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**MINUTES MEETING
Town of Halfmoon Planning Board
January 14, 2019**

Those present at the January 14, 2019 Planning Board meeting were:

Planning Board Members:

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

Planning Board Alternates:

Coordinator- Building, Planning and Development:

Richard Harris

Senior Planner:

Paul Marlow

Town Attorney:

Lyn Murphy

Deputy Town Attorney:

Cathy Drobny

Town Board Liaison:

John Wasielewski
Jeremy Connors-absent

Town Engineer / CHA:

Joe Romano

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

Rich Berkowitz made a motion to Approve the December 10, 2018 Planning Board Minutes Tom Koval seconded Minutes Approved.

Public Hearing:

18.196 McCadden Subdivision, 128 Johnson Road- Minor Subdivision

Don Roberts: Would anyone like the notice read? (No comments)

Duane Rabideau: Duane Rabideau from VanGuilder and associates representing John and Maxine McCadden before the Board for a proposed three lot subdivision, located at 128 Johnson road, that's at the intersection of Johnson and Staniak road. The proposal is to subdivide an approximate 29 acre parcel of land into three residential lots. The first lot would be lot M which is this one right here, that's approximately a 6 acre parcel that encompasses the old farmstead, lot L is located at the northwest corner of Staniak and Johnson road, that is approximately a 3 acre parcel and then lot K which is this flag lot right here, that's lot K that's about 1.2 acres, that's in a flag lot configuration, after that that would leave approximately 18 acres of land left over as just as remaining lands. The parcel is located in the AR – zone, the new lots would be tied into public water and public sewer. All the proposed lots meet the special requirements of the AR – zone and that is our proposal before the Board tonight.

Don Roberts: thank you, at this time we will open the public hearing if anyone from the public wants to speak please come up and say your name and address and any comment you may have, that being said would anyone like to speak?

Dave Papura: Dave Papura 121 Johnson road we abut the remaining lands and I was just wondering what if anything would happen to that and would we be notified again if anything were to change? And also the timing of the projects on the corner of Staniak and Johnson and the 2 lots is there a timing on any of that?

Duane Rabideau: As far as the proposed lots basically once they get filed they are legal lots so they could be sold immediately basically , as far as a potential development on the 18 acre piece here there's no proposal to do anything with that at this point in time and basically it is as you know is limited to , is basically very limited in developmental potential, basically anything where the farm is and that's about it the back portion of it is all the ravine that runs along the stream so that's it.

Dave Papura: But is there, would we be notified if it were to be happening from this point going forward?

Duane Rabideau: Oh Yes absolutely, once if there is a proposal the Board would notify you, the Town would notify you, yes.

Lyn Murphy: So if there was a proposal for a subdivision, if you could come in and apply for a building permit and put something up, so I want him to understand that.

Duane Rabideau: That is correct, yea if only for a subdivision but not just like someone builds a house, that's a building department issue.

Lyn Murphy: And there wouldn't be a notification for that if it was just a building permit.

Dave Papura: If there was to be one house built on it there would be no notification.

Lyn Murphy: That is correct.

Dave Papura: Because it was already in the subdivision?

Lyn Murphy: Correct.

Don Roberts: Would anyone else like to speak? (No comments) Ok in that case I will close the public hearing, comments by the Board members? (No comments)

Rich Berkowitz: I make a motion to make a negative declaration pursuant to SEQR.

Don Roberts: Can I have a second?

Tom Koval: Ill second

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

Rich Berkowitz: I make a motion to approve the subdivision

Tom Werner: Ill second.

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

Duane Rabideau: Thank you.

Don Roberts: You're welcome

McCadden Subdivision - Minor Subdivision

APPROVED. Board held a Public Hearing and approved the application for a four lot residential subdivision on Johnson Road.

New Business:

**18.204/19.002 Permanent Makeup and Lashes by Lori, 1602 Rt. 9 (Shamrock Plaza/Trick Shot)-
Change of Use/Tenant & Sign**

Lori Manning: Hello, Lori Manny, I live at 9 Pine view Court Waterford, and Im looking to open up a business on 1602 Rt 9, Shamrock Plaza. The room that Im looking at is 950 sq. ft. approximately, there will be myself and probably one other employee. I do permanent makeup and eyelashes, so when I do these services it's a one on one basis so there is not a lot of traffic going through. My business hours will be Tuesday – Friday, Tuesday, Wednesday and Thursday from 10 to 8 o'clock and Fridays 9 to 5, so relatively quiet.

Don Roberts: So I've got to ask you what is permanent makeup?

Lori Manny: Permanent makeup is eyebrow designing, eyeliner and lip, its tattooing.

Don Roberts: Tattooing, oh

Lori Manny: Yes

Don Roberts: Any questions by the Board? (No comments)

Tom Koval: I'll make a motion to approve.

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Tom Berkowitz: I'll second

Don Roberts: All in favor? (All were in favor) Opposed? (None were opposed) Motion carried, good luck and please remember you're in Halfmoon for advertising.

Lori Manny: Ok, yes I will, now also put in a permit for a sign.

Don Roberts: Oh, yes

Tom Koval: Oh Im sorry I didn't see it

Don Roberts: its right there it's up on the screen, it meets the code.

Tom Koval: I make a motion to approve the sign as well

Tom Werner: I second

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

Lori Manny: Thank you.

Don Roberts: Good Luck

Permanent Makeup and Lashes by Lori (Shamrock Plaza/Trick Shot) - Change of Use/Tenant & Sign

APPROVED. Board approved a Change of Tenant request and a free-standing sign/wall-mounted sign for a permanent makeup and eyelash extension shop.

18.206/18.207 Upper Newtown Road Subdivision, 275 Upper Newtown Road- Minor Subdivision & Special Use Permit

Mike Bianchino: Thank you Mr. Chairman my name is Mike Bianchino Im here representing Lusco Properties who has the property under contract with the owner John Decker, with me tonight I have John Sobiach who is one of the partners in the Lusco Properties LLC. The property is located at 275 Upper Newtown road that's on the north side of Upper Newtown, approximately 500 ft. west of the intersection with route 146. The parcel also this is Upper Newtown here, the parcel also has some frontage on route 146 as well. The parcel is zoned C-1 commercial, the surrounding areas are zoned C-1 commercial and AR agricultural – residential and also the Sheldon Hills PDD is located in the back and that is a residential planned development district. The primary uses in this surrounding area are single family housing and also commercial uses. Just to inform the Board there's a Rock's Automotive is located right behind the parcel, near the corner of Upper Newtown and 146 is here and New Country Toyota is across Upper Newtown out here and again Sheldon Hills is located up here. Because the parcel does have frontage on route 146 it is within the NYS Route 146 performance overlay district in accordance with the Town code, but pursuant to section 16522A because the parcel has limited depth from 146 I don't believe it's subject to the requirements of the overlay. What we are proposing is a 4 lot subdivision the parcel itself is 5.41 acres we are proposing to subdivide it into 4 lots, three of the lots will be single family residential lots proposed with frontage on Upper Newtown Road, they were proposing to access them with a single curb cut and a cut in driveway to serve the three lots. The fourth lot will be the remaining lands basically which has its own frontage on route 146. The

lots themselves lot 1 contains the existing house and outbuilding that's .59 acres. Lot 2 is .85 acres we are proposing again a construction of a single family residence. Lot 3 is 1.08 acres and we are proposing a new single family residence and the remaining lands are 2.89 acres and again with frontage on 146 we have no proposed use at this time but the expectation is for some future commercial use consistent with the C-1 Zone. Pursuant to the Town Zoning ordinance in the C-1 zone subdivision of pre-existing residential uses in a non-residential zone like the C-1 is permitted upon issuance of a special permit by the Planning Board. As such the proposed 3 residential lots will require not only the subdivision of lands but the issuance of a special use permit. There are no wetlands or streams on the subject parcel, the parcel is silt loams, not hydra soils pretty well drained so we don't anticipate any issues, again the proposal is to include a common driveway to serve these three lots, the common driveway length is about 300 feet to that location there and then the lots themselves will be accessed by their own driveways, the driveway will be designed to accommodate all applicable emergency vehicles in accordance with the current code. We are proposing the existing house which is located here does have a connection to water but I believe it has a septic system at this point but we are proposing that all three of the lots will be connected to the water line which is located on Upper Newtown and we are proposing to tie into the County Sewer. We are going to work out the details on the County Sewer connection with the sewer district. Here to answer any questions and hopefully schedule a public hearings for the special use permit and the subdivision plans.

Don Roberts: Thank you Mike, comments by the Board

John Higgins: Where is the sewer going?

Mike Bianchino: There is an existing, the main trunk line runs down 146 so we anticipate running an easement up to serve these three, we are going to work with the County on whether we put in an easement and a public line that will serve the three lots connect, we will create an easement to be dedicated to the County for that connection or as we are done in other projects we've run individual laterals down in an easement.

John Higgins: thank you,

Mike Bianchino: You're welcome

Rich Berkowitz: Mike is the existing home going to stay there or is that going to be torn down?

Mike Bianchino: The proposal is to leave the existing home at this point.

Rich Berkowitz: ok

Mike Bianchino: It's been on the market now for quite a while they haven't really found any buyers, but that's the plan.

Don Roberts: Anyone else? Ok this has to refer to Saratoga County Planning Board and fire and Joe you want to look at it too?

Joe Romano: No, I don't believe this would require detailed review.

Don Roberts: Ok just checking, alright so Saratoga County Planning Board and the fire district.

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Lyn Murphy: And Joe this would be in the area that we have been doing some traffic mitigation on commercials correct?

Joe Romano: Yes

Lyn Murphy: Ok just so the applicant is aware of that.

Don Roberts: Ok so we will need a motion for a public hearing and a special use permit for the next meeting.

Mike Ziobrowski: I make a motion to schedule a public hearing for January 28th.

Rich Berkowitz: I second

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

Mike Bianchino: Thank you

Don Roberts: You're welcome

*Upper Newtown Road Subdivision- Minor Subdivision & Special Use Permit
PUBLIC HEARING SET. Board received a presentation and set a Public Hearing for a four lot subdivision.*

18.205 Falcon Trace Lot 4, 175 & 177 Rt. 236 – Sign

Jeff Williams: Good Evening Jeff Williams Bruce Tanski Construction and Development. Im here for a monument tenant sign on the offices on Falcon Trace lot 4, it's at 175 7&177 route 236, the sign is 5 ft. x 7 ½ ft. its double sided total height of the sign is 8 ft. and it is on a 12 x 8 ft. masonry structure, it will be lit with flood lights.

Don Roberts: Questions by the Board?

Tom Koval: Jeff this sign is like half way up isn't it already?

Jeff Williams: The stone masonry structure has been placed yes

Tom Koval: I don't know why this keeps happening?

Jeff Williams: I cannot answer that other than I think we were just trying to take advantage of some good weather, the sign itself is not on there

Lyn Murphy: You know that's not an excuse.

Jeff Williams: I do

Tom Koval: It just seems to be an ongoing excuse so

Don Roberts: In the future please try to conform to the requirements alright

Jeff Williams: Yup

Lyn Murphy: I can advise the Board but will not do so this evening that if something is put up without a permit they can make you tear it down before they issue the permit, we obviously don't want to go there but we obviously don't want this behavior to continue

Jeff Williams: It's absolutely understood thank you.

Don Roberts: Thank you. Any other comments by the Board?

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

Mike Ziobrowski: I second

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

Falcon Trace Lot 4-Sign

APPROVED. Board approved a new free-standing monument sign to be located along Route 236 for the existing office buildings.

19.000 Mind Matters Regional Neurofeedback Center, 175 Route 236- Change of Use/Tenant

Jeff Williams: Jeff Williams Bruce Tanski Construction, Mind Matters wants to operate out of 250 sq. ft. of two existing offices at 175 Route 236 which is also on the Falcon Trace Lot 4, they operate a neuro feedback center. That's a center I guess for better management of mental health issues, a whole array of different type of issues that they help with. They do want to expand, I believe they're operating out of Oneonta they want to expand their footprint up into this area so they wish to just operate on Wednesdays 9 am to 4 pm is the hours of operation, 1 to 2 employees at any one time on the site, everything is scheduled by appointment. There is plenty of parking available with the other three tenants at the site.

Don Roberts: Questions by the Board?

Tom Koval: Im sorry what are the other three tenants that are currently there?

Jeff Williams: Bataglia Accounting,

Tom Koval: I know there is plenty of parking I was just curious

Jeff Williams: Bataglia Accounting, The Beauty Lounge and there is another office operation at 177

Tom Koval: They are all low usage

Jeff Williams: There is I mean I think I counted up what the uses would be and I still think there is 6 underused parking spaces on the site

Rich Berkowitz: Jeff are these medical professionals or are they...

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Jeff Williams: Yep they are medical professionals

Rich Berkowitz: Do they need a license to perform what they are doing?

Jeff Williams: They are PHD's I can give you an outline of what they are, there is only like a 100 certified in the Nation but they are Doctors

Rich Berkowitz: Ok

John Higgins: Now you're only asking for approval based on one day a week from 9 to 4?

Jeff Williams: That's what they asked for yea they want to work one day on Wednesdays

John Higgins: Ok so you're going to come back if they want any other days

Jeff Williams: I will if they do want more days, we weren't sure I was going to ask the Board to expand it Monday through Friday but we are just not sure what the tenant wants to do either so

Tom Koval: We can look at that when we get other tenants in the building and parking starts becoming an issue too

Jeff Williams: We are almost full with the buildings right now, I think there is one office open so we are pretty full right now

Rich Berkowitz: Jeff how would we know if they expand they are not going to come to you, they are just going to expand so why don't you just go for the max

Jeff Williams: So can I just ask the Board to amend the application for Monday through Friday 9 am to 4 pm

Don Roberts: yea that's the way to do it really

Rich Berkowitz: With parking it's not going to make a difference one day or five days

Jeff Williams: No I agree thank you.

Rich Berkowitz: I make a motion to approve the change of use and tenant with the hours being Monday through Friday from 9 am to 4 pm

Mike Ziobrowski: I will second that.

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

Mind Matters Regional Neurofeedback Center- Change of Use/Tenant

APPROVED. Board approved the use of approx. 250 SF of tenant space for a neuro-therapy center.

18.211 Billie's Barber Shop, 4 Old Route 146- Change of Use/Tenant

Jeff Williams: Jeff Williams Bruce Tanski Construction, Billie's Barber Shop has been a long time business here in Halfmoon they wish to relocate their business to 4 Old Route 146, that's an existing 4,000 sq. ft. building on the corner of 146 and Old 146, Pure Day Spa takes the bottom half of that building, Billie's Barber shop wishes to utilize the top half. They wish to operate out of 5 barber chairs and there are 16 parking spots on the parking tier so that seems to be enough parking for everybody. Their hours of operation are 7 am to 8 pm Tuesday through Saturdays with 5 employees.

Don Roberts: Questions by the Board?

Tom Koval: I make a motion to approve.

Rich Berkowitz: I'll second

Don Roberts: All in favor (all were in favor) Opposes? (None were opposed) Motion carried and if you are going to put in a sign you have to come back for the sign, ok thank you.

Billie's Barber Shop- Change of Use/Tenant

APPROVED. Board approved the use of approx. 2,000 SF of tenant space for a barbershop.

18.198 Auto Zone Minor Subdivision, 1701 Rt. 9 – Minor Subdivision

Jeff Williams: Jeff Williams Bruce Tanski Construction, we wish to subdivide the Auto Zone site out of the existing 5.32 acres site of Shops of Halfmoon, the subdivision was created 1.34acre site for Auto Zone, this is really for tax purposes, Auto Zone is responsible to pay their own taxes they get their own tax parcel number and own taxes mailed to them. Other existing conditions, boundaries and everything else will remain the same there, we did follow the site plan and what we showed the site plan and the lease line that we had on the site plan at that time.

Don Roberts: As you know there are going to be cross easements? There are going to be cross easements right for ...

Jeff Williams: Yes there will.

Don Roberts: You will get them into the Town?

Jeff Williams: Yup.

Mike Ziobrowski: Can you further explain what lands that they are going to expand on Jeff if you don't mind?

Tom Koval: they are not expanding they are subdividing, that lot right there right? So we have that cross easement Jeff through here from the Spa to the rest of the stores?

Jeff Williams: Exactly , yup, and then there is some shared , I've got to look at it again, I'm glad you brought it up but I have to look at the back parking too there might be some cross there too, but we will get the cross easement going.

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Don Roberts: Ok, did you know we need a public hearing on this so?

Jeff Williams: Yes.

Rich Berkowitz: I make a motion to set a public hearing for January 28th.

Mike Ziobrowski: I second.

Don Roberts: All in favor (all were in favor) Opposed? (None were opposed) Motion carried, see you on the 28th.

AutoZone Minor Subdivision - Minor Subdivision

PUBLIC HEARING SET. Board received a presentation and set a Public Hearing for a two lot subdivision in the Shops of Halfmoon.

18.203 19 Old Rt. 146 Commercial Site Plan, 19 Old Rt. 146- Site Plan

Jeff Williams: Jeff Williams Bruce Tanski Construction, 19 Old route 146 is zoned C-1 it has some pre-existing no conforming conditions one being in the lot size which is 14,595 sq. ft. that is about .34 acres, where I think conforming is 25,000 sq. ft. with that the lot width is 81.4 ft. where you need 150 ft. I believe, those are both pre-existing conditions as the lot was, zoning in the Town was created after the lot was created. We are proposing a 2,400 sq. ft. office building with 13 parking spots, all the required set backs are met with the site plan today, on that side, rear and front and public water and sewer will be connected to it.

Don Roberts: Now you know this has to be denied?

Jeff Williams: I do.

Don Roberts: Because it doesn't meet the requirements.

Jeff Williams: With the transitional yard, and If I meet the transitional yard I can put up 1 ft. wide building, and meet it.

Rich Berkowitz: I just have one question is this where the gravel parking lot is?

Jeff Williams: it is

Tom Koval: I make a motion to deny.

Rich Berkowitz: Ok

Mike Ziobrowski: I'll second that

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

Jeff Williams: Thank you.

19 Old Rt. 146 Commercial Site Plan, 19 Old Rt. 146 - Site Plan (18.203)

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DENIED. The Board heard an request and subsequently denied an application for a 2,400 SF office building at 19 Old Route 146 due to the need for area-related variances.

Mike Ziobrowski: I make a motion to adjourn.

John Higgins: I second

Don Roberts: All in favor? (All were in favor) Opposed? (None were opposed)

Meeting adjourned at 7:27 pm.