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**MINUTES MEETING
Town of Halfmoon Planning Board
April 27, 2020**

Those present at the April 27, 2020 Planning Board meeting were:

Planning Board Members:

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

Planning Board Alternates:

Charlie Lucia
Brendan Nielsen

Coordinator- Building, Planning and Development:

Richard Harris

Senior Planner / Stormwater Management Technician:

Paul Marlow

Town Attorney:

Lyn Murphy

Deputy Town Attorney:

Cathy Drobný

Town Board Liaison:

John Wasielewski
Jeremy Connors

Town Engineer / CHA:

Joe Romano

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

Don Roberts: Good evening, I would like to call the 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.

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

New Business:

20.040 Walmart Outdoor seasonal Sales & Storage, 1549 Route 9 – Change of Tenant & Use

Bill Katalski: Yes I'm here, Bill Katalski store manager.

Don Roberts: Okay Bill go ahead

Bill Katalski: Basically the same use as we have asked for multiple previous years, bagged goods such as soil and mulch will be on the side lot as you see on the google maps and then there will be plant racks on the front part of the garden center entrance out there as you can see on the front, there are no changes to what we have done in past years

Don Roberts: Any questions?

Rich Berkowitz: I make a motion to approve

Tom Koval: Ill second.

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

Walmart Outdoor Seasonal Sales & Storage, – Change of Use/Tenant

APPROVED. The Board approved the temporary outside sales and storage of seasonal products in a designated portion of the parking lot, through August 1, 2020.

20.041 Capital Gate Insurance, 457 Route 146- Sign

Chris Migliori: Capital Gate Insurance , we're located in Colonie , our home office we want to expand in Halfmoon , on 457 Route 146, so that would be the building sign it would be unlighted is what we are asking for and then the street sign is the other item that we want to put out there I had a couple different renderings that I if you like I could share but it's the same sign so there's no trees in the windows and so on and so on , but I could upload those share less files or you could view that as is but , it's going to be landscaped some mulch some plants and all of that kind of stuff but the main thing is the size of the sign 4 x 8 feet.

Don Roberts: Now the important thing is that we have to make sure that the street sign is not on NY's right of way it's got to be on the property that you occupy.

Chris Migliori: Okay

Don Roberts: So any approval will have to be contingent on that.

Chris Migliori: What are the setbacks? Do you know or am I supposed to figure that out?

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Don Roberts: The setbacks vary, the right of way varies on where you are so I can't tell you off hand but if you have a survey of the property.

Paul Marlow: So Rich kind of ball parked this a little bit and conservatively you're looking like 18 to 20 feet from the edge of the shoulder.

Chris Migliori: You mean from the white line or the grass line?

Paul Marlow: The edge of the pavement so the grass line.

Chris Migliori: Okay I would need to find out more information 18 to 20 feet would put me back, ya know way back in the yard

Richard Harris: Yea Chris, in order to have it closer to the road where you could see the 18.28 feet where that's actually written and that's actually the State right of way and you would need to get a permit from NYS to put it in their right of way otherwise you would have to put it on the inside of that line, I approximated where locate your signs to the west of that tree and as you can see the yellow line is actually the property line and it actually dips into the front yard until it hits the auto auction entrance. So DOT could remove your sign if you were to put it in the State right of way

Chris Migliori: Yea I'll get some clarity on that, Im not seeking approval to put in a right of way just as long as they have the correct information on the setbacks I mean the trees are not in the front yard it's a wide open space so it's not a deal breaker for me.

Tom Koval: Chris you said that the building sign is not lit and I see on the topics that the road sign is going to be internally lit?

Chris Migliori: The road sign will be internally lit with led's correct.

Tom Koval: Okay.

Chris Migliori: Im having One Day Sign a company out of Waterford build it and I would imagine that would be in two light boxes and the post I want to use will be a little fancier but yes.

Don Roberts: In the past we have had problems with brightness so please advise them make sure it's not too bright

Chris Migliori: Okay, yea some of the led's can be pretty bright I know.

Tom Koval: You do have the option on some of them to make them dimmable so if that's an option you can talk to John down there at One Day Signs and see if it's a dimmable ballast instead of having us come back and complain about it later

Chris Migliori: Okay, led's are pretty easy to get along with these days so I don't see a problem with that, a remote control or something.

Tom Koval: Most of the drivers are dimmable now.

Chris Migliori: Yup

Tom Koval: I make a motion to approve the signage, Rich that all meets plenty of room for that right?

Tom Werner: I have a question first, this all has to do with the sign application, and did we get clarification from the discussion at the last meeting regarding the specific location of the parking spaces?

Richard Harris: Tom I had sent a follow up email after the last meeting where I had spoken with the owner of the property they are getting a site plan drafted that will show at least two additional parking spaces for this business for Chris's business they are aware they have to come before the Planning Board for a site plan application. I have not received it yet but they do plan to move forward with that.

Tom Werner: Thank you very much that addresses my question.

Chris Migliori: I know that it is done the person contacted me and they said the site plan was , they got it from their engineers and were ready to present it for hopefully the next meeting or whatever, I can share some files is it okay if I upload something here?

Richard Harris: Yea you can share if you want to share go ahead.

Chris Migliori: Let me see if I can share something here.

Don Roberts: I don't think we have to do that now because we are talking about the sign only so I wouldn't worry about that.

Chris Migliori: Okay

Don Roberts: Yea let's just keep moving here if we can, okay now again the sign has to be contingent on not being in the State right of way.

Tom Koval: Okay

Don Roberts: So Tom that's part of your motion right?

Tom Koval: Yes I made a motion to approve the sign now I add that contingency that it's not in the State right of way if it is in the State right of way it needs to be addressed with the State.

Don Roberts: Right the State Department should have to check on that, can I have a second on that?

Tom Werner: Ill second that.

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

Chris Migliori: Thank you.

Capital Gate Insurance – Sign

APPROVED. The Board approved the installation of a wall mounted sign and free standing monument sign, with the condition that the free standing sign shall be located within the boundaries of the private property and not within the NYS Rt. 146 right-of-way.

Old Business:

19.171 Martin Site Plan, 1906 Route 9 – Site Plan

Sean Ferrall: Good evening Sean Feral with Lansing Engineering, tonight I'll be updating the Board on the Martin site plan. The applicant for the project is MJ Properties of Clifton Park. I would like to start by giving a brief overviews of the project location, setting and proposed project characteristics. The project site is located at 1906 route 9 in the Town of Halfmoon specifically the site is located at the intersection of New York State route 9 and Roberts Lane, the project is split by the Clifton Park/Halfmoon town line the parcels included in this project tax map parcel numbers 260-1-.27.1 is the lands of Martin containing .9 acres 260-1-.27.2 lands of Martin containing one acre 260-1-.49 lands of Kruzinski containing 5.1 acres and approximately .4 acres of land that were formerly the Town of Halfmoon right of way on Roberts Lane. The parcels are zoned LIC - light industrial commercial the local zoning in the vicinity of the project is also LI-C –light industrial commercial. The project site contains an existing home, outbuildings, lands associated with the Dwas Kill adjacent ACO wetlands an existing Roberts Lane. In order to accommodate the proposal the applicant previously requested abandonment in the existing Roberts Lane in right of way. The Halfmoon Town Board has approved this abandonment of the right of way to Synergy Park LLC. This project is part of an overall development that has received approval by the Town of Clifton Park. This project was previously presented to you on October 28th 2019, at that time the project included construction of a 17,000 sq. ft. office warehouse building with parking spaces for customers and employees. Since then the proposed buildings and parking areas have been removed from the development proposed at this time is 850 feet of private roadway and stormwater features. A private roadway will provide access from route 9 to the parcels within the Town of Clifton Park. Any potential future development on the lands of Halfmoon would require site plan review by the Planning Board. Stormwater will be managed onsite in accordance with State DEC regulations. A traffic study has been conducted by VHB for the overall development within the tow municipalities. -The traffic impact study and the plans were submitted to DOT for review, we have received minor comments from DOT which VHB is currently working on addressing. We have received technical comments from CHA which we have addressed in our April 24th response letter. In summary I am here to answer any questions the Board may have and to ask the Board for final approval on the proposed site plan.

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

John Higgins: So as I understand it there is not going to be any building itself in the Town of Halfmoon?

Sean Ferrall: Correct it's only going to be the roadway accessing to the Town of Clifton Park property, no buildings are proposed.

John Higgins: The original drawing showed building in the Town of Halfmoon.

Sean Ferrall: That is correct we have since removed that and not proposing any buildings at this time.

John Higgins: Okay thank you.

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

Don Roberts: Contingent on review by the Town engineers?

Rich Berkowitz: Yes

Don Roberts: Final sign off.

Mike Ziobrowski: Ill second.

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

Sean Ferrall: Thank you.

Martin Site Plan – Site Plan

APPROVED. *The Board approved the site plan to construct a driveway and access to development proposed within adjacent parcels located in the Town of Clifton Park, conditioned on final review and satisfaction of the Town Engineer.*

19.209 J.Dunn Group, LLC, 5149 Route 9- Site Plan

Kurt Nausbaum: It's just a storage building its 50 x 70' storage building for our construction equipment, we just want to take everything out of the weather. It's not going to be a commercial type business, I mean we're commercial but we are not going to be running any material out of there or any kind of business out of there except for storage and our operation you know.

Lyn Murphy: I can see your name but for purposes of the record could you state your name.

Kurt Nausbaum: Its Kurt Nausbaum with the J Dunn Group, im the partner.

Lyn Murphy: Thank you.

Don Roberts: Okay questions or comments by the Board?

Mike Ziobrowski: What's the building made of?

Kurt Nausbaum: It's all concrete and steel, we had a question before with the sprinkler system and there won't be one because it's just storage and its metal and concrete so, it's not going to be paved it's all going to be a crusher run base definitely wide enough for the fire trucks and everything to go in there if need be. Our driveway is going to be at least 30 feet wide and then there is going to be 10 feet around the building, we could make them a little wider if you want but the total disturbance is less than, I know your worried about SWPPS and all of that stuff but its less than a third of an acre so that's what we plan on doing for this, storage warehouse.

Don Roberts: It has a note on the plan no outside lighting, no additional outside storage right?

Kurt Nausbaum: Absolutely not, no we don't plan on running electric or anything out there.

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Tom Koval: John did the fire department get back to us on this?

Paul Marlow: Yea so the fire department really has three points which he already touched on a little bit so, they wanted to know whether the building would be sprinkled, if the driveway could handle their truck, and if it was wide enough for two vehicles to get by.

Tom Koval: Okay so the road is going to be built to handle an 80,000 lb. truck?

Kurt Nausbaum: Yea our trucks are pretty similar to that loaded, it will be definitely wide enough, 30 feet wide, 30 to 35 feet wide for the driveway itself.

Tom Koval: Yea Im more concerned about the weight because that's a real marshy area you're in down there.

Kurt Nausbaum: Yea we were cut off on doing any more work down there because of this whole thing with corona so we want it, so we are building it up with a lot of stone from right next door from Troy Topsoil, we are using a lot of heavy stone just to build that up just to make sure everything is going to be, withstand the test of time.

Tom Koval: Alright.

John Higgins: It's kind of hard to see the drawing, I just want to make sure it's going to be located behind the existing barn?

Kurt Nausbaum: That's right, off to the left side of it there is a driveway going through the middle, we are off to the left there.

John Higgins: Okay, they moved it so it's a little easier to see thank you.

Mike Ziobrowski: Paul did you mention that the fire chief wanted to have the building sprinkled?

Paul Marlow: Well we sent it to them just too kind of have some feedback and they asked whether or not the building was going to be sprinkled.

Mike Ziobrowski: Okay so the answer is no and they are okay with that?

Paul Marlow: We have let them know well they were supposed to get back to us the fire department, I haven't heard back, but we are just finding out about the answers from the applicant regarding the concerns of the fire department, when I spoke with the fire chief on the phone it was more of just an informational type of thing on the use whether it was going to be sprinkled or not just because of the fact that it was a long way from the road. He indicated that there is a hydrant right at the end of the road, the access driveway but just was curious would there be sprinklers in the event because there is a good amount of hose they have to run in the event they need to get back there.

Mike Ziobrowski: Okay

Don Roberts: Anyone else?

Mike Ziobrowski: I would like to approve the application pending the approval of the fire chief.

Marcel Nadeau: I will second that.

Don Roberts: Okay I have a motion and a second to approve pending on the approval of the fire chief, all in favor?

Lyn Murphy: Im sorry before you guys vote could you amend your motion so that it is approved conditioned on compliance with emergency services, we cannot defer your approval to another agency, so if you say contingent on them approving your deferring your authority , you're not allowed to do that but if you just say contingent on them complying.

Mike Ziobrowski: Approval is contingent on them complying with the fire department.

Don Roberts: Thank you, thank you Lyn, can I have a second?

Mike Ziobrowski: Thank you Lyn.

Marcel Nadeau: Ill second that.

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

Kurt Nausbaum: Thank you

J. Dunn Group, LLC – Site Plan

APPROVED. The Board approved the site plan, conditioned on final review and satisfaction of the fire department.

18.194 Betts Farm Residential PDD, Betts Lane (Phase 1 only) – Major Subdivision

Gavin Vuillaume: Im here with Ed and Chris , I'll just give a quick breakdown of kind of how we got where we are with phase 1, Wendy Holsberger is also on the call in case there are any questions on traffic so she is kind of on standby but won't be presenting anything. To start out again, as everybody knows this project has been going on for several years, it started off with the Town Board approving the PDD back in 2018 once the PDD was approved from that point we went into the detailed phases of the project and went through an extensive review with CHA. I think we got to the point where everything from an engineering standpoint was satisfactory to the Town, so the Planning Board back in April of last year gave us the preliminary approval on the entire project. So we are really just here tonight to finalize the approvals for phase 1 that would be the first portion of the project that we would file with the county clerk and construct. Before we even got to that point we started a lot of the other approvals with the other agencies that are involved with the project I will just quickly outline a couple of those so you can see where we stand with those agencies. We started off with the health department, the health department reviews the water portion of the project, they've sent us comments , we've addressed those , DEC reviews the sewers along with the Saratoga County Sewer District we have received comments from them as well, both satisfactory with what we have submitted to them. The one that we ran into a little bit of an issue with was with the Army Corps. Wetlands and that created a small change to phase III and I can point that out in a second.

Lyn Murphy: I want to be very clear we are not talking about phase III we are approving those changes at this point in time we are only looking at phase I.

Gavin Vuillaume: Okay well just for the Board so they can know how we are progressing with our permitting there are some small wetlands in phase III that we needed to get permits for, so we did receive those permits however DEC did take jurisdiction of some of those wetlands and therefor with the 100 foot buffer associated with those DEC wetlands there will be some modifications in phase III so we don't have to get into too much detail with those. The other thing we have been working with the traffic and I know Tom's had some concerns with the crosswalk and I'll let Wendy Holsberger maybe address that later if there is further questions, but as everyone knows it is part of phase I we are making our improvements on Betts Lane, all the way from 236 to the project. We will be widening the road we will be installing pedestrian sidewalk and we will be installing a crosswalk at 236. We have had several discussions back and forth with the New York State DOT as far as what type of warning signage could be used at the intersection, right now it looks like we just have the warning signs themselves but I know Tom wants to pursue potentially looking into a different type of device, I think it's the ones with the pulsating lights an you know right now they are not in favor of using that type of warning signage however if Tom at the Town wants to meet with us and DOT to further develop the final design of that crossing , I would be more than happy to do that as well, so that's about it , the unit breakdown again for phase I is 33 single family homes and 26 two family units. That's it.

Tom Koval: What is the change with the topics that I was given were very vague about the changes, I understand about the wetland changes were with stage III which were not discussing but I noticed in the description it says and a shift in types of units on lots in other phases, what exactly are the shifts in types of units in every phase, I need to know that as part of this.

Gavin Vuillaume: Yea, no problem so what it is you can see in phase III if you look at the plan that's being presented there right in the area, you see the blank area up near the word phase, yea right where it has the cursor, that's where the six lots were and that's where the DEC setbacks are so 6 single family lots would be taken out of phase III and they would be relocated for now , again nothing is set in stone, but we would try to put those in phase 5 which where he has the cursor there it would be 6 single family going into phase V.

Tom Koval: So we are increasing phase V decreasing phase III, didn't we already originally when we looked at this didn't we already cut down phase V because of the congestion down there?

Gavin Vuillaume: There was a time when we were trying to limit the number of units along that cul-de-sac because there was a concern that a lot of the traffic might be using Hayner road, now we are adding 6 single family to that and we have provided these new numbers to DOT and I think Wendy Holsberger can probably chime in and answer a little bit more detail as how the traffic distribution may or may not have changed.

Lyn Murphy: Im going to chime in, I'm uncomfortable with you getting into this issue because I don't want anybody to be under the misimpression that this Board is in anyway approving these changes we are here for phase I, phase I only.

Tom Koval: Part of my questioning was because of the vagueness of the language in the topics, that's why im trying to figure out what other changes are going on because all it says is that a shift in the types of plans remains of units in lots in other phases so if its only phase V that's fine but I want to make sure there is no other change in units in phase I which we are looking at right now.

Lyn Murphy: Tom your question is completely fine, I just want the applicant to not try to say because you discussed those issues they were somehow approved by this Board that is not what the Board is doing.

Tom Koval: Right im going to narrow down my question to is there any other change to phase me to the types of units or anything else or is phase I exactly as it was approved originally.

Gavin Vuillaume: Yes it is.

Don Roberts: Okay that's all we need to be concerned with tonight, like Lyn said there is no other suggestion of any other approvals just one that's all we are doing.

Tom Koval: Yea im just trying to clarify the language in it, now did we, we are getting ready to approve phase I have we talked about, have we narrowed down what the public benefit of all of this was, because after our original denial I know it went to the Town Board but I never heard anything else about it and not that I pay attention to every single that comes out, but what is the public benefit of this project?

Gavin Vuillaume: well Ed and Chris do you want to give them a quick breakdown of that?

Chris Abele: Well the major one is the reconstruction of Betts lane, so that's number one, number two and this was a big one you know conceived over a period of time was that traffic agreement the MOU, and we are a participant in that that's number two and then number three there is a dollar amount per mitigation towards the traffic I think that's 1,500 but im not sure.

Tom Koval: Okay so none of these are direct benefits to the Town, they directly benefit your project.

Lyn Murphy: Sorry Im going to interject I wrote the public benefits involve the construction of the concession stand at the softball fields, at the cost to the applicant and it involved a donation of open land to the Town along with the other things Mr. Abele mentioned.

Tom Koval: I understand okay the concession stand is one thing, I wasn't aware of the open land but that had to probably happen when we were out of the picture, but as far as calling improvement to Betts lane and the traffic light and the other stuff a public benefit, there wouldnt be a public need for all those improvements if this project wasn't going in so I don't consider that a public benefit, I consider that a project benefit, benefitting you know the builders here.

Lyn Murphy: That's why I chimed in.

Mike Ziobrowski: I have a question in regards to has Clough Harbor and the fire department reviewed just phase I only, and are they okay with it?

Richard Harris: Yes, Joe Romano is on it and they have reviewed it, I'll let Joe answer specific question on what remaining technical items might be left for review if any.

Joe Romano: Thanks Rich , in terms of just the phase one of the things that came up when viewing the final plans was the need for temporary turnarounds, because if you see where the highlighted line are there are some temporary dead end roads so we in conjunction with discussions with the highway superintendent the final plans , these plans for phase one show temporary turnarounds for mainly plowing purposes, I guess we can go over just

couple of the other things in the letter that I had written, I kind of summarized some of the items for the Board of things that have changed since the last time the board saw it and one of the things that the Gavin had mentioned correspondence had been received from New York State DOT regarding the traffic , we talked about the temporary turnarounds they have added a note to the plans that deck and pools should not be installed within the safe setback lines and is approved on a case by case basis by the Town of Halfmoon and that future residential deeds , plot plans shall include notations regarding land development restrictions outside of the safe slope setback. The plan depicts that the stormwater management areas will be owned and maintained by the homeowners association, and that an easement is being provided to the Town and then Gavin had mentioned one of the items that I don't think was on the preliminary plans is that placement of the existing culvert within Betts Lane, that was something that the Highway Superintendent had requested it's a culvert that is not currently in the best of shape and is going to need replacement at some point, so the applicant is also replacing that culvert.

Tom Koval: Lyn I'm getting back to the public benefits again I'm sorry I'm a little hung up on it, I know the concession stand, where is this piece of land that was donated to the Town as part of a public benefit?

Gavin Vuillaume: It's on the south side of phase 5

Tom Koval: So it's in phase V that they want to increase the size of, that's part of our benefit?

Gavin Vuillaume: There's some lands approximately 3.4 acres

Tom Koval: Why don't you show me on the map?

Gavin Vuillaume: Can you do that Rich.

Lyn Murphy: Tom, what they are doing, what they are proposing is not being approved and should not really even be being discussed, I don't know why it continues to be, it's in a different phase it involves taking one part that is currently planned to be developed and making that vacant land which would be unbuildable and switching it with the part that they are giving to the Town.

Tom Koval: Okay but you're asking me or us to approve phase I of a project that's in its whole and part of the public benefit is for its project and its whole which phase I is part of that's why I'm asking this question , I want to know what we're getting .

Lyn Murphy: You don't have control over the public benefit, that's a Town Board issue, you're simply being asked to look at the site plan for phase I, if you don't like it you don't like it you can vote however you want.

Tom Koval: Okay, that's why I'm trying to figure out where everything is going here.

Don Roberts: Okay anyone else?

John Higgins: Gavin when we were originally in talking about this project there was extensive questions about the improvements on Betts lane, and there were question on whether or not some private property was going to be affected, now has it been determined whether or not there is any private property that is going to be affected why the modifications are improvements on Betts lane.

Gavin Villaume: Sure John, Rich can you go to the Betts lane plans

Richard Harris: Yes give me a second and ill pull that up

Gavin Vuillaume: You'll see there John there is some slight grading that goes off of the right of way, in particular I think you were concerned with the property of Bruce Betts at the top of the hill?

John Higgins: That was one of the properties that was going to be dramatically affected, and I know at the time Mr. Betts was concerned about how it was going to be done and you were going to get with him and make sure that he was happy with the modification on his property and I just want to make sure that, that has in fact happened and he is satisfied with the modifications.

Gavin Vuillaume: Yup so now that we have the plan there ,you can go to the plans there Rich, because I want to show them the profile too , yes there you go , so you can see the loop at the very end of the existing Betts lane, Bruce Betts property is just to the south of that loop so, Chris has met with him several times and I think as a matter of fact he was looking through the minutes at the last public hearing and seemed to be okay with the changes that would occur

John Higgins: Well at the last public hearing he was supposed to have a meeting subsequent to that public hearing to discuss it the way I recall and I talked to Mr. Betts after that and he said he was going to get together with the applicant and go over exactly what was going to happen to his property and I want to make sure that, that has in fact happened.

Gavin Villaume: Okay I'll let Chris answer that in a second, okay you want to do it now Chris, go ahead.

Chris Abele: Yea I met with Bruce and to be honest with you I can't remember exactly when it was but I think it was in the last year and I whatever we need to do to make him happy with the grades we are willing to do that, and I did meet with them and like Gavin said he did come to the meetings and he did not express any dissent so we are prepared to do whatever it takes to make him happy.

Gavin Vuillaume: You can see also John on the profile originally we were going to shave off a lot more of that hill.

Chris Abele: Right

Gavin Vuillaume: So now we are only going to take it down to maybe three or four feet of that top of that hill and that's right about in this spot where his house is and certainly we can make up that grade without a retaining wall, at one point we were thinking of a retaining wall but now we just need to do some minor grading along his front yard in order to transition it so he has a mobile slope, he wanted to have a mobile slope and I think what Chris has said is accurate is that we will do whatever it takes to make sure that he is comfortable with the grading in front of his house.

Chris Abele: And Ill add one thing to that I think when I met with him it was going to be a major cut which was about 9 feet.

Gavin Vuillaume: Originally it was yea

Chris Abele: Yep and then the growth profile was redesigned to minimize that which was 4 feet so you know we can , we will do whatever it takes to make him happy but the design was much better than the original one obviously.

Mike Ziobrowski: Question for Joe Romano, was this something that you reviewed? Joe have you reviewed this?

Joe Romano: Yea we have reviewed the entire plan, the final ones that were for phase I that includes Bette's road improvements.

Mike Ziobrowski: Okay

Tom Werner: I had a comment out there that I sent to Rich and to Gavin that has to do with the crossing and access to the town park we have a 200 unit ultimate sized development I understand the trail connects to some trail beyond im not familiar with what type of bike traffic or crosstown traffic might be generated by that but I can expect some youngsters might be coming down to this facility you've got the youth activities, the town park you've got a very popular restaurant and ice cream stand right across the street so I wanted to make sure that this was safe as possible and I was bestowing some of these what they call rectangular rapid flashing beacon assemblies for the crosswalk and I know Wendy Holsberger's been involved, DOT's been involved but at this point from the research I've done I have not seen good rationale why they should not be considered. That's all at this point I'm suggesting maybe when it is possible some sort of a sit down meeting to discuss it further.

Gavin Vuillaume: Yea Tom I think that is going to be the next step is to finalize that design , Wendy Holsberger's anxious to finalize it for the construction of the cross walk so we are more than happy to sit down with DOT and analyze the available options for that cross walk.

Wendy Holsberger: Tom this is Wendy Holsberger of VHP so I've been in contact with DOT pretty regularly I can probably set up a meeting pretty easily on that to talk about it further, I've sent you I think you have in your hand the responses because I know you looked at the tsmi from DOT as well so that's kind of that's their explanation as to why like I think you have that so certainly if you want to take that further we are happy to facilitate a further conversation with them.

Tom Werner; Okay I think it would be good just from my perspective to understand exactly what was considered from the various points of view and and why it was decided they weren't necessary

Wendy Holsberger: Yea I think that the system is working on more warrants typical to what we have for a lot of other different things in the transportation world so I know that I think that is something that is forthcoming in the MUTCD to like have more of a guidance they are looking at they have some guidelines and I think that's what they are looking at but I understand your point it's hard to use those guidelines when it is not an existing situation so that engineering judgement is obviously what they might have a different perspective than you do but I've talked to them several times and your questions have been relayed pretty much verbatim so hopefully we can have that conversation further.

Tom Werner: I think that would be good to better understand that because I think they are a good device and the federal guidelines that I see say that they substantially increase compliance with the yield requirement, considerably from the research I've looked into. I think we have to error on the side of safety, especially with a new facility when you are going to have some youngsters. My other question had to do with what is the nature of

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the connection of that cross walk on the west side of 236 up to the town park what would be some sort of new path or some sort of sidewalk or what have you.

Gavin Vuillaume: Yea I think the plans that ABD are currently showing if you want to pull that up again maybe Rich it does show the connection we would be connecting a similar sidewalk out to the park , you may want to zoom in on that left side of the drawing , it's a very small section of sidewalk.

Wendy Holsberger: Tom what you are looking at is kind of going from the crossing connecting into the park not necessarily going along 236 its kind of going from the crossing and shooting right into the park and connecting through that way.

Marcel Nadeau: Is that an actual signal crossing or just a crossing?

Wendy Holsberger: It's an unprotected crossing is what they call it so there is no signal associated with it and that was Toms question, about putting in the flashing beacons on the signs which DOT does not recommending at this time

Marcel Nadeau: We know the traffic on that road is huge it just seems that we have to have some signaling there to show the people that it is an actual crossing there.

Don Roberts: I think we should take up on the offer to meet later with DOT and discuss this.

Wendy Holsberger: Yea its really there call and right now what they are proposing is actually consistent with the pedestrian safety action plan it's just there is two different levels of warning signs, and there is quite an enhancement from what there used to be so it is following a specific guideline their just not choosing at this point to put un the enhancement which has the beacons but it will have double signs on both sides of the roadway with the yellow green signs which are more visible which are putting the reflectors on the posts as well so it will be signed quite well and as DOT pointed out you know yielding is still for a vehicle is still the law you know and they have to do it and the signs that they have proposed are quite expensive.

Marcel Nadeau: Are there signs for speed limit in that area?

Wendy Holsberger: Yes the signs that they have is based on the posted speed on that roadway so that is what they have recommended but like I said we are happy to facilitate that further just discussion so that we can vet all of Toms concerns and any other concerns the Board has.

Don Roberts: Please don't forget this is a DOT highway they have final say on this , we can plead our case on this with them so thank you Wendy Holsberger for stepping up in the future I appreciate that but the fact is it's a DOT highway they have final say not us

Marcel Nadeau: I know Don but I think we want to make sure they are hearing our concerns

Don Roberts: So they are going to set up a meeting and we'll be there Tom and me Rich will be there and we can plead our case and hopefully we can win them over but at this point we have the final say

Marcel Nadeau: I understand that.

Wendy Holsberger: Yea and I forwarded Tom Werner's email from a week or so ago with his concerns stated and I forwarded that directly to DOT and they responded directly to that so they are in direct line it's not just my interpretation of those concerns I have forwarded those messages.

Tom Werner: Okay thank you.

Tom Werner: Wendy Holsberger can I ask you a question, is that intersection lit is there a nighttime illumination for that intersection in that crossing?

Wendy Holsberger: I'm not sure if there is lighting but we can certainly look at that but right now we are looking at the design right now, I'll take a look at that and see.

Don Robert: Okay thank you Wendy Holsberger

Ed Abele: Don its Ed Abele I just wanted to say that the meeting that follows results in DOT wanting to install the more upgraded signals Chris and I are okay with that, whatever DOT wants including an enhanced signal we are okay with that, that's fine

Don Roberts: Thank you both Ed and Chris, but at this point we have to meet with DOT, that's our next step on this, we can talk about this until we are blue in the face but we've got to meet with DOT, alright thank you Wendy Holsberger, now Joe Romano you've reviewed phase I, do you have any outstanding concerns?

Joe Romano: No I provided the summary of the changes for the Board , the one thing that I would just want to note from a SWPPP standpoint the current phase I has over 30 acres of disturbance, the SPEDES permit requires it to be less than five acres at one time and I just wanted to make it known that everyone be aware that should the Board take final action on phase I that , that doesn't constitute a five acre waiver and approval to disturb 37 acres at a time that's typically a process that happens once a contractor is onboard and we work with Paul and the Planning department to go through that so that was just one note I wanted to make sure that everyone was aware of

Don Roberts: Okay thank you Joe, anyone else? (No comments) Are we ready to make a decision on this?

Rich Berkowitz: I make a motion to approve the final subdivision for phase I only.

Marcel Nadeau: Ill second it.

Don Roberts: All In favor? (All were in favor) Opposed? (Tom Koval, John Higgins)

Tom Werner: where does the resolution of this issue we just talked about fall in does that got to be resolved first?

Don Roberts: No I don't believe so, right Lyn?

Marcel Nadeau: Are you talking the cross walk?

Tom Werner: It's going to be built in phase I

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Lyn Murphy: Its DOT it's their road they have the ultimate jurisdiction as to what is going there and what isn't going there so you can vote, they have agreed to do whatever DOT allows, but again you can't vote contingent on another agency acting.

Tom Werner: Okay

Don Roberts: Again after this vote we can still meet with DOT if we can convince them to see it our way Ed and Chris are willing to go along with that right guys?

Ed and Chris Abele: Yes we are

Don Roberts: Okay so we have a motion and a second so I guess the easiest way to go is Tom Koval you vote no , John Higgins you vote no , anyone else vote no on this? Okay all in favor (rest of board in favor) Motion Carried, thank you.

Ed and Chris Abele: Thank you.

***Betts Farm Residential PDD, Betts Lane (PHASE 1 ONLY) - Major Subdivision
APPROVED. The Board granted final subdivision approval for Phase 1 of the project (59 residential units).***

Don Roberts: Board members you got anything more to say tonight before we end this, I think we are getting the hang of this a little better.

Mike Ziobrowski: I make a motion to adjourn the meeting

John Higgins: Ill second it.

Don Roberts: All In favor? (All were in favor) Opposed? (None were opposed) Meeting adjourned, thank you,