

**MINUTES MEETING
Town of Halfmoon Planning Board
October 11, 2016**

Those present at the October 11, 2016 Planning Board meeting were:

Planning Board Members: Don Roberts –Chairman
Marcel Nadeau- Vice Chairman
John Ouimet-absent
Tom Ruchlicki
John Higgins - absent
Tom Koval
Richard Berkowitz-absent
Cory Custer-absent

Planning Board Alternates: Margaret Sautter- absent
Mike Ziobrowski- absent

Director of Planning: Richard Harris
Planner: Paul Marlow

Town Attorney: Lyn Murphy
Deputy Town Attorney: Cathy Drobny

Town Board Liaison: John Wasielewski
Jeremy Connors

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

Tom Ruchlicki made a motion to Approve the Minutes from the September 26, 2016 meeting. Tom Koval seconded. Motion Approved.

Public Information Meeting:

16.133 Tailored Portraits/ Michael Shapiro Photography - 15 Braxton Ct - In Home Occupation

Michael Shapiro: Hello Michael Shapiro, 15 Braxton Ct. right there . I'm here to ask for a home occupation permit. We are small family photography business, professional photography business however we don't have an outside office so basically we would like to use our home address for all the business purposes. We sometimes, very rarely do shoots in house, in one of our rooms. Those shoots are very small no more than one or two people, and no more than once or twice a month. All the other photography occurs on client location. That's it. Any questions?

Don Roberts: Thank you, would anyone from the public like to speak? Pardon me ok please come up and say your name and address and make your comments and in light of recent events I want to caution you these meetings are recorded so watch what you say cause I don't want something to come back and haunt you in ten years , ok.

Bob Hamilton: My name is Bob Hamilton I live at 19 which is the one with the blue looking roof on the left. I have a general concerns about a business in the neighborhood; I'm not sure exactly how it fits in the HOA, although I brought the HOA agreement with me if you need to look at it. I've had experience with this in the past where in a neighborhood I lived in there was a hair dresser, oh it's just going to be in the basement next to the garage, well turns

out she was getting 8 or 10, eventually a week and so cars coming in and out all the time, this was a long time ago and Niskayuna never really had great zoning but nice neighborhood, zoning wasn't all that great but so I'm concerned. I also when I lived in Houston my friends house which has no zoning and this is the city of Houston the big city Houston next to him he had a book store and they end up blocking at a place the name of it was the Booby Hutch ok , I'm gonna tell you about the place, so my concern is these things degrade over time and as more and more exceptions are being made then aw well ok they did that and all they had was three customers a month and then there was five customers a month. I don't see where there was any limit and I don't think its a good idea for our residential neighborhood which pretty much says they don't want any businesses there to start with. However I like Mike so and, I like his wife and all that stuff and I'm willing to go with whatever but I don't particularly like the idea of having a running business when I cant even put up an election sign. Ya know, Jim Tedisco I can't put that up. Ok, so that kind of bothers me because I got to be so strict about the rules in the association then I think they got to be strict there, and that's briefly what I think anyway.

Don Roberts: Thank you, as far as the Home Owners Association Lyn I believe its board's responsibility is just to determine whether the application meets the town codes.

Lyn Murphy: Correct, if the application was in violation of the HOA it would be the HOA's board that would have responsibility for enforcing those rules which I assume is what is making it that you cant put up political signs.

Bob Hamilton: I don't know what kind of rules they'll enforce; I don't know how many clients they'll have at once.

Michael Shapiro: Might I reply?

Don Roberts: Michael can you clarify?

Michael Shapiro: Absolutely, I understand your concern, definitely respect your opinion, yea , neighbors , there will be no signage at all. No one but people in this room will actually know that there will be a home run business. We advertise entirely online and through the word of mouth. We do not expect nor we desire to have a line of clients, because simply due to the nature of our photography we simply don't have what we need in house, I would need a much bigger studio or client location to take images that I take or Karen takes, so there is no expectation that this will be this studio we just needed primarily for business address for business purposes for income taxes and stuff. The only, yea go ahead.

Bob Hamilton: So you are not going to have people over?

Michael Shapiro: I might have one or two maybe; I'm just saying I really cannot physically afford to bring people on a constant basis because I am not equipped inside the house to do that. I have dedicated one room 10 x 10 and it has soap boxes and I can do product photography, I can photograph this laser for advertisement. I hope it will not bother anyone or Karen can photograph a little baby but that's it. On the contrary I can ask you a question have you ever seen a line of cars on my driveway or any suspicion that something is going on?

Bob Hamilton: yea when you have parties there.

Michael Shapiro: I do sometimes yea so

Don Roberts: Sir you have to use the microphone, because as I've stated these are recorded so,

Don Roberts: Well we hope not so. You can address us all by the microphone.

Bob Hamilton: My most concern is the creep and whets gonna happen with other business coming in , you let that one in then you let that one in and pretty soon we have you know , commercial district, thats an exaggeration but I

think that , I don't know how often this is in Halfmoon but you want to put a Chick- fil -A is coming up tonight and that's up on 146 and the guy is all upset about that. I'm saying well gee that's a commercial street you know I found out when I was an owner that Troy road was a residential street. You know that Troy road is right through Niskayuna is all residential. You know I was shocked, look at the traffic.

Don Roberts: These in home occupations they are all on a case by case basis as they come into us and some get approved and some don't get approved so I mean it's not just.

Bob Hamilton: I'm just concerned about the creep and the fact that I don't know if the neighborhood is set up to have in home occupations and businesses. I just don't think that was their intent when they set up the neighborhood , maybe I'm wrong but maybe that's common in Halfmoon I never noticed much of any and they are usually in the ya know well worn streets like Guideboard ya know you have a guy with a D.J. sign out there. I go by that and I go that's an interesting place to have a D.J. business. And there's a sign , but Mike wouldn't have a sign, but I don't know how you run a business on 2 cases a month either so I can't see it staying at 2 cases a month, sure.

Michael Shapiro: I don't declare to run a business on one or two clients of course, however I am starting a business and at the beginning it probably will be one client in three months, I have to start somewhere and I really cannot afford to rent an outside office just to start unless you can loan me money, I cannot promise to pay you back, so like I said for the purpose of the home occupation request, I primarily intend to use my primary residence as the business address. I can smile.

Don Roberts: I've got to ask you how many vehicles do you anticipate being at your house at one time for customers?

Michael Shapiro: Customers, If I have one or two customers a month it probably will be one or two extra vehicles a month just for a reference in our neighborhood I constantly see 5 ,6 vehicles in front of other houses. I don't even know if they live there or it's guests or some sort of other business is there, I never asked, have you? There are a couple of houses where there are 5, 6 vehicles constantly have you ever.

Lyn Murphy: At this point we are here to discuss your application not what may or may not be occurring in the neighborhood so let's just precede.

Michael Shapiro: Understood. I'm just giving an example as a reference that if you want to blame someone, check other houses where they are doing that, I don't know.

Don Roberts: Would anyone else like to speak?

Bob Hamilton: Totally unrelated I was coming back from getting my Sunday paper , I drive around the neighborhood a lot and see how things are , I'm not inspecting anything but I just noticed there are a lot of cars in the driveways , so I decided, this is Sunday morning, so I decided to count and there was 39 houses out of 81 that had cars in the driveways so obviously cause I know that's against the rules , your not supposed to leave your car out , but the home owners agreement says you are not supposed to leave your car in the driveway, now visitors are ok , but 39 houses out of 81 is 40 % right now I actually don't mind that , but it is a home owners association rule , so then you get in this thing where what are you enforcing , what aren't you enforcing? Answer that , bothers me not in a town basis but in a homeowners association where they have all these rules like election sign rule and all that stuff , I mean well Jesus it's , and that sign didn't look any where near as bad as 39 , 80 cars on the driveways and on the streets. And the roads are not narrow, so I think that should be a factor and just generally what we're doing with our neighborhoods. Now if this is all allowed I really don't have that much of a problem with it , cause I trust Mike that he is not, because he has 5 kids there right , 5 right so 7 people living in that house plus a little business it's only 1500 sq ft or so , well ya know maybe during the day there is no one there, there's one or two on there's 6 and from 7 on there's 7 so ya know maybe it is a little but busy for something like that but frankly I'm not particularly concerned but

I don't like a lot of these little rules we have anyway so , ya know but if things are going to be enforced lets enforce them thats all. Ok. That's all.

Don Roberts: Ok, thank you, anyone else like to speak? Rich I believe you have a letter from one of the neighbors, please read it into the record.

Richard Harris: Yes

Don Roberts: There may be some questions to answer Michael after this ok

Richard Harris: I received a letter last week from Alan Cardin on 11 Braxton Ct. Halfmoon N.Y. dated 10/6/16 regarding Tailored Portraits / Michael Shapiro Photography home occupation. *I am the next door neighbor to this property I learned but did not receive notice that the following will be on the planning board that the following will be on the agenda for the Planning Board meeting on 10/11/16.* I do want to clarify that when Mr. Cardin came in he had received it , he indicated to me verbally that , that statement was no longer valid , he did receive the notice but this was written prior to receiving it. *The following questions are requested to be answered before the town planning board gives its approval. Is this business properly registered to operate in the State of NY? Is the business registered listing the homeowner as a principal of the business? Has the homeowner advised and presented documentation to the Brookfield Place HOA of this event? Are there plans to have a sign on the property advertising the business? "Against Homeowner regulations". Does the business have proper insurance to protect the Town , Homeowners Association and neighboring properties? Will all business be conducted inside the house and not outside on homeowner, Town or Association properties? What materials will be used in this business and stored at the house? Your attention to asking these questions is greatly appreciated. Best Regards, Alan Cardin.* Do you want a copy?

Michael Shapiro: Yes otherwise I would not be able to remember all the questions. Thank you, ok what to start with. Is the business properly registered? Yes. the business registered under our names. May I ask you please, the board I have a question for you? All these questions are they how influence or pertain to home occupation application?

Lyn Murphy: The question would be the signage and you've already responded to that and what if anything you intend to do outside.

Michael Shapiro: Those are the only questions that actually pertain to my application?

Lyn Murphy: As far as the town law regulations are concerned.

Michael Shapiro: Cause the rest kind of trial my privacy so may I at least skip them?

Marcel Nadeau: Well what I think what the homeowner was asking is had he been here he would be asking these questions so I would think the applicant would need to respond to those questions.

Don Roberts: What do you think Lyn?

Lyn Murphy: Its up to the Board but your code that regulates in home occupation is not dependent on whether or not he has insurance or what his business

Michael Shapiro: That's my question exactly.

Don Roberts: That's the point see

Michael Shapiro: It doesn't matter if the owner is here or not I would still ask the same question so may I only answer the questions that do pertain to my application?

Don Roberts: Yes I think that's what we should concentrate on what we have control over here. So I would say yea.

Michael Shapiro: There will be no sign for multiple reasons, first of all it is not allowed by the homeowners association. Second of all I don't want sign on my house, I don't want to attract any clients passing by like I said we advertise through different channels and for different purposes. There is no outside business related activities.

Don Roberts: That's what we need.

Michael Shapiro: Of course, and like I said I really don't expect to have a line of clients because honestly if I had a line of clients I would be arranging an outside office.

Don Roberts: Ok, does anyone think we should

Tom Koval: The only other question I could see could be a concern for planning or fire dept. are there any hazardous materials used in the process?

Michael Shapiro: No absolutely not

Tom Koval: That's all that I was concerned about.

Don Roberts: ok Tom.

Tom Ruchlicki: I have no questions

Don Roberts: Marcel?

Marcel Nadeau: Question about the business, you say you're really using the address for the business is it absolutely necessary seeing the concerns of the neighbors that you do have, that you do work at the house?

Michael Shapiro: I'm sorry can you please clarify the question I couldn't hear it.

Marcel Nadeau: I believe you stated that you needed to have the home occupancy so you could have an address for your business, my question is do you have to do the business activities at the house; obviously you do off site work?

Michael Shapiro: Yes, let me explain

Marcel Nadeau: So the question is to satisfy the neighbors concern do you have to do that work at the house?

Michael Shapiro: The reason why, when you say the work at the house you mean the actual photography work?

Marcel Nadeau: Yes.

Michael Shapiro: Sometimes on a very rare occasion, please let me explain. Just give me a few more minutes. Karen my wife she is a new born photographer if takes literally this much space sometimes to get a good shot.

Marcel Nadeau: So your answer would be yes you do have to operate sometimes?

Michael Shapiro: Sometimes we can not secure the outside studio but right now we are working on actually renting an outside studio. But still I will need the address for my business purposes.

Don Roberts: Ok would anyone else like to speak at this point. Ok, we will close the public hearing I already asked for comments from the board. Does anyone else have anything to say or no? Ok what's the Boards pleasure?

Tom Koval made a motion to declare a Negative Declaration pursuant to SEQR Tom Ruchlicki seconded. Motion Approved.

Tom Koval made a motion to Approve Tailored Portraits In Home Occupation application. Tom Ruchlicki seconded. Motion Approved.

16.139 Bold Subdivision, 155 Brookwood Road- Minor Subdivision

Greg Bold: Good evening my name is Greg Bold, Lisa and I are here this evening seeking approval to subdivide our 11.2 acre piece of property with frontage on Brookwood and Button Road. Looking at dividing into two lots, the first being 2.75 acres, I'll call it the original lot it has the single family home on it with frontage on Brookwood. The second being the remaining 8.46 acre piece in the back with 220 some odd feet of frontage on Button Road.

Don Roberts; Ok, thank you. Would anyone from the public like to speak? Seeing no one likes to speak I'll close the public hearing, board members any questions?

Marcel Nadeau made a motion to declare a Negative Declaration pursuant to SEQR Tom Koval seconded. Motion Approved.

Marcel Nadeau made a motion to Approve Bold Subdivisions application. Tom Koval seconded. Motion Approved.

New Business:

16.155 Valente/Fitzgibbon Lot line Adjustment, 242 Brookwood Road - Minor Subdivision.

Don Roberts: Nobody here ok, we will try again at the end .

16.156 Samuel Thompson Garage, 155 Old Plant Road - Special Use Permit

Sam Thompson: Samuel Thompson, all I want to do is build a garage in the back part of my house , its not even to park cars in its just an oversized shed. Its 390 sq ft 15 ft wide 26ft long, also down the road I would like to do the dotted lines that connect the garage with the house as a fence its about 4ft high solid wooden dog eared fence with a pool inside.

Don Roberts: That's it.

Sam Thompson: That's it.

Don Roberts: Ok, questions? I will need to set a public hearing on this are you aware of that?

Sam Thompson: Yea

Don Roberts: Ok for our next meeting which will be October 24th, so may I have a motion to set a public hearing.

Marcel Nadeau made a motion to set a Public Hearing for Samuel Thompson Garage, Special Use Permit on October 24, 2016. Tom Koval seconded. Public Hearing set.

Lyn Murphy: Mr. Thompson just so you aware the approval that your asking for is for the shed this board wouldn't give you approval for a pool or a fence just so its clear. But we do appreciate seeing your future plans

Sam Thompson: I just thought I would show it and get it all out of the way in one shot.

Lyn Murphy: That's great thanks.

16.147 **Halfmoon Heights MHP Mailbox Plan, 50 Cemetery Road - Amendment to Site Plan**

Tom O'Brien: How are you doing, Tom O'Brien, Garden Homes Regional Manager. We are looking to put in four mailbox buildings throughout the park to eliminate the old mailboxes what are eyesores right now and create something thats a better situation as far as the post office as well as the tenants.

Don Roberts: Any questions. This should improve the overall delivery of the mail

Tom O'Brien: Yes , yea all the mailboxes are on like a platform for each individual home , we are trying to centralize them and where the post person would go inside the building and distribute the mail , have a horse shoe type driving area with parking there as well all lighting an everything per code.

Don Roberts: Ok can I get a motion.

Tom Koval made a motion to Approve Halfmoon Heights MHP Mailbox Plans Amendment to Site Plan. Marcel Nadeau seconded. Motion Approved.

15.151 / 16.152 **Lawrence Circle Commercial Development , Rt.. 146 / Old Rt. 146/Lawrence Circle - Site Plan & Special Use Permit**

Jason Dell: Good evening my name is Jason Dell, I'm an engineer with Lansing Engineering and I'm here on behalf of the applicant Mr. Scatterough for the Lawrence Circle Commercial Development Project. The project site is located along the northern side of NYS 146, its at the intersection of 146 and Old 146 as well as its at the opposite side of the intersection of Plant Road. The project site will consist of 9 existing parcels as well as the Lawrence circle right of way. They will be looking to consolidate for he project in order to allow for the development of the commercial buildings. All of the parcels currently are zoned as part of the c-1 Zoning District and all of the uses are allowed uses with in the zone. So the applicant is proposing to construct 5 buildings for a total of about 60,250 sq ft of space. If we start over on the eastern side of the project we are proposing a 21,000sq ft Fresh Market grocery store in the rear of the building, along the eastern side will be the loading area for that building. Immediately north of the Fresh Market there is a 5,000 sq ft office and commercial building, right now there are no known tenants for this building however we are proposing the 5,000 sq ft office commercial up there. Along the northern portion of the property we are proposing a 24,000 sq ft retail development if we move to the center of the parcel we've got a 6050 sq ft restaurant pad and over alone the western portion of the site we are proposing a 4200 sq ft Chick -Fil- A restaurant with a drive through to the rear which as indicated will require a special use permit for that drive through. The main access to the project will come from an entrance off of Rt.146 we are proposing a boulevard entrance in that area with one lane into the facility and two lanes that will be coming out. One to turn left and one to turn right. We will also have a second point of access over off of old Rt. 146 and that will be a full in, both left turns in and right turns in will be allowed however it will be proposed as only a right turn out now we will work and fully intend to work with the town on it as well as DOT on the proper mitigation necessary for traffic in this area. Right now on the plan we are proposing to widen rte 146 beginning about 320- 325 ft to the east of the entrance we would put in a new lane on rte 146 that would keep , continue on through the intersection of old rt. 146 to where it would enter the facility over on old rt. 146. We will work with DOT as we go through the process with them. A light is also a potential for the intersection here with plant road and we would look to get to proper timing associated with that light for this intersection and the subsequent intersections as we move towards the west. The applicant is fully aware of the

traffic issues that are in that area. As the board knows he is building his office building right down the road and currently has his offices at enterprise drive so he drives that road daily. The proposed project has parking that is provided in accordance with all town standards. Each one of the areas has sufficient parking to meet the needs indicated in the zoning for each individual use with in that area the parking is sufficient for Chick Fil A and the restaurant, we meet the retail requirements in the northern zone and on the eastern zone we also meet the requirements for both of those buildings. Water and sewer will be provided to the project by connections to the existing water main that's out there on rt. 146 currently and there is also sufficient sewer capacity in the area. There is both force main as well as gravity sewer out there so we will be able to connect into both of those. Storm water will be mitigated onsite in accordance with all requirements. I also met with last week I met with Art Huntsinger from Emergency Services to discuss the project to see if any issues jumped out at him on Friday he didnt indicate that he had any real concerns with the layout we have 3 points of access for the project. He did request that as we move forward we prepare a truck turning plan for him that shows that his largest fire truck can maneuver all the way around the site. He requested that he be involved in the future planning of the hydrant locations throughout the facility. And he also made a request that the small little island that we are showing you striped right here that in the future that that doesn't become a concrete island as he wouldn't want to have to hop that with his trucks coming into the facility if the need ever arose. The road that we are proposing here if anybody's been out to the site and driven along Lawrence Circle you'll notice that it is ranges about 12 to 15 ft wide now. So what were proposing is an internal road for the project this road would be constructed at the 32 foot wide town standard cross section, it would come across here and dead end at opposite side of the office and commercial. Lawrence circle also extends to north to where an emergency access is coming out of I guess I believe it's Inglewood up here that would also be maintained, however we are only proposing a 24 foot wide aisle up in that area as there is only the access up here, access into the building and the two residences that are right here which brings us to the next items and thats items that we will need to work through the town as we move through the process. The first of which is we will require a proposed zoning variance , that would be for a front yard set back proposed along rt. 146 , there is part of the zoning that there is a required 50 ft front yard set back we are proposing a 10 ft front yard setback, so we would be requesting a relief of about 40 ft. and the reason being is in order to put that size building in that area as well as the commercial in the back here and provide the road through the back we needed to push the building forward on the project property. If you recall for the project down the road the Spare Lots project we also received a 10 ft front yard variance from the zoning board and that building resulted in that building being about 30 ft away from rt. 146 where as this 10 ft front yard set back would still leave about 70 ft. from 146 to the edge of the building. The next item that we would have is the special use permit that will be required for the drive through on the restaurant, and then finally we will be requesting from the town board the area that is currently Lawrence Circle we would ask that the Town Board to relinquish the right of way to allow this project to move forward. Such that the applicant would offer the existing residents out there for his homes maintenance access easement for the project. We know we have to go before the town board for that and work through the town board and the town's attorney and to work out the details of that. So to summarize we are excited to finally bring the project before the board. I know I've been asked about the property and the project on multiple occasions and we are excited to be bringing it before the board and we are here tonight to answer any questions that you may have in the hopes of being moved forward to the zoning board with a positive recommendation,

Don Roberts: Ok, thank you Jason. Personally I think its a very nice project for the town but as you mentioned we have to at this time deny it at this level because you have to get the variances first , but before we take any action on that any question or comments by the board.

Marcel Nadeau: Yea, Jason you talked about pursuing a red light, I think it would be absolutely mandatory that you have a red light there, we have denied some applicants on this on a much smaller scale but I know in previous times on this site there has been I think it was a Dunkin Donuts wanted to appear and we said that there was just too much traffic for that area so I think you need to have a light there. Another concern was when we initially had the red light at the Lowes entrance , it was creating a back up onto route 9 at drive time traffic time , so my question is would you possibly have a turning lane into this site because that could create a much larger impact back to route 9 as well.

Jason Dell: Turning lane from the

Marcel Nadeau: Going from east ok, a turning lane going into the site, because you're aware of what that intersection is right now.

Jason Dell: You can see right now its striped off in that area and as we move forward with DOT and with the town and I believe the town will also be hiring their own traffic consultant to review the project. You know we and the applicant are fully aware of if a light is required there, he is fully committed and willing to put that light in as part of the project. Then is any additional striping is required in that area that is already striped off as it is already wide enough for a lane right there that would all be incorporated into those improvements to 146.

Don Roberts: Tom?

Marcel Nadeau: Also currently where, right now when they are stacking for Lowes ok , the way its marked out now two vehicles there I'm thinking maybe five or six stacking is already blocking for the right lane turn in that area so your entrance is coming out you stated would be a right turn out only.

Jason Dell: Yes

Marcel Nadeau: Ok, because that's also a problem in that area

Tom Ruchlicki: I know its too soon but the retail store in the back, the big building is that planned to be one store or will it be multiple stores with in that confines of that structure?

Jason Dell: It could be, it could be one or it could be multiple, I don't have the answer to that.

Tom Ruchlicki: There's no determination on that yet?

Jason Dell: No

Tom Ruchlicki: ok, thanks

Don Roberts: Tom Koval anything? As I said we are going to have to deny this because of the required variance that you will need but before we do that its possible at the applicants own risk we could refer this to our town engineer at this time or we could wait? What would you like to do?

Jason Dell: We would like you to refer it.

Don Roberts: Ok, with no guarantees but we can do that.

Jason Dell: Understood.

Don Roberts: Alright Joe? ok so its referred to Clough Harbor and now we will need a motion to deny this application.

Tom Ruchlicki made a motion to deny the Application for Lawrence Circle Commercial Development Site Plan & Special Use Permit because of a lack of set back requirement. Tom Koval seconded. Motion Denied.

Don Roberts: Ok , going back to the one that was not here at the time new business Valente/Fitzgibbon's Lot Line Adjustment 242 Brookwood Road , Minor Subdivision are they here at this time ?

Richard Harris: I tried reaching out and I got no response and they did receive an email.

Don Roberts: Ok, I guess that's it can I have motion.

Tom Ruchlicki made a motion to Adjourn the meeting .Tom Koval seconded. Meeting Adjourned at 7:43 pm.