site plan and they have currently addressed all of them, our comments.

**Don Roberts:** Okay thank you Joe, that being said, comments by the Board?

**Tom Koval:** I assume fire and everybody has looked at this?

**Richard Harris:** Yes, yup we got their comments earlier they're all set.

**Don Roberts:** Anyone else?

**Tom Koval:** I would like to make a negative dec on SEQR.

**Rich Berkowitz:** I'll second

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

**Tom Koval:** I would like to make a positive on the site plan.

**Rich Berkowitz:** I'll second

**Don Roberts:** All in favor aye? (All were in favor)Opposed? (None were opposed) Motion carried, your all set again Jason, way to go.

**Jason Dell:** Thank you very much I appreciate it.

1/25/21

***Robleno Mixed Use Development – Site Plan***

***APPROVED. Board approved the request to construct a 15,000 SF warehouse/flex space building.***

**Don Roberts:** Board members, you got anything else? (No)

**Mike Ziobrowski:** I'd like to make a motion to adjourn the meeting

**John Higgins:** Ill second it.

**Don Roberts:** All in favor aye? (All were in favor) Opposed? (None were opposed) Motion carried, thanks guys  
goodnight, stay safe and take care bye now.