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**Town of Halfmoon Planning Board  
November 27, 2023**

**Those present at the November 13, 2023, Planning Board meeting were:**

**Planning Board Members:**

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

**Planning Board Alternates:**

Alison Pingelski  
Laurie Barton-absent

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

Richard Harris

**Senior Planner / Stormwater Management Technician:**

Paul Marlow

**Town Attorney:**

Lyn Murphy

**Deputy Town Attorney:**

Cathy Drobny

**Town Board Liaison(s):**

John Wasielewski  
Eric Catricala

**Town Engineers:**

Joel Bianchi

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

**Don Roberts:** Good evening, I would like to call the Planning Board meeting to order please. 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 Werner:** I'll second.

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

Alison Pingelski: I'll abstain because I wasn't here for the meeting.

Don Roberts: Okay, Alison refrains, thank you very much.

**Public Hearing(s)**

**Guariglia Duplex, 48 Parkford Drive- Special Use Permit (23.174)**

Don Roberts: Please come up and say what you want to do.

Tom Guariglia: Hi, Tom Guariglia looking to build a duplex on the lot. Shooting for about 1800 square foot per side, but it kind of depends on the building envelope so, I'm not sure that it will allow for that big on each side but ideally about 3600 square foot.

Don Roberts: Okay that's it?

Tom Guariglia: Yup, that's it.

Don Roberts: Okay I'd like to open the public hearing would anyone from the public wish to speak? Yes, please come up and say your name and address and any comment you may have.

Scott Moore: My name is Scott Moore, I'm at 1 Devonshire Way. So, I guess first of all we're not, it doesn't sound like we're exactly sure what the building is going to look like, or even what the square footage is. Secondly, we're talking about putting a multi family residence in a neighborhood that is only single-family residences, of course this introduces other issues, right? We have renters, we don't have homeowners, we have additional traffic. We have a building that is not aesthetically the same as those in the neighborhood. You know we've all worked very hard on our homes to introduce a multi family home in a neighborhood of single-family homes will unfairly and unduly obviously impact our property values at the same time. You know I'm worried about the, you know we have children in the neighborhood, renters come and go we don't know who they are, we don't know what kind of care they will exercise on the property itself so the look, the upkeep the potential safety issues that occur from people that are there that aren't neighbors necessarily, but strictly renters and short term, so I would say that encapsulates our concerns and I speak for many families in the neighborhood when I say those things so that's all, thank you.

Don Roberts: Okay, thank you, anyone else wish to speak? Do you want to address the size or anything the gentleman said?

Tom Guariglia: Sure, I currently own a duplex that I live in half over by Van Patten Golf Course off of Hubbs Road. I'm looking to doing something very similar, I welcome you to drive by, I can give you the address. 143 Hubbs Road, you can see that it's maintained very well. When I do rent it out, I'm going to be looking for a higher end, definitely looking for something that's going to not decrease any property values around you know. I think that with it having a lot of wetlands there its going to create a nice size yard. It

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will also take a piece of property that's not really taken care of right now, also be kind of like a good transition piece I thought, you know going from that industrial area to a more residential area, so but definitely looking towards a more higher end, higher rent more professional type people for that duplex, so alright. Thank you.

Don Roberts: Anyone else wish to speak? Anybody online wish to speak? (no comments) No, nobody, okay we will close the public hearing, comments by the Board members?

Rich Berkowitz: I make a motion to approve the special use permit

Alison Pingelski: I second

**Don Roberts:** All in favor Aye? (All were in favor) Opposed? (None were opposed) Motion carried. You're all set.

Tom Guariglia: Thank you

Don Roberts: Your welcome

***Guariglia Duplex - Special Use Permit  
APPROVED. A Public Hearing was held and the Board approved an application for a  
proposed duplex at 48 Parkford Drive.***

**Staniak Rd Lot Line Adjustment, 26 Staniak Rd (Lot 109) & 50 Staniak Rd (Lot E) –**

**Minor Subdivision (23.179)**

Pat Jarosz: Hi my name is Pat Jarosz of VanGuilder Associates, I'm here tonight for the public hearing for the lot line adjustment between Lot 109 Staniak Road and Lot E to recap. The deal for the lot has fallen through and this will return the lots to the original configuration as previously approved by the Planning Board. The portion of land to be transferred from Lot 109 to Lot E is 72 acres or a little less than  $\frac{3}{4}$  of an acre. Lot 109 is 2.05 acres after the adjustment Lot E is 39.02 acres after, thank you.

Don Roberts: Okay we will open the public hearing, anyone from the public wish to speak? Once again anyone from the public wish to speak? Anyone online wish to speak? (no comments) Okay we'll close the public hearing, comments by the Board?

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

Alison Pingelski: Second

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

Rich Berkowitz: I make a motion to approve the minor subdivision

Alison Pingelski: I second

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

Pat Jarosz: Thank you.

***Staniak Rd Lot Line Adjustment – Minor Subdivision***

***APPROVED. A Public Hearing was held and the Board approved a lot-line adjustment between two lots.***

**Tarar 2-Lot Subdivision, 34 Woodin Rd. – Minor Subdivision (23.184)**

Gavin Vuillaume: Good evening, Gavin Vuillaume representing MJ Tarar. So, this project that we presented to the Planning Board last month it's a two-plot subdivision, we anticipate only construction on Lot 2, 1 currently has an existing home on it with a detached garage. One of the comments that we received, I think it was after the meeting, was the square footage of that lot, we've adjusted it to 30,000 square feet which was recommended by the Planning Department. That's really the only physical change to the overall layout. We're currently showing a large or lengthy driveway to Lot 2, therefore it was reviewed by the West Crescent Fire Department, and they had a few minor comments. They wanted to make sure that we had the correct radius for the turnaround that we are proposing. That we have enough subbase material for support of the fire trucks, and the other one was they were looking for a hydrant to be installed. We're bringing water out to the home so we would be putting a hydrant somewhere in the middle of the property. I guess wherever they decide is the best spot.

Richard Harris: So, Bria Ragone, I had spoke to or emailed me last week that he seemed to indicate that they may not want to put a hydrant in, is that, does that change the application?

Gavin Vuillaume: If we bring public water, we're definitely going to do the hydrant for sure, the only question would be whether or not to do a well at that location that far back, so that's a possibility but right now the plan is to go ahead and install the waterline.

Don Roberts: And to clarify, this is a single-family home?

Gavin Vuillaume: Yes.

Richard Harris: Yea, I do want to mention so everyone's aware, the Town tax records indicate this is a two-family home but today the applicant's rep contacted me by I think email we spoke back and forth that they would revert it back to a single-family home. Therefor as a single-family home the lot is adequate size, if it was going to be maintained as a duplex or two-family home the 30,000 square foot lot would be substandard.

Gavin Vuillaume: We can put a note on the, we'll put a note on the plan that the residential structure will be single family only.

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Richard Harris: Thank you.

Don Roberts: Is that it?

Gavin Vuillaume: Yup

Don Roberts: Okay, at this time we'll open up the public hearing. Would anyone from the public wish to speak?

Brenda LaMere: Hello Brenda LaMere, 124 Dunsbach Road. I'm also representing my mother at 126 Dunsbach Road. The east side of our property borders formerly known as Prescott property, and we'd like to know, I believe the paper said that the house was 1,800 feet back, how far from our property lines is it? We need to see where this house is being placed along our property.

Richard Harris: Well, your property line I believe is along here, correct?

Brenda LaMere: Well, you see a road right there going onto our property line which isn't going to happen.

Gavin Vuillaume: So, if this is your property line and the home right now, I would say is probably 2 to 3 hundred feet away from that.

Brenda LaMere: Okay but what about that road? That road, I don't like the looks of that road in there.

Gavin Vuillaume: We can move it

Brenda LaMere: Yea, it's to be whatever standard is. Well, if my property lines there and it looks like its going over it.

Richard Harris: No, your property line is this here, the solid line.

Brenda LaMere: Oh, oh the solid line, my apologies

Richard Harris: That line is a setback for the lot.

Alison Pingelski: You can't see it, it needs to be blown up.

Lyn Murphy: Bigger than that?

Richard Harris: We have copies

Brenda LaMere: Oh, yea could we have a copy of it?

Richard Harris: Yea, sure.

Brenda LaMere: Okay, okay.

Lyn Murphy: The only reason I asked that question is because the ones we have are smaller than that.

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Brenda LaMere: Oh, is it okay, yea we just want to see where it is, and the footage and the line and all of that. Alright, thank you very much.

Maryann Geleta: Hi, good evening, Maryann Geleta, 128 Dunsbach Road which is the next one over and I was just wondering the gray is wetlands?

Gavin Vuillaume: Yes

Maryann Geleta: Okay, since I hadn't seen it before I wanted to see how close the house was to the property, and I know they said they were going to put water and it did seem pretty far so I just wanted to see how you know if they were doing that, because we've got all of that back there and that's always a concern with that too. You know being locked in, so that's all we wanted to see that, and I wanted to get a good look because I hadn't seen it, that's all. Okay thanks

Don Roberts: You're welcome, anyone else wish to speak? Anybody online wish to speak? (no comments) No? Rich , no?

Richard Harris: Nope there is no one online.

Don Roberts: Okay, we will close the public hearing , oh okay, I guess we will re-open the public hearing.

Kathy Kowski: Kathy Kowski, 132 Dunsbach, my property is going in that direction too, but I think it's cut out by the old Kennedy property. I'm just trying to figure out there is no names on or no property lines, it's just wetlands.

Richard Harris: This outer thick line is the property.

Kathy Kowski: Is the property okay but usually on a map they show you who the next-door neighbor is, there is nothing qualifying there?

Richard Harris: Not on this map, no.

Kathy Kowski: No, so okay so I would be well the little blue lines are almost coming together topographic lands, so, no I just want to know, so this is just unusual. It used to be when I came up here you see the survey map and who owns next door, this is blank so that's confusing.

Don Roberts: Okay, anyone else wish to speak? (no comments) Okay once again I'll close the public hearing, comment by the Board members?

Richard Berkowitz: So, Gavin have you decided is there going to be a water line or a fire hydrant or?

Gavin Vuillaume: Yea, so again the plan is to bring water all of the way out to the proposed home, we're not going to run the water line, water main itself all of the way to the house, so we would probably go about half way and we will work that out with the West Crescent Fire Department, wherever they want a hydrant and we would just stop the hydrant and the main half way through the property and then at that point on it would be a smaller water service.

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Don Roberts: Anyone else?

Rich Berkowitz: Okay, I'll make a motion to have a neg dec on SEQR.

Charlie Lucia: Second

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

Rich Berkowitz: I make a motion to approve the minor subdivision contingent on a fire hydrant of whatever West Crescent and you guys decide where it should be.

Charlie Lucia: Alright, I'll second that.

**Don Roberts:** We have a motion and a second all in favor Aye? (All were in favor) Opposed? (None were opposed) Motion carried, good luck.

Gavin Vuillaume: Okay, great thank you.

***Tarar 2-Lot Subdivision – Minor Subdivision***

***APPROVED. A Public Hearing was held and the Board approved a two-lot minor subdivision for a new single-family home with the condition that a hydrant shall be installed pursuant to the request of the West Crescent Fire Department.***

**New Business:**

**Cannabis Central, 1520 Crescent-Vischer Ferry Rd – Change of Use/Tenant (23.191)**

Jason Southwood: Hello, my name is Jason Southwood and I'm applying for a change of use permit at 1520 Crescent Road, change it to a retail location from its current use which is, well the Law office will stay there but it's office space in the same building. So, yeah, if you have any questions, I would be happy to answer them.

Don Roberts: So, you are going to be selling cannabis?

Jason Southwood: Yes

Don Roberts: Now you are aware no onsite consumption?

Jason Southwood: Yes, correct. It's completely different license with the State, and I don't want anything to do with that so.

Don Roberts: We don't allow it anyway

Jason Southwood: Yea, it works out for everybody. Yup there is currently 27 parking spots there, not really looking to do any work to the outside of the building, and I plan on submitting my drawings in for a building permit tomorrow actually, but yea other than that.

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Richard Harris: What is the status of your state licensing? I know we talked about it briefly but if you could mention that to the Board.

Jason Southwood: Yea so supposedly with this because it's a new entity just because it's gospel from the State today doesn't mean it's going to be that way next week, but they are telling us by the latest by December 18<sup>th</sup> we will have an answer one way or the other. December 18<sup>th</sup> at the latest, I've heard as soon as December 8<sup>th</sup> they will give out approved licenses.

Richard Harris: Oh, in general approved licenses or yours specifically?

Jason Southwood: It's depending, they're like provisional depending on you have to have a c/o to pick up the license so all of the building would have to be done but that location and myself would be approved by December 18<sup>th</sup> at the latest so they say.

Don Roberts: So, this is your first step coming to us?

Jason Southwood: Yea that's why I didn't submit the building permit yet, we will see what happens tonight, I do already have the drawing drawn up, I do have the affidavit from the property owner Greg Mills but yes, it's a first step kind of coming here.

Don Roberts: Okay

Jason Southwood: My application is already into the State obviously but yea.

Don Roberts: How many employees are you going to have?

Jason Southwood: Approximately I would say 10 to 12 that's including some management. Part-time and full-time employees. There will be licensed security at the door, checking Id's you have to be 21 to enter the premises, so we will be licensed with NYS per the OCM guidelines so pretty much anything the State mandates we have to do.

Don Roberts: How many parking spaces you said?

Jason Southwood: 27

Rich Berkowitz: What kind of internal/external security do you have besides the security guard.

Jason Southwood: What's required by them is a obviously a security system, cameras, smoke, fire, all of that. We're going to have additional security guards which I don't think they require; I don't remember off of the top of my head, but we'll have that. We're also going to have panic buttons if anything happens but it's pretty much just a retail establishment, not much different than a liquor store.

Rich Berkowitz: You're not the first one we've approved but everybody has had different types of security, I think one place is actually securing the parking lot so there is no consumption on the parking lot.

Jason Southwood: Oh, yea well there will be external cameras as well that the guy at the front as soon as you walk in that check your ID, he'll be able to see the entire parking lot, so that's my guess you know.



Rich Berkowitz: Are the deliveries secured in such a way that ?

Jason Southwood: Deliveries, oh from the distributors?

Rich Berkowitz: Right.

Jason Southwood: Yea they would come in from the back door, so really, they would come into a separate storage room that no public has access to. Obviously steel doors would, and would stop them from gaining access to doing it, almost like a three tiered system pretty much there will be a security/ waiting room or yea I'd say waiting room where they check your ID wait you'll be called into the back where there will be a display right, there will be displays on the walls, people there to help you pick out what you want and then that order will go back to a secure room where also the deliveries would come in the back where there's safes and orders and really only the people back there will have access to it. Obviously, no customers would. It will then get put through basically a window out to the counter where you pay and then exit the store.

Rich Berkowitz: Okay

Don Roberts: You know you will have to come back for a sign if you want a sign

Jason Southwood: Yea, Rich told me that I'm a little bit away from a sign permit

Don Roberts: Just so you're aware

Jason Southwood: Yup

Richard Harris: The reason, one of the reasons Mr. Berkowitz asked about security, we did, our fire department in that area wants to gain an understanding of your security system in that area in case they got to get in, that there is nothing unusual, so probably what we will do is make a copy of your building permit, share that with the fire department. I don't know what they would be looking for exactly, so we'll refer it to the fire department during your building permit while our guys are reviewing the permit, just to understand, you know you mentioned steel door

Jason Southwood: Yup

Richard Harris: Just to understand the layout of the facility

Jason Southwood: Yea, that's not a problem and I worked with the fire departments before, obviously there will be a Knox -box at the door so they will have a key to get in they are not going to have to break anything down they can you know and obviously I've used Doyle Fire and Security so they are going to have a key to get in they are not going to have to break anything down

Richard Harris: That's good to know

Jason Southwood: You know, and obviously I've used Doyle Fire and Security, they do the camera systems, the smoke and co2 and the fire and it's all connected right to the fire department. So, if anything trips or goes off along those lines it will go right to them, and any kind of break-in goes immediately to the police department.

Richard Harris: Great thank you.

Rich Berkowitz: And the one difference with you is your right on and off the Northway which is different from all of the others.

Jason Southwood: Yea I don't know if that's good or bad, but I'll let you know. Yea I don't know about that one, you know I always liked the route 9's but hey. This opportunity presented itself, we actually used the Mills offer he has been our attorney Greg Knolls owns the building. Chris's son is our attorney for a long time so we just kind of fit together.

Tom Werner: How many purchasers would you estimate at peak time?

Jason Southwood: I would say the peak times like we put on a form is roughly like between 3 and 6 that might fluctuate a little bit on a weekend but right around 3 to 6. I would say no more than 8 to 10 customers at any given time. It's not really a spot where you're gonna mill around, it's kind of you go in and you buy, and you leave. Very similar to a liquor store, most people already know what they want, and you know obviously you know we will be there to help them, but you get it, and you go, I don't really want people hanging around the outside of the building.

Tom Werner: So, they're experienced buyers?

Jason Southwood: You know believe it or not a lot of the ones that I've been in that are open, I am the youngest person in there, believe it or not. You would think it would be 20's early 20's but it's a lot of people looking to deal with that pain management, and you know sleeping problems and a lot of those stats show a lot of those opioids and sleeping pills have dropped off since more and more States have started to legalize this. They don't want to get hooked on those.

Rich Berkowitz: But you're not medical though, your just recreation

Jason Southwood: Yea, yea we are not medical no, yea I think Rise over there and they're medical, they were and now they are applying for something else but yea. No yea that's you know basically it in a nutshell.

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

Tom Werner: I'll second it.

**Don Roberts:** We have a motion and a second all in favor Aye? (All were in favor) Opposed? (None were opposed) Motion carried, good luck.

Jason Southwood: Thank you.

***Cannabis Central – Change of Use/Tenant***

***APPROVED. Board approved the use of approx. 2,800 SF for a recreational cannabis dispensary.***

**Grinder Pump Experts, 40 Farm to Market Rd, Unit 5 – Change of Use/Tenant (23.192)**

Bruce Tanski: Good evening, Bruce Tanski, Clifton Park NY. This is for Unit 5A Grinder Pump Experts, they wish to utilize 1 storage unit totaling 1500 square feet of storage space at 40 Farm to Market Road for equipment and supplies related to its pump service and repair business. The proposed tenant has been advised that the unit is for storage purposes, and that no outside storage or disposal of waste is permitted. The tenant is also aware that an office desk is permitted but there will be no partitioning of the space.

Don Roberts: Okay, thank you Bruce, questions by the Board?

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

Charlie Lucia: I'll second

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

Bruce Tanski: Thank you.

Don Roberts: Your welcome

***Grinder Pump Experts – Change of Use/Tenant***

***APPROVED. Board approved the use of approx. 1,500 SF for storage of products related to their pump service and repair business.***

**Russell Subdivision, 37 Raylinsky Lane - Minor Subdivision (23.193)**

Pat Jarosz: Hi my name is Pat Jarosz again with VanGuilder Associates, I'm here tonight on behalf of the applicant Bruce Tanki to request a minor 3-Lot subdivision of 37 Raylinsky Lane existing lot is 3.09 acres zoned AR-Agricultural Residential and will be subdivided as follows. Lot A will have an existing house and be 1.43 acres, lot B will be vacant and will be a little less than an acre at 42,888 square feet, Lot C will be about .68 of an acre and comes in at 29,752 square feet. All lots will be served with public water and sewer, thank you.

Don Roberts: Questions by the Board?

Alison Pingelski: I have a question so Lot B you said was vacant, but it says proposed house on the plan that we have?

Pat Jarosz: Proposed.

Alion Pingelski: Okay

Pat Jarosz: The two are currently vacant but the lots it's proposed for the house. Lot A has the current existing house.

Don Roberts: Anyone else?

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Rich Berkowitz: I make a motion to set a public hearing on December 11<sup>th</sup>.

Charlie Lucia: I'll second.

Don Roberts: We've got a motion and a second for a public hearing on December 11<sup>th</sup>, all in favor Aye? (All were in favor) Opposed? (None were opposed) Motion carried, see you on the 11<sup>th</sup>, thank you.

***Russell Subdivision - Minor Subdivision***

***PUBLIC HEARING SET. Board set a Public Hearing December 11, 2023 for a proposed three-lot residential subdivision at 37 Raylinsky Lane.***

**Frank Warehouse Addition #2, 574 Hudson River Road – Site Plan (23.190)**

Dave Kilmer: Good evening, everybody my name is Dave Kilmer from ABD Engineers I'm here with the applicant and the owner Bill Frank who is the owner of the business advanced controls and automation which resides in this building here, this 13,200 square foot building at 574 Hudson River Road. The applicant was actually before you guys several years ago to put an addition on the back of the building. Currently the addition is rented out as storage space, Mr. Frank uses just this 6,000 square foot portion of the front of the building for his business and today he's looking to add another 1,400 square foot addition on the front of the building. The addition will match the building like what's in the rear, it's going to go sort of over the existing parking spots in the front, the parking lot in the front really isn't used much so there's really not going to be an impact to parking, and he just really needs extra space, storage space for his business. We kind of designed the shape of the addition to accommodate a 50 ft. set back but we were made aware after we submitted that there was actually a special 70 ft setback on the west side of Hudson River Road so we will need a variance for this addition we don't believe that it's a substantial variance. Other buildings along the road are situated similarly close to the road so yea that's about all there is to it. I'd be happy to answer questions you have.

Don Roberts: And you are aware that this has to be denied?

Dave Kilmer: Yes

Don Roberts: You're aware of that right, but before we do that any comments by the Board one way or the other on this? It has to be denied because it needs a variance.

Rich Berkowitz: So, we will tell the ZBA we have no problems with it.

Don Roberts: Does anyone have an issue with what we have seen so far?

Rich Berkowitz: No

Don Roberts: Okay, no one does okay.

Richard Harris: Can I ask is this impervious surface where you are putting the building, what's right there now, pavement?

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Dave Kilmer: It is mostly impervious surface, we are adding some additional impervious, but we believe that it's not going to impact the existing stormwater at all.

Richard Harris: Is this something you're going to want to look at if they get their variance?

???: inaudible

Richard Harris: Okay

Don Roberts: So, you would have no concerns about this,

Rich Berkowitz: No

Don Roberts: Okay so that's good to know, good for the ZBA to know as well. But as you know we do have to deny this so you can go ZBA

Dave Kilmer: Right

Rich Berkowitz: Okay, I'll make a motion to deny the project due to variance issues we refer it to the ZBA with a positive recommendation.

Charlie Lucia: I second.

Don Roberts: We've got a motion and a second for a public hearing on December 11<sup>th</sup>, all in favor Aye? (All were in favor) Opposed? (None were opposed) Motion carried, good luck.

Dave Kilmer: Okay, thank you.

***Frank Warehouse Addition – Site Plan***

***DENIED. Board denied the proposed expansion to the existing building due a failure to meet the minimum front yard setback.***

Alison Pingelski: I make a motion to adjourn

Charlie Lucia: I'll second that.

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