

**MINUTES MEETING  
Town of Halfmoon Planning Board  
April 24, 2023**

**Those present at the April 24, 2023, Planning Board meeting were:**

**Planning Board Members:**

Don Roberts –Chairman  
Marcel Nadeau- Vice Chairman  
Tom Koval  
Rich Berkowitz  
Thomas Werner

Mike Ziobrowski-absent  
Charlie Lucia

**Planning Board Alternates:**

Alison Pingelski-absent  
Laurie Barton

**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, have the Board members had a chance to review the minutes from the last meeting?

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

**Tom Koval:** I'll second

**Don Roberts:** All in favor aye? (All were in favor) opposed? (None were opposed) motion carried, and Marcel abstains he was not present.

**Public Hearing:**

**Hickok Duplex, 4 & 6 Lansing Ln. – Special Use Permit (Duplex) (23.009)**

**Don Roberts:** Would anyone like the notice read? Come up and say what you want to do and we will get the public hearing going.

**Paul Hickok:** Good evening Paul Hickok.

**Scott Hickok:** Scott Hickok

**Paul Hickok:** We've been before ya a couple of different times before, we are considering with your approval of taking two undersized lots and combining them and building a duplex, it kind of fits well into the neighborhood. We're all houses over there on smaller lots. We have both sewer and water on the property. We own most of the property around there so there wouldn't be any conflict with any of the neighbors or anything. There was an existing house on the property to start with years ago. All of our setbacks we fit in the thing and we've been to the zoning board and they didn't find any problems with it so. Hopefully we will get you guy's approval.

**Don Roberts:** Okay, so you got your variances?

**Paul Hickok:** Yes

**Don Roberts:** Okay thank you. Okay at this time we will open a public hearing would anyone from the public wish to speak? (No comments) Would anyone online wish to speak? (No comments) Okay we will close the public hearing, comments by the Board members?

**Tom Koval:** I'll make a motion to approve the special use permit for the duplex.

**Marcel Nadeau:** Ill second it.

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

**Tom Koval:** Ill make a negative declaration on SEQR

**Marcel Nadeau:** Ill second that.

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

**Paul Hickok:** Thank you.

**Don Roberts:** You're welcome

**Public Hearing:**

**Hickok Duplex– Special Use Permit (Duplex)**

*APPROVED. A Public Hearing was held and the Board approved a two-family residence (duplex) on the combined lots at 4 and 6 Lansing Lane.*

*New Business:*

**Capitaland Flooring, 1605 Rt. 9 – Sign (22. 193)**

**Don Roberts:** Are you online?

**Tami Grasso:** Yes

**Don Roberts:** Okay, say your name please and explain the sign.

**Tami Grasso:** Im Tami Grasso, and we're just looking to put a 4x4 sign to the right

**Don Roberts:** You said a 4 foot by 4 foot sign?

**Tami Grasso:** Yes

**Tom Koval:** Fits everything?

**Richard Harris:** They have no signage there now.

**Tom Koval:** I'll make a motion to approve the new sign on the building.

**Marcel Nadeau:** Ill second.

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

**Tami Grasso:** Thank you.

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

*Capitaland Flooring – Sign*

*APPROVED. Board approved a new wall-mounted business sign.*

**Onyx Hair & Beauty Bar, 1471 Rt. 9 – Sign (23.076)**

**Don Roberts:** Lyn is going to recluse herself.

**Brianna Chonsky:** Brianna Chonsky, the Onyx Hair and Beauty Bar, so there is going to be 3 total, one on the building, 2 on Route 9. The big one is 24 x 85 that one is on the building, yup that one, and then the two smaller ones are 18 x 72.

**Don Robeerts:** And that's it?

**Brianne Chonsky:** That's it. That one's got 2 on each side.

**Don Roberts:** Right, okay. Comments by the Board?

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

**Laurie Barton:** Second

**Don Roberts:** All in favor aye? (All were in favor) opposed? (None were opposed) motion carried,

**Brianne Chonsky:** Good?

**Don Roberts:** You're all set.

**Brianne Chonsky:** Thank you.

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

*Onyx Hair & Beauty Bar – Sign*

*APPROVED. Board approved new signs for the recently-approved salon in the Crescent Commons plaza.*

**Nercessian Kettle Corn NYC Operations, LLC, 1516 Rt. 9 – Change of Use/Tenant (23.077)**

**Carla DeRasmo:** Hi I'm Carla from Kettle Corn NYC, so this will be a new location for our food truck, lets see, oh you circled it for us, thank you.

**Don Roberts:** Garden Gate Florist right

**Carla DeRasmo:** That's really good actually, that's the spot, yes Garden Gate Florist on Route 9.

**Don Roberts:** Are you going to keep the other site we've approved as well?

**Carla DeRasmo:** Yes, so this is the intention is to have a week day spot, so Thursdays and Fridays, Thursday and or Friday and give it a shot to see how we would do. So we would be open when the florist is open as well, so hopefully we will bring traffic in for both of us, which is something that works well for our business.

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

**Rich Berkowitz:** Do you want to add Saturday and Sunday just in case, I probably would, yea that would be great, yes, no that makes sense, I didn't know I'd have to come back to add those, yes please.

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

**Tom Werner:** Ill second it.

**Don Roberts:** All in favor aye? (All were in favor) opposed? (None were opposed) motion carried, good luck

**Carla DeRasmo:** Thank you.

**Don Roberts:** You're welcome

*Nercessian Kettle Corn NYC Operations – Change of Use/Tenant*

*APPROVED. Board approved a food truck operation on Thursdays, Fridays and weekends (potentially).*

**TNT Fireworks/American Promotional Events, 1549 Rt. 9 – Change of Use/Tenant & Sign (23.072)6**

**Don Roberts:** I believe they are online, are you there?

**Lauralyn Radlein:** I am Lauralyn Radlein I am the area manager.

**Don Roberts:** Yep keep going, just explain what you want to do please.

**Lauralyn Radlein:** Same thing as we've done for the last couple of years. We are going to have a tent with our partnership with Walmart, its going to be a 20 x 60 tent and a container and we will be there approximately from June 12<sup>th</sup> is when we we'll be setting up we'll start sales on June 20<sup>th</sup>, and then we'll end sales on the 5<sup>th</sup> and we will vacate the premises by the 7<sup>th</sup> of July.

**Don Roberts:** Okay, it sounds like a good plan there. Okay, questions by the Board.

**Rich Berkowitz:** I make a motion to approve the site and signs

**Marcel Nadeau:** I second

**Don Roberts:** All in favor aye? (All were in favor) opposed? (None were opposed) motion carried, good luck

**Lauralyn Radlein:** All set?

**Don Roberts:** Yup you're all set

**Lauralyn Radlein:** Alright thank you.

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

***TNT Fireworks/American Promotional Events – Change of Use/Tenant & Sign  
APPROVED. Board approved the temporary tent sale and storage of legalized fireworks.***

**1788 Barber Shop, 15 Route 236 – Change of Use/Tenant & Sign (23.079 & 23.080)**

**Maggie Anderson:** Hello I'm Maggie one of the owners of 1788 Barber Shop. Basically we're just doing a change of tenant usage. It's still going to be a Barber Shop. We have started renovating and doing all of those things within, and then for the sign, it's the same exact sign that came with the building originally so we're just redoing that and its 96 inches by 16 inches.

**Don Roberts:** How many chairs?

**Maggie Anderson:** It's going to be, right now it's at 4 we're hoping to get 6 chairs.

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

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

**Tom Koval:** Ill second

**Don Roberts:** All in favor aye? (All were in favor) opposed? (None were opposed) motion carried, good luck

**Maggie Anderson:** Thank you.

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

***1788 Barber Shop – Change of Use/Tenant & Sign***

***APPROVED. Board approved the request to establish a barbershop and related signage.***

**Trick Shot Billiard Hall & Wicked Eatery, 1604 Rt. 9 - Site Plan Amendment (23.050)**

**Jason Dell:** Good evening Jason Dell, an engineer with Lansing Engineering here on behalf of the applicant for the Trick Shots Billiards and Wicked Eatery Site Plan Amendment. You folks are fairly familiar with the location but it's located at 1604 Route 9, and is zoned as part of the C-1 Zoning district and the parcel is about 1.86 acres in size. As indicated during the pre-meet, there had been several additions and site plan modifications that were performed for this site and we are here this evening to start the ball rolling to get those brought up to code and approved as part of the site plan. So first 2 storage sheds were constructed along the western and northern portion of the property, the sheds were constructed to store maintenance equipment, patio equipment, chairs, pool as well as various tables. So these sheds, this one here and this one here will be removed by the applicant, so they are shown on the plan, they show what's out there now but the plan is for those to be removed. Several concrete pads were constructed in a northern portion of the site. There is a 48 x 40 foot concrete pad as well as a 30 x 34 concrete pad and adjacent to that is a 19 x 20 pad. These pads were constructed by the applicant to keep folks dry and out of the mud for the various tournaments that are there for corn-hole and horseshoes I believe, as well as for seating. So moving forward with this project as I mentioned those 2 sheds are going to be removed, but then the applicant would also like to remove a deck and a shed located along the western portion of the property and in its place they would like to construct a permanent addition that would be utilized to store the material that was previously in those 2 sheds. So that addition would be approximately 1,260 square feet. And on top of the existing concrete pad that are there the applicant would like to construct permanent pavilions. Now on a yearly basis there are tent permits that are requested to put coverings over there and the applicant would like to make that a permanent feature of the site. As the modifications were done obviously there were implications as it relates to green space and as mentioned before during the pre-meet, we are aware that we will need to go to the ZBA for the green space, and with that we will open it up to any questions that you folks may have in hopes of moving this forward to a resolution.

**Don Roberts:** Okay thank you Jason, first of all we are going to be referring this to our Town Engineer, MJ Engineering and also Saratoga County Planning Board, okay, that being said, questions by the Board?

**Rich Berkowitz:** Is there enough parking for all the expansion?

**Jason Dell:** Right now there are 73 stalls, throughout the entire site and I don't believe Tim, correct me if I'm wrong but I don't believe there are any parking issues currently? No.

**Tim Berlin:** I never had an issue with parking.

**Rich Berkowitz:** Okay

**Tom Koval:** Your not really adding more this is all covering space they've already been utilizing I believe.

**Jason Dell:** We're not adding any more space to the restaurant

**Don Roberts:** Now years ago, you say there has never been a problem but they were parking on Route 9, that's over with now right?

**Tim Berlin:** It happened one time that they were parking on Route 9 for a benefit, yea back, I don't know 10 years ago we had a benefit for an individual that was battling cancer and I reached out to the Saratoga County Sheriffs Department, got permission and that's when Steve Watts was part of the Town at that point in time, but we reached out, they said okay as long as your not blocking traffic, but that's been the only time since then. Since the expansion in 2016 we've never had any issues, nobody's ever parked on Route 9, we always take care of parking and anything along those lines so.

**Don Roberts:** That's good, that's good.

**Tim Berlin:** Yea, absolutely.

**Don Roberts:** Okay, any other questions.

**Richard Harris:** Tim I think in a prior meeting, I think it might have been 2016 or so, around then you had mentioned that you have an agreement, an it was on the record and everything, and the Board seemed to be okay with it, with the pain management center, since they're generally not using their back parking when you have peak times.

**Tim Berlin:** Correct

**Richard Harris:** You still have that general agreement with them.

**Tim Berlin:** Yea, yes. We always had to, because whenever trying to build their facility they tried to park on Route 9 with some of their equipment and DOT said no, or whoever, that was explained to me and they said you cant park there, so the next day I showed up and all their vehicles were parked in my lot, and I spoke to him and I said I aint got a problem but maybe you could return the favor and we agreed with management that they would allow me to and we have a relationship and we utilize their parking on their off hours.

**Richard Harris:** My only other question, because this is going to take a little while between here and ZBA, are you planning 2 tents this summer or 1?

**Tim Berlin:** I actually just spoke with Rich about that, I would like to put them up

**Richard Harris:** Who, Rich?

**Tim Berlin:** Excuse me, not Rich, Jason, your Rich, but anyways I was having that conversation, I was asking him how long is this going to be and he is like its going to take a while he said, so Ill have to apply for the tent permits and he is like, yea I would so.

**Richard Harris:** Just so the Board is aware, he is probably going to look for 2 tents which he would take down at the end of the season

**Tim Berlin:** Correct, the frame work of the big one is maintained, it's been staying up all winter because it's a challenge to put up so it would just be the vinyl that would go back up and then the smaller one you know.

**Richard Harris:** Okay, so the Board's aware while this is going on that you would have that.

**Tim Berlin:** Correct, sure, yes we would appreciate that.

**Don Roberts:** Anyone else?

**Charlie Lucia:** Yea, just sorry for being redundant because I know Jason I believe he mentioned it the sheds that are inside the set back area are all going to be removed?

**Jason Dell:** Yes these two sheds here and this one here are going to be removed.

**Charlie Lucia:** Alright.

**Don Roberts:** Anyone else? Okay so we did the referrals and we'll get back to you alright.

**Tim Berlin:** Alright thank you very much

**Don Roberts:** Thank you.

*Trick Shot Billiard Hall & Wicked Eatery - Site Plan Amendment*

*TABLED. Board received a presentation seeking to expand the use and construction at the property, and referred it to the Town Engineer for review.*

*Old Business:*

**Keystone Fireworks, 994 Hudson River Rd – Change of Use/Tenant & Sign (23.062 & 23.063)**

**Don Roberts:** Are you online?

**Alex Mutzabaugh:** Yes I am

**Richard Harris:** Yea lets just, let me get, we have a very complex microphone system here so hopefully it will project when you speak.

**Lex Mutzabaugh:** My name is Alex Mutzabaugh, I'm with Keystone Novelty, and we are looking to return again to the Hudson River Road tent location that we have here outside of Hometown Lanes. Our sale is intended to be done this year from the 22<sup>nd</sup> of June to the 5<sup>th</sup> of July from a 25 x 40 tent. Same as we had don't last year, along with this application for the change of use we of course are applying for the 3 signs that we will be hanging outside of the edges of the tent there for display while we are operating. The port a john will be provided as well on the site for the operator of the tent obviously to use for the duration of the sale, and following our sale we'll be cleaning up and restoring the area as it was before hand and it should be completed by week's end of the 5<sup>th</sup> of July there. Otherwise this should be a repeat event for us and pretty standard set up as we've done in the past.

**Don Roberts:** Okay very good, questions by the Board?

**Tom Koval:** I make a motion to approve the change of tenant and signs

**Tom Werner:** Ill second it.

**Don Roberts:** All in favor aye? (All were in favor) opposed? (None were opposed) motion carried, good luck.

**Alex Mutzabaugh:** Thank you.

**Don Roberts:** Your welcome, good luck.

**Keystone Fireworks – Change of Use/Tenant & Sign**

**APPROVED. Board approved the temporary tent sale and storage of legalized fireworks.**

**Crescent Commons PDD Phase 1, 1471 -1473 & 1475 Rt. 9 – Site Plan (23.038)**

**Don Roberts:** Lyn is going to recluse herself, thanks Lyn.

**Richard Harris:** Joe I've got the whole plan set and I've got that drawing in case you want to talk about access to the storm water area

**Joe Dannible:** We can certainly show that if need by, I think, this is generally a good one I think we can leave it here.

**Richard Harris:** That's a good one? That's a good page to start?

**Joe Dannible:** Yea that's a good one. Okay, good evening Joe Dannible with the Environmental Design Partnership here on behalf of MRK Real Property and their application and for the redevelopment of phase 1 of the Crescent Common Plaza. As everyone's aware this project started as a planned development district, which was approved ultimately in 2022, which had a community master plan for the overall development of the site that was incorporated into the PDD and associated legislation. We took a very thorough view of all aspects of the plan during that process ultimately a negative declaration pursuant to the SEQR laws was issued for the PDD. We're here tonight looking at Phase I of the project. Phase I of the project involves the removal of the office area over top of the commercial space within the existing plaza. First floor of the existing plaza will remain as is with approximately 11,000 square feet of commercial space. There will be minor additions associated with the first floor being proposed for a stair towers and ancillary office and use space for the future second and third floor uses. The second story of the building is currently occupied by about 11,000 square feet of office, that office area will be renovated into an apartment use and a third story will be added to the building, ultimately yielding 28 new apartment units on the site and the removal of 11,000 square feet of office space. If you recall the PDD is approved for up to 60 units, we're only proposing a little less than half of that at this point in time with Phase I. Phase I also includes the expansion of the parking lot and an access connection to Plank Road. The access to Plank Road will be limited to residential traffic only for the use of the residents of this community. Associated on that access road is a series of detached garages also for use by the residents within that community, we have 35 garages associated with the project in this phase. The last part of the Phase I plans is a free standing ATM to be located in the southwest corner of the property close to Route 9, if you look at the page on the screen it's the lower left corner of the property. We have commenced with reviews with Saratoga County Sewer District. Halfmoon Water Department. We've conducted a full comprehensive analysis of the site and off site areas, and the contributing flows associated with that. We've completed a fully compliant SWPPP and Stormwater Pollution Prevention Plans, Ill let the Town engineer speak to that more as we continue. We have adequate capacity for the water coming off this property. Essentially we are reducing some of the demands of those flows going from the office to the residential use. When we talk about traffic as we convert the 11,000 square foot office into the residential use for Phase I were actually proposing, let me get the numbers exact here. A reduction in the amount of trips generated by the site in its existing condition the general office space will produce 26 am and 25 pm peak hour trips. The proposed 28 apartments will provide 7 am and 12 pm peak hour trips. Which is shown we're cutting traffic by more than 50 % of that use comparable to that office to residential use. So a significant reduction in Phase I of the project. When we were here last in

early March there was a lot of comments phrased about the location of our existing curb cut on the Route 9 corridor, we're looking at the potential, and we were asked to look at the potential to locate it further to the south. We did look at that, we provided a memo to the Town identifying reasons why we don't think that's appropriate. We got some additional comments back from the Town on that and we resubmitted more information about that relocation. So one of the things we like to, or multiple things we like to bring up about that is this is only Phase I of the project and as I said Phase I of the project we're actually reducing the trips, the amount of trips actually entering and exiting on that site, not only by a reduction in trips generated by the overall site but we also are providing a second means of egress to the site for the residential uses that are proposed going in and out of the property in that direction. We're going to be back in front of this Board multiple times over the next several years, we are not saying our curb cut location will never change, as we continue to evaluate this project we will continue to update that and continue to look at the safety of this intersection as we move forward. One of the big elements that's sitting out there right now is there is a major study being done at the Grooms, 236, Guideboard Road and Route 9 intersections. We understand there is going to be some changes in the traffic circulations and patterns at those areas. We don't think now is the right time to locate the curb cut because we don't know exactly what those traffic patterns are going to be when they relocate and redo the designs of those intersections. So what we would like to do is not close this issue but make it a condition of this approval as we come back for more and subsequent approvals on this property that we continue to evaluate this at a later date when we have more of the appropriate information associated with what's going to be happening in the future for this curb cut location. Another important issue I'd like to point out is we did have a comprehensive traffic study completed by the Town's recommended traffic engineer. One of the sections in that dealt with traffic safety and crash analysis at this, at the seven intersection study one of which is the intersection in/at the site entrance and at Route 9. The final comment in the traffic safety section of the report said "of the locations reviewed of the other locations reviewed the number of crashes were much less significant and no discernable crash patterns that would indicate a correctable safety issue." Essentially what I take that to mean is that there is not enough trouble at this intersection or a safety issue that requires them to be considering us needing us to change the location of that curb cut, and that again is a traffic engineer that provided that comment that was hired by, was hired and recommended to be hired by the Town for the approval of this process. So tonight we are here to take comments from this Board, we're here to hear comments from the public. We would ultimately like to move this project forward and obtain approval to continue on and start the construction of this exciting project for the redevelopment and one of the first commercial projects on the south gateway entrance to Halfmoon, thank you.

**Don Roberts:** Thank you Joe, now we received 2 written correspondence today actually and they are going to be entered into the record.

**Richard Harris:** Yes they were provided to the applicant and the Board tonight in their packets.

**Don Roberts:** Are you prepared to comment on them at all or no?

**Joe Dannible:** Yes, I can certainly provide some comments on various aspects of that. The first letter I have is dated April 23, 2023. From Marcia and Charles Kees I believe is the appropriate way to pronounce that. First comment talks about a temporary soil stock pile area, Rich if you can slide maybe the erosion sediment control plan that might be maybe sheet 6.

**Richard Harris:** Is it here grading plan legend?

**Joe Dannible:** One more, two more next sheet yup.

**Richard Harris:** There you go.

**Joe Dannible:** Here we go, so adjacent to Plank Road that circle area, its identified as a temporary top soil stock pile area, when we get into construction first thing you do is go strip the site, put the top soil in a safe location, surround it with a silt fence so that there is no erosion and sediment control issues draining off of the property or onto other adjacent lots. That stock pile is then seeded if it doesn't move for 2 weeks and it will remain there for the duration of the construction. That top soil is then taken back out and re-spread across the graded areas of the site, which it has the appropriate micro organisms and grass and seeds and everything in there that you want to inoculate your soil as you place it back. We think its in an appropriate location, it is adjacent to Plank Road, we're probably about 30 to 40 feet from the closest edge on Plank Road. Again I don't necessarily see an issue with it, I think I've had multiple stock piles in similar proximity to adjacent property lines within the Town and Saratoga County.

**Rich Berkowitz:** Does that get resolved after Phase I?

**Joe Dannible:** At the completion of Phase I that area will be returned to lawn and seeded.

**Don Roberts:** So you don't see any concern about it going onto neighboring properties?

**Joe Dannible:** No that's why we put a silt fence around the entire bottom of it, to protect it from having any wash out going onto the adjacent properties.

**Don Roberts:** If there is an issue will you address It.?

**Joe Dannible:** Yea so as part of the inspection we are going to be subject to a weekly inspections for stormwater compliance checks. We have a person that will visit the site every week, they write a report, submit that to the Town, re-submit it to the Town's designated engineers, submit it to the Town's stormwater officer any deficiencies within the construction, again if there is mud in the water or dirt on the roads, anything that's of concern will be noted in that report and the Town will have access to that.

**Don Roberts:** Okay so you will address it?

**Joe Dannible:** Yep

**Don Roberts:** Okay, thank you.

**Joe Dannible:** There's a comment here about you know there was plans that showed 1 retention pond versus 2 retention ponds, I'm sure that what is being referred to, and its hard to identify, I believe that it was related to the PDD plan that was conceptual in nature showed a couple of storm pond areas as we developed once the PDD was approved we go into the full engineering associated with that. We provided a couple of locations, we expanded it to the exiting pond and then created a much larger linear pond along the north edge of the access road

**Richard Harris:** Right here right? Is that generally It.?

**Joe Dannible:** Correct, that's the new pond a then the existing pond was expanded probably about double in the capacity of what is there. From again I stated this during the presentation, we're providing a fully compliant stormwater pollution prevention plan which has been reviewed by the Town's engineer. The last letter we received from the Town's engineer had no more comments related to the Stormwater Pollution Prevention Plan other than the second pond and an access road we can talk about if need at later tonight. Third comment was related to the Town, so that they want to know there is some standing water issues on Plank Road further to the south. Our project will not be changing those flow patterns or exacerbating that condition in any way shape or form. That area of the property is significantly lower than our area, there's a

couple high points in between us so again we've looked at that, we understand what the drainage patterns are out there. If there is a scenario during a significant rain fall. Some water may enter the property. The rainfall we had over the weekend was close to a couple inches of rain in a 24 hour duration, we went out there, there is some minor standing water off site but there is certainly no standing water on our property and nothing leading into our property from that site, so we do believe we provided the appropriate controls that will not make that issue any more, exacerbate that issue. Landscaping plan, to the best of my knowledge we do not have any invasive species identified for planting on the proposed site. Not all of the plants species on there are native, many of them are but some of them are not native but certainly none of them are invasive species. So there is a comment in here there has been some trees removed from the property and some additional trees that are still yet to be removed, we have provided a comprehensive planting plan in which we are planting, I believe it is 13 trees on the Plank Road side of the plans and other landscaping features throughout the site to rebuild that canopy covering the parking lot to a degree, thereby reducing the temperatures on the site. There's a comment here about some signs that were placed on Plank and Stone Quarry Road related to a 4-ton limit, I can't speak to that I didn't place the signs I don't what they're necessarily

**Richard Harris:** That would be a question for our Highway Superintendent and I'll follow up with him on that, yup.

**Joe Dannible:** I did state we're providing a sign at the entrance off of Plank Road, there will be also a sign exiting the site to go to the residential area, Residents Only No Commercial Vehicles. What we were trying to do, we've heard a very loud and clear from the public at various meetings we want to reduce, minimize to the greatest extent practical additional commercial vehicles on Plank Road. During the PDD process as a recommendation I believe this Board this language to have signs on both ends was incorporated and required as part of the PDD Legislation. Architectural renderings, we have provided architectural renderings of the front façade of the building, the back façade we haven't provided them but they do mirror the intent of the front of the building I think everyone can see from the change that was originally, the original plaza to what we are currently proposing. There is significant upgrade to the style and character of that building. And there is a question here about pets, I'm assuming pets are going to be allowed, I don't know for certain? So there will be pets allowed in the community, we do have the area, we're not proposing a dog park but we do have grass areas and sidewalks throughout the site. We do have the grass area in the, what we were talking about in the temporary soil stock pile that once that apartments are up that stock pile is gone and that will be a lawn area. That is the letter from the Kees is that, has everyone on the Board had a chance to read those comments, does it seem like I have addressed them appropriately?

**Don Roberts:** You've got the next one right?

**Joe Dannible:** Yup.

**Richard Harris:** I do want to let you know that the memo that you provided on March 31<sup>st</sup> was included in the Board packets on Friday, they have a hard copy here along with your email summarizing your findings regarding curb cut requested items.

**Joe Dannible:** Okay, great appreciate that. First comment, this is the letter from Peter and Susan DeVito. First part of this comment, project proposes garages will greatly increase traffic and potential for accidents. I think what I can say is a traffic study was done and the traffic study did not result in an increase of accidents or traffic on Plank Road to the point where it creates a safety concern. The second one is I'd say inaccurate as a licensed professional, health, safety and welfare is the most important things and aspects of our jobs so we do make sure that we provide appropriate safety on the sites and adjacent areas. Then they talked about the water, the excessive water down on Plank Road, our project will not exacerbate that issue. We have had the Army Corps. Of Engineers on the site they were there observed the wetlands, or lack there

of wetlands on the property, we do not need any permitting associated with this current project because we are not impacting any wetlands on the property.

**Richard Harris:** That was a question that did come up during the PDD process, probably a couple of times, so you've since looked at your delineated wet lands and there is nothing? I think you just said that I just wanted to reiterate it for the record, because that was a question.

**Joe Dannible:** During the PDD process we did identify that we do have, that we do anticipate wetland impacts and we will be addressing them appropriately, this phase of the project does not have any wetland impacts, when we make a future connection behind Emma Jaynes out to 236 there is an identified wetland corridor in there that we will have to cross, we will be required to obtain permitting for that crossing.

**Richard Harris:** That's up in this vicinity, correct?

**Joe Dannible:** Yea right just off the screen, right behind the mobile home park as we head out there. I think there has been some maybe some work done in that area

**Richard Harris:** Code enforcement action by us, yes

**Joe Dannible:** Not on our property but I think somebody else started

**Richard Harris:** Despite warnings

**Joe Dannible:** Right, so I do think we provided that. There is also a comment in there, I remember it was the first letter or the second letter we were asked to look at the location of the entrance on Plank Road and what we have across from the neighbors at Highway on this aerial with a blue arrow showing where our entrance is, what you will see is that our entrance is basically directly across from the wooded area on the west side of Plank Road, sorry east side of Plank Road. The entrance that we're proposing comes out directly across from a wooded area there is no houses directly opposite our entrance, if you're asking for an entrance location on a residential street. This is the most optimal location which minimizes headlight glare, potential headlight glare coming out of the project for all residents, we don't have a driveway right there, we have a lot of trees to help buffer those views, thank you.

**Don Roberts:** Okay, Joel you have any comments, concerns?

**Joel Bianchi:** The one item on the stormwater, Rich has the email that went back and forth with us today, I think for stormwater we are satisfied with that. On traffic, Joe our comment letter that we issued on April 4<sup>th</sup>, from April 4<sup>th</sup> when I issued our comment letter on traffic did you respond to our comment? Comment 1, it basically said you gave a lot of narrative of the rationale as to why not to move it, but you didn't give any numerical values, the one item that we pointed out, me and you talked about it, is when GPI did the traffic study, they did it based on the plan that showed that exit to be relocated, whether that was deliberate or not, that's what they did.

**Joe Dannible:** Correct

**Joel Bianchi:** So I said in your analysis we need to give some, and you said that site distance is no worse based on makeup you didn't give numerical values to say this is what it would be if we did move it. Another one was there was a potentially conflicting movement with a drive across.

**Joe Dannible:** Correct

**Joel Bianchi:** But I said you didn't graphically show that no conflict would exist. In our comment letter from April 4<sup>th</sup> it said you need to strengthen your argument. Generally we agree with it, but I think the Board needs to rely on that as a basis not to move it or to not consider moving it now. I think the argument needed to be beefed up.

**Joe Dannible:** Right so one of the things I did in the email that was dated on April 20<sup>th</sup>, we provided additional information talking about the fact that we are reducing the traffic that exits that property in its current location. Its current location is not considered a traffic safety issue that requires any relocations. I think that those are two of the most important aspects of that. Related to the relocation of the entrance so from its current position to about 60 or 70 feet further to the south is where we had started the PDD, we were thinking about relocating the entrance as part of the process. That relocation to 70 feet further south does not cheat, does not move site distance to a point where it would be critically limited and a safety issue looking to the south. When we go another 120, 170 feet further to the south we are reducing the site distance looking to the south, we did not a full site distance analysis at this time, and again I think the reason we have not done that is because we want to look at this in the context of what is going on in the future plans when we do have more traffic coming off of the property and what is ultimately happening at these intersections that are being reviewed. So our argument is we've reduced traffic, there is less traffic going to the intersection that is currently functioning at a safe location, had we been increasing traffic this could have been more of a conversation but we are not increasing traffic we're decreasing traffic by about 15 to 20 trips in the current proposal that we have in front of the Board.

**Don Roberts:** Is that satisfactory or you want more?

**Joel Bianchi:** The challenge here is the Board has a report from your traffic engineer, that said the entrance as shown on the plan they were given, and what did that plan show the entrance as?

**Joe Dannible:** It showed about 70feet further south than the current one.

**Joel Bianchi:** So this Board will rely on this recommendation that said the entrance as shown on the plan they were given as okay. Our response was okay, if you don't want to move the entrance tell this Board what the resulting site distance is today. If the site distance is not critically limited today then there is no issue, it was a simple question to ask and I questioned why you couldn't have taken that simple measurement, because you had that comment for almost 3 weeks.

**Joe Dannible:** Right, my position on that is that we are again the reduction, moving it 70 feet was not an issue.

**Joel Bianchi:** Yea but if this is not working, there is an inherent issue had GPI looked at the entrance as it exists today and had no issue then this wouldn't be and issue. But they didn't look at it where it is today, they looked at the plan that proposed it being 70 feet further south, so that 70 feet distance becomes a critical issue I think the Board would want to know.

**Joe Dannible:** Okay so now that I understand that question, the, well from a site distance perspective

**Joel Bianchi:** Is it good today?

**Joe Dannible:** It is good today and it is good in the....

**Joel Bianchi:** Based upon what?

**Joe Dannible:** Based upon various traffic studies, maybe not part of the record

**Joel Bianchi:** I'm just telling you that the Town didn't

**Joe Dannible:** Based on previous studies that were submitted to the Town for instance when Fred the Butcher expansion was done multiple years ago, again I understand that is not part of the record for this application

**Joel Bianchi:** But it could be relied upon, if the entrance served a use, and the site distance was not an issue and was documented in that one then the Board could easily rely upon that because site distance didn't change from then to now, because Route 9 hasn't been improved.

**Tom Werner:** Although there are standards for ASHTO for site distances, it's a simple thing on giving us the numbers, what is that site distance in terms of feet.

**Joel Bianchi:** And understand we didn't generate the comments and think it was a very complicated response.

**Joe Dannible:** Right and I get, the response I was giving in my email that was dated the 30<sup>th</sup>, was basically saying that that's not, site distance is not an issue, what we'd like to do is continue to re-evaluate this as we look at more aspects of this plan.

**Joel Bianchi:** *\*\*\*This portion of tape is inaudible\*\*\** I don't think site distance is an issue, we are not the engineer of right to make that decision, we posed the question so the record had look of the Board; it wasn't to create a road block. I just didn't think it was that complex to answer.

**Marcel Nadeau:** So Joe you're looking for it in writing?

**Joel Bianchi:** Just the number saying today this is the site distance, we are not going to move it, or we would like not to do it as part of this phase but the resulting site distance we're not moving it, is not critically limited, it is not a hazard.

**Marcel Nadeau:** You're looking for that in it, in a letter?

**Don Roberts:** Personally I don't think we should act until our Town engineer is satisfied.

**Marcel Nadeau:** Exactly

**Tom Werner:** May I suggest that, has this been submitted to the Department of Transportation for their review, the entire traffic study and your conclusions?

**Joe Dannible:** No, not to my knowledge. There is no permit needed, we're not proposing any changes to the site, there is no action that DOT would take under a stage 1 review.

**Tom Werner:** Possibly affecting operations I think that's the concern operations on a State highway.

**Joe Dannible:** The Greenman Pederson report identifies that there is no intersection that receives any additional traffic that requires any additional evaluation as part of this report.

**Joel Bianchi:** They were, DOT was notified per SEQR they did not respond.

**Tom Koval:** Yea I don't thing bringing DOT in this late in the game serves anybody's best interest, it's just it's going to stall an already long process. Obviously the Board wants their questions answered you know that now.

**Richard Harris:** I do want to add though, during the PDD process, after the PDD process but during it Supervisor Tollisen committed to request DOT to take a look at that corridor and do an analysis from a safety and speed concern. He did follow up with that I believe he talked to some residents I think it was the night the Board approved the PDD. That was sent to DOT a response was received from DOT, I'll gladly share it with the Board, but in essence it said, maybe they'll take a look at it at some point. But an overall analysis, not site specific to this driveway or this project.

**Joe Dannible:** I mean I as the engineer of record for the project can make the definitive statement that the site distance at the current location is better than moving it 70 feet to the south. That is a definitive statement, I don't have the numbers to support that but as you look further south on Route 9 when you get in front of Garden Time there is a slight crest in the hills the further south you go the more it is limited.

**Tom Werner:** Joe what is the basis of your assessment that you just said? You personally went out there and

**Joe Dannible:** I've been out there, yes I've been out there multiple times I've looked at this taking pictures, I've provided pictures of the further south curb cut where you can just see the crest of a couple cars coming across in that area. Again I don't, I don't think we're not talking about moving it south I do think the further south you go, or I know the further south I walked on Route 9 the more limited that site distance becomes. I don't think in any scenario it gets to a point where it's critically limited requiring mitigation for a vertical realignment or signage.

**Tom Koval:** I don't think that's the issue at this point, I think the issue boils down to a very simple, you didn't answer the questions that our Town engineer proposed, an that's why nobody's comfortable with it because you didn't go step by step by step for what you were asked to do, and unfortunately now your clients going to have to pay the price for another, until we get another meeting together because we cant skip a step at this point, its you know, its just not the way it is.

**Joe Dannible:** Okay

**Rich Berkowitz:** I just have one other question relating, now you said there is no traffic coming from phase 2 or 3 through phase 1 the residential onto Plank Road?

**Joe Dannible:** There is signage provided that restricts, the signage provided states that use of the access road is limited to residential uses, no commercial use in that area.

**Rich Berkowitz:** No commercial vehicles or all vehicles entering that parking lot? And I know it's impossible to enforce but your going to try to funnel all of the traffic from Fred's and Emma Jaynes onto Route 9 and not through the residential park and onto Plank Road?

**Tom Koval:** The layout of their roads aren't conducive to doing that around this project, you've driven through there right?

**Rich Berkowitz:** I have

**Tom Koval:** I think that the reason they stated commercial is because anything bigger than a pick up truck is not going to get through there easily.

**Rich Berkowitz:** I know but if there is a back up on Route 9 you'll find people taking a short cut

**Tom Koval:** And your going to have to just like you do through Lowe's everyday.

**Rich Berkowitz:** Of course and I know its personal and I know people from Plank Road are going to cut through there to avoid Guideboard and they're going to go through Route 9 going north so its going to flow both ways, exactly.

**Don Roberts:** Hey Joe.

**Joe Dannible:** I am just trying to find the exact language on that sign.

**Rich Berkowitz:** The only reason I'm asking is because you brought it up and I don't think it means anything but I was just thinking how you would prevent residential cars from going the opposite way through the residential to Plank Road and I know your not going to be able to stop traffic to Plank Road trying to avoid that intersection at 236 and Guideboard to cut through to go north on 9 because that's going to happen. Especially in the morning rush.

**Joe Dannible:** What I can say is the traffic study that was provided to the Town identifies that a full build out of this project that one or two additional trips will be utilized

**Rich Berkowitz:** I'm not questioning that I'm just, you said your going to prevent traffic from flowing one way and you'll prevent commercial but your not going to prevent the other traffic, and that's fine, that's just human nature, that's just the way it is.

**Joe Dannible:** And the intent of that is to reduce truck traffic, to reduce as much commercial traffic as possible on Plank Road.

**Rich Berkowitz:** Yea people are going to go the path of least resistance, people take Plant Road as a cut through from 146 to 9.

**Tom Koval:** We've got residents from what's it Rivercrest, they are going to be cutting through the back of these apartments to get to Fred's it's a two way street clearly. Its going to be no commercial trucks, it's a two way street clearly I mean its going to be an issue. Commercial no commercial trucks

**Rich Berkowitz:** I'm fine with no commercial traffic

**Tom Koval:** That will keep a delivery truck and stuff from cutting through onto Plank causing a bigger concern for the residents.

**Don Roberts:** It seems to me you can get the information that Joel needs to satisfy his concerns we can put you on the next meeting in 2 weeks and I would think things should probably go alright.

**Joe Dannible:** Okay we will provide that number

**Don Roberts:** Does that sound good to everybody? That sound good to the Board members? Alright, okay

**Joe Dannible:** Okay, thank you.

**Don Roberts:** Thank you.

*Crescent Commons PDD Phase 1– Site Plan*

***TABLED.*** Board received an update on the proposed residential and commercial expansion project and tabled it pending additional information related to the Rt. 9 entrance.

**Laura Barton:** I make a motion to adjourn

**Charlie Lucia:** I second

**Don Roberts:** We've got a motion to adjourn and a second, all in favor aye? (All were in favor) opposed? (None were opposed) motion carried, thank you, good night.