

11/12/24

**Town of Halfmoon Planning Board Minutes  
November 12, 2024**

**Those present at the November 12, 2024, Planning Board meeting were:**

**Planning Board Members:**

Don Roberts –Chairman  
Marcel Nadeau- Vice Chairman  
Tom Koval  
Rich Berkowitz  
Thomas Werner  
Charlie Lucia  
Laurie Barton

**Planning Board Alternates:**

Alison Pingelski  
Joe Landy-absent

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

Richard Harris

**Senior Planner / Stormwater Management Technician:**

Paul Marlow

**Town Attorney:**

Lyn Murphy

**Deputy Town Attorney:**

Cathy Drobny

**Town Board Liaison(s):**

John Wasielewski  
Eric Catricala

**Town Engineers:**

Joel Bianchi

---

*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 meeting minutes from the last meeting?

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

**Alison Pingelski:** I'll second.

**Don Roberts:** All in favor Aye? (all were in favor) Opposed? (none were opposed) Motion carried, Tom Koval secluded himself he was not here.

11/12/24

**Public Hearing:**

**Sweeney Subdivision, 102 Johnson Rd – Minor Subdivision (24.173)**

**Nick Costa:** Good evening, Nick Costa from Advanced Engineering & Surveying. We've prepared the minor three lot subdivision for 102 Johnson Road. Which is owned by Preston and Jennifer Sweeney and they're both here tonight. This is a parcel that is 1.81 acres in size and the Sweeneys have lived here quite a while now and they would like to subdivide it and create those two additional lots that one would front Johnson Road, and the other one would be on McBride Road. All of those lots conform to the AR, the agricultural residential district for the Town Code. There are utilities along Johnson Road for the sewer and water on McBride Road. So, if there are any questions I would be more than happy to try to answer those.

**Don Roberts:** Thank you, at this time we will open the public hearing. Would anyone in the room wish to speak? (No comments) Anyone wish to speak? (No comments) Anyone online wish to speak? (No comments) Anyone online wish to speak? (No comments). Okay, since no one wishes to speak we'll close the public hearing. Comments by the Board?

**Tom Koval:** I'll make a motion for a negative declaration for SEQR.

**Marcel Nadeau:** Ill second

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

**Tom Koval:** I'll make a positive recommendation on the subdivision with the condition that the accessory structures be moved by June 1<sup>st</sup> of next year. June 1<sup>st</sup> of 25.

**Marcel Nadeau:** Ill second that.

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

**Nick Costa:** Thank you

**Don Roberts:** Good Luck.

**Richard Harris:** Just to clarify, you know this has to be moved on the property just move it five feet from the property line just so...

**Tom Koval:** Right onto the one lot, not the vacant lot

**Nick Costa:** The one lot there? That's correct

**Don Roberts:** Okay.

***Sweeney Subdivision– Minor Subdivision-APPROVED. Board held a Public Hearing and approved a two (2) lot subdivision request with the condition that the existing accessory structures shall be relocated 5 ft. or greater from the property line by June 1, 2025.***

**Red Maple Lane, LLC, Subdivision & Duplex, 5 & 7 Red Maple Lane – Minor Subdivision & Special Use Permit (Duplex) (24.146 & 24.147)**

**Nick Costa:** Yes, good evening again. I'm here representing Red Maple Lane LLC. They're making an application to subdivide their parcel here to construct two additional duplexes it shown on the map. There are two existing

11/12/24

duplexes, and the two new duplexes will be located in the rear of these parcels. The size of the parcels is 3.34 for # 5 Red Maple Lane and 4.07 acres for #7 Red Maple Lane. There would be water and sewer that would serve these duplexes and if there are any questions I would be more than happy to try to answer those.

**Don Roberts:** Okay, thank you. At this time, we will open the public hearing, would anyone from the public wish to speak, please come up and say your name and address and any concern you may have, it's recorded so I'm sorry, but you have to speak into the microphone.

**Brenda LaMere:** Hello Brenda LaMere 124 Dunsbach Road, my husband

**George LaMere:** George LaMere also 120 Dunsbach Road.

**Brenda LaMere:** I also am the acreage along with my mother along the lot. I think it's lot 5. I don't know it's not labeled; I can't tell from that.

**Tom Koval:** The top part more towards the north of this

**Brenda LaMere:** The top part I own that land, correct I also own that land which is a separate property, and I also own another property adjacent to my 124 Dunsbach. I'm also here on behalf of my mother Nadia Smith who owns two of the three properties I'm discussing I'm her power of attorney. I am here to first say yes, they are beautiful duplexes but twenty years from now it's who knows what it's going to be like. I'd like to be able to pass out to you first of all, this is my concern. Without getting too much personally about myself I suffer from a condition and been treated for a long time for PTSD I will not get into what it was personally about but I can tell you I'm tired of having men with guns in my backyard, and I'm just, so I'd like to be able to approach and provide some pictures you can share. This is one of, if you see this is a picture, we have more pictures but if you look at the gentleman's bottom right hand that's a pistol in his hand. This is my backyard.

**Don Roberts:** That is your backyard?

**Brenda LaMere:** Yes, yes that's the woods, yes of my backyard. I also have step grandchildren and other family members who are on the autism spectrum and who is fully autistic that go in that woods and I've had enough. My sister will get into a little more detail about two older gentleman who are building one of the duplexes a couple of years ago, who are hunting in my back woods we had to take off, remove from our property, but it's just that the original PDD planned district development that was developed I believe back around 1992 approved so many duplexes and it was supposed to be one single family home on this planned district development. About 12 to 15 years ago we came to town because one of the builders wanted to change the single-family home to a duplex, and he indicated that it was because the neighboring duplex it was a gentleman, and he wanted to make the single-family home a duplex for his son to live next to him to take care of him. Eventually we found, we agreed, first we said no and then we agreed. Then we come to find out that it was never true, as the son of the supposed owner of the one duplex his fiancé was the secretary to my husband. So, we knew that was a fib to the Town. Then I believe it was back in 2019 we came for there was another special use permit to add an additional duplex in addition to the original planned district development that was only a certain number of duplexes. I was told by one of the neighbors Leo my husband was present that the gentleman that wanted to build the extra duplex that's all he was going to do, it's going to be a beautiful duplex. There was another person that wanted to buy that property, and the lady was going to subdivide it and put in several more duplexes. Which means years more of us fighting, I'm tired of fighting. So, I said oh thank goodness he is only going to put one more duplex I won't say anything, I was going to originally going to ask for a fence along my property line, but I didn't. Well now here we are today, that person

11/12/24

who bought the land wants to subdivide it, which he does have a lot of acreage and, but I don't believe he's got the frontage in addition to that.

**George LaMere:** I mean he has three duplexes back there, now two, there's one going in the road and two on the back side and where he wants to propose to build the other two is right close to our land. He cut the trees right close to our land when he did it and he pushed all the garbage trees and wood up to our land. I had to go speak to him; he did finally remove them. He just pulled them away from our property just left them there all stumps and trees and everything, it is his property, but it looks disgusting. I mean his duplexes are beautiful, he is encroaching, the road is awful narrow you know what I mean that's a single driveway you've already got two duplexes there now you want to put two more that's a lot, that's another four to eight cars at least you know what I mean. Fire, ambulance to get up into there I don't think the driveway is big enough you know what I mean, that's just my opinion.

**Brenda LaMere:** So anyway, I am requesting the answer, I would like to say no on behalf of myself, my mother.

**George LaMere:** I also would like to say no.

**Brenda LaMere:** And if for any crazy reason this is approved in the future, I would like it to be known that I am asking based on one, me being a long-time resident, I've been here almost 60 years, my mom has been here 81 years. We help keep Halfmoon look natural, nature I mean we haven't sold out our land for money and greed. I mean we're fighting to keep it, and help Halfmoon continue to look beautiful and 3<sup>rd</sup> because of my illness, and the illness of my stepchildren and other family members I would like if this is ever approved I want a fence from the entire line along my property and not a chain link fence because an animal will get caught in it, a solid fence. I don't care if it's whatever, but I hope you guys do not approve this because it's just so much we are just so congested and you know if something goes in the back maybe he can do something back in the future, but he should have known when he bought this property any restrictions with the planned district development prior to buying it. Thank you.

**Don Roberts:** Thank you. Anyone else wish to speak?

**Marion Geletta:** Good evening, I'm Marion Geletta. I'm at 128 Dunsbach and it's all of our family property, it was my grandfather's farm. We've been there over a hundred years everything and we're kind of a last hurrah left there with the woods and everything so there has been a lot of building lately and a lot more traffic. Now you know they want to put two more duplexes in which is four more renting families which is probably eight more cars and we just got fifty plus houses across the road and now we are going to have twenty-one houses right behind us in the future and it's just the traffic, you all know about the traffic, I don't go anywhere between three and five any more. You can't go anywhere but it's just too much there's just it's too congested. Your sitting in your living room and the last time that the duplexes were getting built boom there in the back hunting and went back out in the woods oh we missed him and they've got their guns and they were building the duplexes and they saw the woods so they said this is a great place to go hunting and then I have trail cams the satellite trail cameras everywhere back there and we have guys walk around with guns all of the time, we've got, I've got pictures, because it is, it's the last spot left and we're just, we're surrounded, so just two more duplexes and 50 more houses and 21 more houses behind us it's just a lot and just one little thing I noticed today, I put a camera out front just for Halloween to watch my stuff and I forgot to take the thing out of the camera and just from October 30<sup>th</sup> to yesterday there are over 8,000 pictures on my camera because I had it this way I didn't think it would go that far to the road but it did, so

11/12/24

there are over 8,000 pictures of cars going by and that's probably, it probably didn't pick them all up, and we've already moved our mailboxes to our own side of the road because you can't cross the road anymore to get your mail. I know all of these little stories you guys hear all of the time but it's just, I don't know you know people say oh it's starting to look like New Jersey, oh it looks like this county and that county it's just not the same anymore and there is just so much building and there is going to be more building on the other end of Dunsbach and everything else and we are just here because you know you sit in your living room and the guns are going off and your checking the cameras and everything and now that there are going to be 21 houses behind us and the houses here and the houses here everybody you know they just see the woods and they are going to use it and I would love to be nice and say oh sure but you know its constantly landscaping garbage, all the buckets from landscaping are all thrown out in the woods, we just pulled a whole bunch of stuff out the other day and that's it I guess I am not for it I am against it.

**Marcel Nadeau:** A question on the hunters how close are they to your home?

**Marion Geletta:** Oh boy, yea pretty close because that one time they were

**Marcel Nadeau:** 500 feet? Ever contacted DEC?

**Marion Geletta:** The last time when they were building that duplex the guy threw out there, they were right behind the barn out back there, is it 500 feet yea probably from the road yea but.

**Don Roberts:** Have you posted your property?

**Marion Geletta:** Oh my gosh? We had kids and we ran and we caught the kids when was it last Winter or the Winter before, the Winter before and you know they're young kids they shot a doe right out behind my house and those were the other duplexes back there and we said listen we're not against hunting and stuff, well lady you know if you posted your property, you know if you let me hunt there I'll post your property. Every year we post the property, and they rip the signs down, so I start bringing a bucket

**Marcel Nadeau:** Have you ever called DEC?

**Marion Geletta:** Huh?

**Marcel Nadeau:** have you ever called DEC, Encon?

**Marion Geletta:** We've called them for several things.

**Marcel Nadeau:** They'll patrol it.

**Marion Geletta:** I have to bring a bucket out; I bring the Home Depot bucket out and put it down and stand up and try to put the signs up higher but they still and they don't care. They don't care. Now the development coming in behind me with the 21 houses you know they bulldoze right up to the line it's right up to the line so the trees back there it's gone.

**Richard Harris:** Just so you're aware the only one house has been approved, the 21 lots has not been approved by this Board.

**Marion Geletta:** Yet, but they are doing all of that work on Woodin Road.

**Richard Harris:** He is building his own house.

**Marion Geletta:** For the sewer. Two fire hydrants and a roundabout for one house?

11/12/24

**Richard Harris:** Correct, just so you know he may come in for additional lots there, but this Board has only approved the one well two lot subdivision, one for the home going in. So, he has his permits for the one house. Just so you know.

**Brenda LaMere:** And all of the work being done on Wooding Road on the sewer

**Don Roberts:** Just say your name again please

**Brenda LaMere:** Hi, Brenda LaMere 124 Dunsbach Road. Well, the full road is basically in there, it's back there.

**Richard Harris:** That's his driveway, he did not build that to Town Road standards.

**Brenda LaMere:** Well, the driveway it goes all the way to the power lines.

**Richard Harris:** That's where he is putting the house way in the back there.

**Brenda LaMere:** Yea we never received a proper layout plan of that?

**Richard Harris:** You and I talked about that.

**Brenda LaMere:** Yea but I still couldn't tell where my property was, but that's for another day, that's not for tonight.

**Marion Geletta:** I was just mentioning all of the traffic

**Richard Harris:** No, I'm just wanting to clarify there has not been 21 lots approved behind your house, just the one.

**Marion Geletta:** I think on mine it says 21, and all the sewer work being done on Woodin Road.

**Tom Koval:** Woodin Road sewer work is part of Mohawk Terrace's storm improvement it has nothing to do with more sewer lines on Woodin Road that's Mohawk Terrace's sewer system has failed and they are tying into Saratoga County Sewer which required them to come out, up Beach Road and down Woodin to tie in that's what that was.

**Marion Geletta:** But the one on Woodin will be able to tap into that sewer

**Richard Harris:** Not that one

**Marion Geletta:** No?

**Richard Harris:** Possibly, the one put down for Krause's project, but that's not been approved by this Board or

**Marion Geletta:** Yea, yea

**Richard Harris:** I don't even have an application for that.

**Brenda LaMere:** That's okay, that's okay I'll bring my posse next time,

**Marion Geletta:** How do have a 2700-foot driveway that's a real trek

**Brenda LaMere:** One more thing I wanted to say, and I apologize, Brenda LaMere, is that these duplexes are not owner occupied, which I think is the problem. Thank you.

**Marion Geletta:** Right, that's what I said, I said that two more duplexes would be four more rental homes and that's eight more cars on top of the big development, 50 plus houses we have in front of us that we just got and

11/12/24

then that's behind us, it's all in this one area. That's what I'm talking about the traffic, mainly. So, I'm against it, just more, a little bit more, two more duplexes, two more. It's not, you can't relax at your own house we can't even walk out in the woods like right its hunting season don't even think about going in your woods, Saturday is gun season opens don't even think about it. I just go in my back yard to fee the birds, and I wear my orange coat. Because it's the last spot of woods that our family has on that road, and everybody just thinks you know they can go in there and now that all of these houses are going to be there. There will be even more people that think that they can just go in there so. That's all, thank you.

**Don Roberts:** Okay, thank you, anyone else?

**Kathy Kowski:** Kathy Kowski, 132 Dunsbach I'm to the northeast of this property. My problem is that I have, my husband and I have run one of the last farms in Halfmoon and as the developments have been going in the number of deer going into our property is unbelievable and our four foot fences went to five foot fence went to eight foot fences because in one night the herd can destroy 200 blueberry bushes or 1500 strawberries if they want to. They've totally destroyed. Now the other thing the properties have talked about is the guns coming in the property behind my house comes up and then you drop down into my yard and I have holes in my trapping shed in my back yard because they have shot from behind not realizing that over that knoll is my house and I know while my grandmother was alive they shot through her window because of the same topography. So, this is something that's a problem, but I'm speaking for the fact that we are crowding out, I have part of my grandfather's farm, and I'm getting pushed and because of all this development it's destroying my property because the animals have no place to go. Thank you.

**Don Roberts:** Thank you.

**Audrey Adams:** My name is Audrey Adams, I live at 121 Dunsbach Road, I am the daughter of Brenda LaMere, and I don't approve of this at all. Thank you.

**Don Roberts:** Thank you, anyone else? (No comments) Would anyone online wish to speak? (No comments) Anyone online wish to speak? (No comments) Okay at this time we will close the public hearing, personally based on the comments I've heard I have concerns about this now, but I want to hear what the rest of the Board has to say, so comments?

**Tom Koval:** Well as I said at the pre-meeting, I have several issues with this project first off, I don't like a shared driveway for four properties. Secondly, I don't like building every square inch of our Town up. I don't feel that this fits with the nature of the neighborhood and I'm against it. I understand that I feel for the residents that have that farm I know it's hard to keep property, pay taxes and deal with all of the people coming in on your property. It's a never-ending battle. I go through it constantly on some properties I have. The deer and wildlife is getting congested, they'll find a way they're gonna eat your blueberry bushes and they are going to eat all your plants. I am against this project, you're speaking to the traffic, we've had several other projects on the other end of Dunsbach Road, we could always use more input. I haven't seen your faces at the meetings when we are discussing those projects with traffic please come to those meeting when we're discussing those projects. Something needs to be done there but I don't feel as this subdivision increasing the number of properties on that very spread-out residential cull de sac is warranted.

**Charlie Lucia:** I would just like to just, this is conjecture, and we shouldn't base anything on conjecture. But if you look at the very first duplex it's on a one-acre lot if you look at proposed lot number ten and that's 2.6 acres,

11/12/24

they've already got the extended driveway going up to those others you could extend the driveway a little bit further and subdivide those. Now it's conjecture so we can't vote on conjecture.

**Tom Koval:** They were more estate lots and to be honest with you I know the person that built these. I did fail to mention I wanted to bring up one point that personally I feel before we should do any voting on this or make any recommendations that we look up the previous approvals for this PDD and see what the conditions were, what was brought up and what statements were made in those pre-meetings so we have a little bit more history on this.

**Richard Harris:** I do want to clarify it's not a planned development district.

**Tom Koval:** It wasn't a planned development district?

**Richard Harris:** No, it was part of a subdivision approval

**Tom Koval:** Okay I'd like to see the subdivision approvals; ya know that was before my time so

**Don Roberts:** Well, we can act on what we have before us tonight I mean we don't need to prolong this.

**Marcel Nadeau:** How many duplexes are in that area now?

**Tom Koval:** The majority of them are duplexes, 5 or 6 on that cull de sac?

**Marion Geletta:** There is nine, I'm sorry I just know the whole road maybe minus one is a duplex but they're all large lot duplexes with their own direct driveways.

**Don Roberts:** They are different type of properties.

**Tom Koval:** It's a much more estate feel to it. these are more of a I hate to use the term rental grade, because everything is a rental grade but there are more in a cluster. I own some more rental grade ones down further down the road, these are not the same type of properties, these are not the same type of lot it's not the same type of neighborhood, it doesn't fit.

**Don Roberts:** Anyone else?

**Marcel Nadeau:** This is a special use permit?

**Lyn Murphy:** Two different applications before the Board, one is a subdivision which they are entitled to, based on the size and space delineations, one is a special use for duplexes, so there are two different things that the Board needs to consider.

**Rich Berkowitz:** Does the applicant have to consider the subdivision before we vote on that or?

**Lyn Murphy:** You can enquire as to whether or not the application wants the subdivision if there is some question about due process?

**Nick Costa:** Yes, I believe the applicant would want the action on the subdivision.

**Don Roberts:** Okay

**Rich Berkowitz:** Even though he is probably not going to get the special use permit?

**Nick Costa:** Even though it's not going to get approved for the duplexes.

**Tom Koval:** The only way I would be comfortable with a subdivision on this would be with separate driveways to each property.



11/12/24

**Nick Costa:** Right, I think that too.

**Tom Koval:** And it would be to single families, I wouldn't be voting really for duplexes.

**Nick Costa:** I think that we would have to come back in here.

**Don Roberts:** We've got to vote on what's before us tonight.

**Lyn Murphy:** Or you could ask for some additional time so you can restructure the access points for what may or may not be single family homes.

**Nick Costa:** Yea okay we will do that

**Tom Koval:** So, you would like to table this for tonight?

**Nick Costa:** Yes, lets table this and then come back.

**Don Roberts:** Tell the applicant it looks like the duplexes are not going to happen, let's be honest here okay, alright.

**Nick Costa:** I heard that loud and clear., I understand that.

**Rich Berkowitz:** I make a motion to table this application.

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

**Nick Costa:** Thank you.

***Red Maple Lane, LLC, Subdivision & Duplex– Minor Subdivision & Special Use Permit (Duplex) TABLED. Board held a Public Hearing and tabled a two (2) lot Minor Subdivision and Special Use Permit request to construct two new duplexes.***

**New Business:**

**Roland J. Down Sign, 11B Solar Dr – Sign (24.174)**

**Adam ADK:** Good evening I'm Adam from Adirondack Sign Company representing Rowland J. Downs and Keller Signs. They're proposing just to put a final graphic on the first surface of the window, no other signs other than this. Pretty simple.

**Don Roberts:** It meets the specifications right, okay

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

**Tom Kova:** Second

**Don Roberts:** All in favor Aye? (all were in favor) Opposed? (none were opposed) Motion carried. Good job.

***Roland J. Down Sign – Sign (24.174)***

***APPROVED. Board approved a new window logo sign.***

**Mix & Makers Vendor Boutique, 1385 Crescent-Vischer Ferry Rd – Sign (24.182)**

11/12/24

**Cara Kramer:** Hello I'm Cara Kramer. I'm the owner of Mix & Makers Vendor Boutique. This is just the sign, it will be a wall mounted sign, 22 inches x 192 inches for a total of 29.33 square feet. No Illumination just something to let people know that we exist.

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

**Tom Koval:** I make a motion to approve the sign application

**Tom Werner:** Ill second it.

**Don Roberts:** All in favor Aye? (all were in favor) Opposed? (none were opposed) Motion carried, good luck, are you going to advertise you're in Halfmoon right.

**Cara Kramer:** Yes, Sir

**Don Roberts:** Thank you.

***Mix & Makers Vendor Boutique– Sign (24.182)***

***APPROVED. Board approved a new sign to reflect the new business/tenant name.***

**Casella Waste Break Facility, 12 Tabor Rd – Site Plan (24.156)**

**Dave Glover:** Dave Glover with Casella Waste. We had the proposal just to have a place a break trailer at our 12 Tabor Road Transfer Station. Simply used for the team on our site to get in and out of the elements in the Winter or have a place to eat lunch and what not, just a break area, safety meetings for our team and what not.

**Tom Koval:** Just a job trailer, you run power out to it?

**Dave Glover:** Yea just some power there's restroom facilities within the building itself we're just going to power it, give the guys a place to get out of the weather, team safety meetings and what not onsite. We had the site surveyed there are not going to be any topographical changes to the site. There is all black top and concrete in place.

**Rich Berkowitz:** I make a motion to approve the change in the site plan.

**Tom Koval:** Second

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

**Dave Glover:** Thank you.

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

***Casella Waste Break Facility – Site Plan (24.156)***

***APPROVED. Board approved the proposed Site Plan to install a break trailer at the existing site***

**Dawson Senior Center PDD Berm, 115 Farm to Market Rd – Site Plan (24.160)**

**Jason Dell:** Good evening, Jason Dell engineer with Lansing Engineering here on behalf of the applicant for this modification to the Dawson PDD. The applicant would like to construct a landscape berm along the rear of the townhouse lots and Pruyin Hill Road. In this area, on the approved plans it was just to be trees to be installed along there. The applicant would like to have a berm and with those trees now on top of that 4 to 6 feet high and it will

11/12/24

have the same number of trees that were originally approved as part of the site plans, so we are here to answer any questions and to request approval for that berm.

**Don Roberts:** Any questions by the Board.

**Marcel Nadeau:** Jason the berm that is there now, that's what you're basically putting up?

**Jason Dell:** Pretty much yes.

**Don Roberts:** Walt, do you see any reason to review this for MJ?

**Walt Lippman:** I don't think so just looking at it here briefly with the setback of the berm looks like there is adequate site distances from Farm to Market, and then also for the storm water, as long as nothing is getting trapped in behind the berm.

**Jason Dell:** It will sheet in either direction.

**Lyn Murphy:** And just as a reminder to the applicant if you could tell him to come here first prior to making changes that would be much appreciated.

**Tom Koval:** Maybe put clearance lights on top of those buildings so no aircraft hit them.

**Don Roberts:** I think Tamara wants to say something here.

**Tamara Sullivan:** Tamara Sullivan for Bruce Tanski Construction. That dirt legitimately was put there just because it's an active construction site, when we pushed it up against the road that's when Bruce got the idea like hey why don't we keep it here and make a berm. If the Town does not want that then we can move it to another location, but it legitimately is just dirt on an active construction site.

**Richard Harris:** It's largely from the foundation excavation for the building, correct?

**Tamara Sullivan:** Correct

**Richard Harris:** That's where it's largely from.

**Tamara Sullivan:** Yup

**Tom Koval:** Another 40 feet of it and we might not be able to see the roof line.

**Richard Berkowitz:** I make a motion to approve the site plan.

**Tom Koval:** Ill second

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

**Jason Dell:** Thank you.

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

***Dawson Senior Center PDD Berm – Site Plan (24.160)***

***APPROVED. Board approved the proposed Site Plan to construct a new berm with associated landscaping along the rear property line of the proposed townhomes along Pruyn Hill Road.***

**TriCity Associates Duplex #1, Hudson River Rd (SBL 280.-1-22.4) – Special Use Permit (24.166)**

11/12/24

**TriCity Associates Duplex #2, Hudson River Rd (SBL 280.-1-22.1) – Special Use Permit (24.167)**

**Mike Bouchard:** Good evening, everybody. I'm Michael Bouchard and I'm a product assistant for Anthony Vacarelli and Anthony Vacarelli is the owner of TriCity Associates LLC. That has the two special use permit applications before the Board. The code has eight permitted uses in the W-1 waterfront district. Two family homes are not included in the permitted uses but in paragraph C of that code does allow two family dwellings upon the issuance of this special use permit by the Planning Board. The two properties in question are vacant. They are adjoining to each other. They meet all of the same setbacks by the Town and Mr. Vacarelli is simply looking to have the special use permits to build a two-family home on one property and a two-family home on the adjoining property.

**Don Roberts:** Thank you. Questions by the Board?

**Marcel Nadeau:** How many duplexes are in the area?

**Mike Bouchard:** Excuse me?

**Marcel Nadeau:** How many duplexes are in the area?

**Marcel Nadeau:** There are a lot of single-family homes.

**Mike Bouchard:** I searched Saratoga County Image Mate, and in that general area and I pulled up at least twenty different properties it showed that two different two-family homes that they're a bit further away from this particular property but there are, at least according to Saratoga County Image Mate two different two-family homes.

**Mike Bouchard:** Correct. Yup

**Marcel Nadeau:** The homes next to this property?

**Mike Bouchard:** No, they are not next to this property.

**Marcel Nadeau:** No, I'm saying there are single family homes next to this property?

**Mike Bouchard:** Oh, yes there are single family homes, yes.

**Don Roberts:** Before we go further, we have to refer this to Saratoga County Planning Board as well, right.

**Richard Harris:** I have already sent it.

**Don Roberts:** You've already sent it?

**Richard Harris:** Yea

**Don Roberts:** Okay, alright, thank you. Other questions?

**Tom Koval:** Ill set a public hearing for December 9<sup>th</sup>.

**Richard Berkowitz:** December 9<sup>th</sup>, I'll second

**Don Roberts:** All in favor Aye? (all were in favor) Opposed? (none were opposed) Motion carried, see you December 9<sup>th</sup>.

**Mike Bouchard:** Thank you.

11/12/24

*TriCity Associates Duplex #1, Hudson River Rd (SBL 280.-1-22.4) – Special Use Permit (24.166)*  
*TriCity Associates Duplex #2, Hudson River Rd (SBL 280.-1-22.1) – Special Use Permit (24.167)*  
**PUBLIC HEARING SET. Board received a presentation on Special Use Permit requests for two (2) proposed duplexes on adjacent parcels and set a Public Hearing for December 9, 2024.**

**Prestige Petroleum Gas Service Station, 436 & 438 Rt 146 – Site Plan & Special Use (drive-thru)**  
**(24.183 & 24.184)**

**Caryn Moldzianowski:** Good evening for the record Caryn Moldzianowski with Boehler engineering on behalf of Prestige Petroleum and we are here for review of the proposed project on 436 & 438 Route 146 which are two existing adjacent parcels which would be combined for this project to be about 1.7 acres in size. If you remember we were here back in June to introduce this project and we knew we needed an area variance for the front yard setback for the front yard canopy, so we were kicked to the Zoning Board so that's where we've been since so just a refresher on the project. It is a proposed gas station with four pumps as you can see and a canopy and then a building behind it for a convenience store use that might have a drive thru component as you can see here. When we were here back in June with the original proposal the building was about 4500 square feet in size and the canopy front yard setback was at about 47 feet from the closest point of the property line. The front property line does jog in and as you can see so in taking that we went to the Zoning Board early September and met with them to review that request, ultimately that was denied so we had to go back to the drawing board and put together what we feel is a compliant plan that shouldn't need any area variances. We do understand we need a special use permit for the drive thru component and what we've done since changing the plan is push the canopy back, so it meets the set back from the closest point of the front property line. We swung around from the side of the building to the front along route 146 to help get the compliant plan and we've also significantly shrunk the size of the building to 3200 square feet so that's almost 30 percent. So, this has gotten a lot smaller, we still have 29 parking spaces on the site and we're able to maintain greenspace around the site as you can see as well so we're excited to get the Boards thoughts on this this evening.

**Don Roberts:** Okay, thank you, first off, we've got to refer this to our Town engineer for review and also Saratoga County Planning Board for review. Questions by the Board?

**Rich Berkowitz:** How close are you to the nearest residences behind you and to the side of you?

**Caryn Moldzianowski:** So, there's the east side is the business from what I understand because they submitted a letter for the public hearing for the variance, you can see the mobile home park street behind us the building itself on our property has 115-foot rear yard setback.

**Rich Berkowitz:** But you also have a stacking lane behind the building closest to the residences

**Caryn Moldzianowski:** Yes

**Rich Berkowitz:** It's going to be noisy I would assume?

**Caryn Moldzianowski:** There will be vehicles I mean we're

**Rich Berkowitz:** That starts around 5, 6 in the morning?

**Caryn Moldzianowski:** The tenant is not decided yet on that.

11/12/24

**Rich Berkowitz:** We know they are going to be serving breakfast, coffee stuff like that.

**Caryn Moldzianowski:** They actually are leaning towards not, it's not likely there is already a Dunkin down the road, Stewart's it's not going to be a big name we're actually going to limit the tenant to something that has less volume so that traffic isn't as much of a concern so something maybe like a mom-and-pop pizza shop or a drive thru dry cleaning. Something less intense than coffee.

**Rich Berkowitz:** So, you're willing to go on the record to limit what you're going to put there?

**Caryn Moldzianowski:** I'm not going to say what we are and aren't going to do to limit it, but they are targeting a use that has less traffic in general.

**Rich Berkowitz:** So, we can assume the worst then as far as what is going to go there, because we can't assume without you limiting it what's going to go there.

**Caryn Moldzianowski:** Yea they're not chasing a coffee shop, I can tell you that I won't say it won't be that.

**Rich Berkowitz:** When money comes down, they are going to go with whatever the tenant wants. They'll put a

**Caryn Moldzianowski:** I know we need the special use for the driveway and that's going to be looked at, but they do want to have someone with less traffic.

**Rich Berkowitz:** Okay, just don't cry poverty when you come here and they want a drive thru for you know coffee, all that stuff, because you've got residences right behind you.

**Caryn Moldzianowski:** Understood, it's not their intent. And we are maintaining green space there, vegetation.

**Rich Berkowitz:** Well by the looks of the map you only a few feet of green space

**Tom Koval:** They have 40 feet to the back of the drive thru and you said your total was 100 and how many feet?

**Caryn Moldzianowski:** About a 115 to the building.

**Tom Koval:** So, you have 60 to 70 feet of green space

**Rich Berkowitz:** You have what 10 feet of trees?

**Tom Koval:** The 70 feet of greenspace, 115 feet total, so yea it's about 10 feet of trees off that back yard

**Don Roberts:** Don't forget Rich MJ is going to review this so we can address this as we go along. Oh, I think she knows.

**Rich Berkowitz:** I just want them to know what they're up against

**Don Roberts:** Oh, I think she knows.

**Caryn Moldzianowski:** Understood.

**Don Roberts:** Anyone else?

**Tom Koval:** Just a thought why wouldn't you angle those gas base so when you come in you have an offset driveway now you're making some serious right hand turns getting into those fueling stations and out of those fueling stations, why wouldn't you just angle those fueling stations so you could come in and swoop out back to your right and right back out that way?

11/12/24

**Caryn Moldzianowski:** It is wide out front, it's about 37 fee to make that turn so it does work, however if the Boards preference is to angle them we could.

**Tom Koval:** It just makes common sense to me because I'm always the guy trying to get in there with towing a little trailer or one of my trucks and just would make more sense to me to have them all angled. Easier in and out makes traffic move faster, it creates less interference with people backing out of parking spots and everything.

**Caryn Moldzianowski:** We could look at that .

**Don Roberts:** Okay, anyone else?

**Tom Werner:** How many fueling stations total are there, there 16?

**Caryn Moldzianowski:** There's four pumps that are double sided, so eight positions.

**Tom Koval:** Is it 4 or 8 pumps ?

**Caryn Moldzianowski:** It's 4 that are double sided.

**Tom Koval:** Each island has 2 pumps on it which would be double sided

**Caryn Moldzianowski:** It might be the way it's drawn but there's 8 total positions.

**Tom Koval:** That's not the way the drawing is?

**Rich Berkowitz:** It's not a double-sided pump?

**Caryn Moldzianowski:** It's a double-sided pump, it's one pump double sided.

**Tom Werner:** One pump per island?

**Rich Berkowitz:** There is 18 spots?

**Caryn Moldzianowski:** Those are columns, the pump is in the middle. It's the big thing in the middle.

**Rich Berkowitz:** One pump per island.

**Caryn Moldzianowski:** Correct.

**Tom Werner:** So, there's 8 fueling stations.

**Don Roberts:** Anyone else? Okay, we will have it reviewed, and we'll get back to you.

**Caryn Moldzianowski:** So, it will be referred to the County?

**Don Roberts:** It's being referred to Saratoga County, and our Town engineer as well. So, they'll both review it, and we'll get back to you.

**Caryn Moldzianowski:** And then public hearing will be set for special use after that.

**Don Roberts:** That's in a future time, yea. Okay

**Caryn Moldzianowski:** Okay, thank you.

**Don Roberts:** Your welcome

***Prestige Petroleum Gas Station– Site Plan & Special Use (24.183 & 24.184)***

11/12/24

***TABLED/REFERRED TO AGENCIES. Board received a presentation for a new 3,200 SF convenience store with associated gas canopy and drive-thru, referred it to the necessary agencies for review.***

**Old Business:**

**One-Four-Six Marketplace PDD, Old Rt 146 & Rt 146 – Site Plan (24.132)**

**Jason Dell:** Jason Dell, Engineer with Lansing Engineering. I'm here on behalf of the applicant for the One-Four-Six Marketplace PDD. Our goal for this evening is to request an approval from this Board. The project has been before this Board and the Town Board on multiple occasions over the past few years and we have gone through multiple rounds of review, technical review with MJ Engineering. We're at a point where we've addressed all of their comments to date. We've also submitted materials to DEC, DOH, the sewer district. As part of the PDD we did receive a Stage 1 approval from DOT, Alanna Moran from VHB and VHB's been working with DOT to get the intersection modified. Plans for the modifications in the works and we're here this evening to answer any remaining questions that you folks may have and to request an approval for the project.

**Donald Roberts:** So, you said you do have the approval of DOT?

**Jason Dell:** As part of the PDD, we have a stage 1 approval.

**Donald Roberts:** Stage 1?

**Richard Berkowitz:** What's that mean?

**Jason Dell:** Stage 1 is basically the, they agreed with the geometry and the concept of all of the improvements proposed for the intersection.

**Richard Berkowitz:** Which are what? Go from the beginning.

**Donald Roberts:** Here she comes.

**Alanna Moran:** Good evening, Alanna Moran with VHB. So, stage 1 approval means that DOT has approved the concept plan for the project. At the mitigation proposed and approved is an additional westbound thru lane along the project frontage so when we're at that Lowe's traffic signal there would be 2 westbound thru lanes. A thru lane and a shared thru.

**Richard Berkowitz:** Is there a map of all the improvements?

**Alanna Moran:** That's, actually

**Richard Harris:** Is it in the full plan set?

**Alanna Moran:** It's probably in the full plan set but this might be your best one because you can see that there's, you can see the widened lane at that location and then the applicant also did receive approval from Lowe's in order to widen for the 3 lanes exiting, instead of just the 2 so that's the better mitigation but they had to get approval from Lowe's in order to do that. Did they get that approval? And then so it's that brand new traffic signal at that location. So, the other thing that's going on in the area is that DOT has a safety project coming through and their safety project ends right at our intersection, so we've been coordinating with DOT on their plans. Theirs is going



11/12/24

to add an additional eastbound thru lane from the Route 9 signal so, eastbound thru and then it's going to drop at our traffic site here at the Lowe's drive and then have a continuation of a thru lane eastbound. So, we've been working with them, we're well into the design of those improvements.

**Richard Harris:** Alana, when you say the DOT safety project, you mean a large project that's analyzing 9 and 146, in both directions, correct?

**Alanna Moran:** Yea, yes so, they finished their design report, they finished their project and what they've come up with is, what they're calling a safety improvement project which is to actually remove some of the slip lanes at the 9 and 146 intersections, bring everything tighter together and add that additional eastbound thru lane at that location.

**Richard Berkowitz:** So, what their plan on 9 and 146?

**Alanna Moran:** That's it, right there. Tighten everything up, getting rid of those

**Richard Berkowitz:** Getting rid of the jog.

**Alanna Moran:** Getting rid of this slip planes and whatnot and they're just adding that additional thru lane.

**Richard Berkowitz:** Are they going to have a turning lane on 9, on 146 going north to 9?

**Alanna Moran:** 146 going

**Richard Berkowitz:** going westbound on 146 and going north on 9

**Alanna Moran:** I feel like it's a shared, let me see – I have the plans.

**Lyn Murphy:** While she's pulling those out, I would strongly recommend that it be made clear to the applicant that unless and until DOT does issue an actual permit for this, that they're not going to get any building permit.

**Donald Roberts:** We can make that part of any approval.

**Alanna Moran:** The Highway Work Permit is, like the full Highway Work Permit is a requirement prior to getting on-site and doing any building?

**Jason Dell:** Or just building permit.

**Alana Moarn:** Occupancy. Do you mean an occupancy permit, or like, because you want to be able build before we have a permit.

**Jason Dell:** They'd like to start the road construction because this work here is going to take so long just to

**Lyn Murphy:** The road construction is fine, it's just a matter, DOT has to approve, obviously, all your curb cuts, all the changes that are going to be done past the Phase 1 approval.

11/12/24

**Alanna Moran:** We are absolutely working directly with them to make sure that all of that stuff is being handled. All of those permits will be in place but it's often not possible to get the highway work permit prior to like being able to get on-site and clear things and start construction. So, that's just what I want to clarify.

**Richard Harris:** When you say construction though do you mean building permits for the four buildings?

**Alanna Moran:** Yes.

**Richard Harris:** So, you're looking to get the building permits for one or more

**Jason Dell:** We're at least looking to get the soil disturbance permit and start building roads and whatnot. We're actively working with DOT and Rich; you know how long it takes to get stuff from DOT right now. We're well along in the process.

**Richard Harris:** Yup.

**Jason Dell:** We've got that stage 1, so we're confident moving forward but there's a significant amount of infrastructure work that needs to be done here.

**Lyn Murphy:** And then that's totally fine. Just, the Chairman isn't going to sign off on the plans, the permanent plans unless and until all of the State agencies also signoff, which happens in every project.

**Jason Dell:** Understood.

**Marcel Nadeau:** Jason, on those new westbound lanes, how far back do they, do they go?

**Jason Dell:** The new westbound lanes?

**Alanna Moran:** Yeah.

**Jason Dell:** Do you know how far back the new westbound lane goes?

**Alanna Moran:** Yeah.

**Tom Werner:** It's like a right turning lane. Introduction of a right turning lane at Old 146. Not much beyond that.

**Richard Berkowitz:** Are we keeping the suicide lane also?

**Alanna Moran:** Sorry, I'm having to separate my DOT plans versus my permit plans. Let me get some stuff out of the way. So, we start to widen out about near Old Plant Road. We get to about the two lanes along the project frontage, yeah so right where the right turn in enters this site at the far west, far eastern edge of the site, that's where we're going to widening out to get to full width right around Old Plant Road.

**Richard Berkowitz:** Now, do we keep that middle turning lane from Old Plant Road to Lowe's? There's a suicide lane there.

**Alanna Moran:** We are not removing anything existing.

11/12/24

**Richard Berkowitz:** You're just adding?

**Alanna Moran:** Yeah. We're only adding pavement. We are not removing anything.

**Richard Berkowitz:** Ok.

**Tom Werner:** What's your projection of the current traffic on Old Route 146? What's going to happen to that in terms of that volume with rerouting this through a roundabout? Have you looked at that?

**Alanna Moran:** Yeah. We absolutely did. For the most part we're not expecting a huge change on that right turn volume but let me grab the numbers exactly.

**Tom Werner:** Does that mean, it's currently a cut-through to avoid 9 and 146.

**Alanna Moran:** Right. Because right now it's the angle, right and it makes it super-duper easy to go and just whoop, make that move but let's look at that exact number

**Tom Werner:** But now I'm going to have to go through the development around a roundabout. You can expect I would think a fairly good percentage will now deter to 9 and 146. Depending upon what the DOT project is.

**Richard Berkowitz:** I think you've got a significant one

**Alanna Moran:** So, DOT's project does not widen in the westbound direction. They only widen in the eastbound.

**Tom Werner:** Which is highly needed. This is a significant traffic generator and the eastbound lane approaching that on 146 and 9. That backs all the way up Clifton Country Mall. It's a single lane.

**Alanna Moran:** Right, right, right. So, DOT is taking care of that with their project. They're adding that additional eastbound thru lane with their project, yes.

**Richard Berkowitz:** But they're doing nothing westbound?

**Alanna Moran:** Correct. But the applicant is providing additional capacity westbound by adding the additional lane along the project frontage so there's more capacity going through that Lowe's traffic signal.

**Richard Berkowitz:** But there's going to be more cars coming out of your project going westbound towards Route 9.

**Alanna Moran:** Yeah. Sure.

**Richard Berkowitz:** That negates whatever you're doing.

**Alanna Moran:** No, no, no, no. It doesn't negate what we're doing. The project is mitigating that and building additional capacity.

**Richard Berkowitz:** But there's no capacity being added toward Route 9.

11/12/24

**Alanna Moran:** At 9 and 146 the DOT has determined that they're going to do with their project. They're considering it a safety project and when that happens that's often at the, it's a trade-off when it comes to vehicle capacity versus pedestrian safety and at this instance what they've determined is that the vehicle safety, the pedestrian safety is more important than providing additional capacity at that intersection.

**Richard Berkowitz:** So, your answer is no, nothing's going to happen from going westbound toward Route 9.

**Alanna Moran:** That is correct.

**Richard Berkowitz:** So, there's going to be added more traffic on that small area.

**Alanna Moran:** Correct. That's correct.

**Richard Berkowitz:** That's not going to be mitigated?

**Alanna Moran:** Again, the applicant is doing their part by

**Richard Berkowitz:** I understand what you guys are doing and what the State is doing but nothing, right now you have two lanes

**Alanna Moran:** And there is nothing in the foreseeable future.

**Richard Berkowitz:** And there's gonna be added traffic because your project and other projects.

**Alanna Moran:** Yup.

**Richard Berkowitz:** And nothing's being mitigated at 9 and 146.

**Alanna Moran:** The DOT has not

**Richard Berkowitz:** I know that's the answer but in reality, in theory it might be fine, in reality it's gonna be a nightmare.

**Alanna Moran:** Oh, I don't even necessarily believe that in theory it's, it's going to be fine that's not what the DOT has said with their report. What they've identified is that they are actually just going to identify this as a safety project. It is not a capacity project. They're not trying to increase capacity.

**Richard Berkowitz:** So, who are they trying to keep safe?

**Alanna Moran:** It's gonna be in the, right their DOT report but it's a crash history thing. That's what they've identified for.

**Richard Berkowitz:** So, when there's an increase in the crash history what are they going to do?

**Alanna Moran:** They've identified this as safety

**Richard Berkowitz:** I know, we're talking

11/12/24

**Alanna Moran:** That's all I've got for ya.

**Richard Berkowitz:** I know it's a circular firing squad right now.

**Tom Werner:** On eastbound 146 approach to Route 9 which is aggregates, it just backs up. They are providing two eastbound lanes.

**Alanna Moran:** Yes. That's correct.

**Tom Werner:** East of Route 9. Are they redesignating to get two eastbound lanes on the west side of Route 9?

**Alanna Moran:** There will be two eastbound thru lanes between Route 9 and the Lowe's traffic signal.

**Tom Werner:** How about west of there coming into the intersection? That's what the problem is. It's that they've got the two eastbound lanes but they're going to have to get two lanes east

**Alanna Moran:** They are going to be widening out pretty quickly. So, as soon as you get just east of the northbound ramp, there's going to be two left turn lanes, two thru lanes and then a right turn lane. So, they're widening out pretty quickly to get as much capacity and storage in that area as possible.

**Tom Werner:** But that's beyond Route 9, right?

**Donald Roberts:** It's before Route 9. Ok, it's before Route 9 Tom.

**Tom Koval:** West side of Route 9?

**Alanna Moran:** West side of Route 9, yes.

**Tom Werner:** Is there any way we could see this set of plans to look at? This is a very big, significant traffic generator. It's a very big one for the Town of Halfmoon. It's important that it works and we're not seeing what's happening there.

**Alanna Moran:** Well.

**Tom Koval:** I'd like to see a set of plans with lines and perhaps what you have in front of you.

**Alanna Moran:** Yeah, and I can certainly, I can certainly provide this to you, but I just want to make sure we understand that like, the whole point here is that the applicant is coordinating with DOT to make sure that we have a pretty seamless integration of the two projects. The design plans for DOT have a build year of 2025. They're probably at this point gonna be around 2026. I think the applicant is also going to be in the 2025/2026 timeframe and that really is going to make things better in the area. In addition, when we talk about the trips generated by the proposed project, it's going to be kind of a ramp up kind of effect. It's not all going to come in at once. So, it is going to be kind of this, this, we didn't analyze it as a phased approach, but it's phased growth, a little bit at a time. The applicant has mitigated per DOT, and we've talked about it for years. You know, how much more can they do really for something?

**Richard Berkowitz:** What is your phase in? What's your timeline?

11/12/24

**Jason Dell:** Construction, they'd like to start the road construction this winter and to Alana's point,

**Richard Berkowitz:** I'm talking more inside the project, not the road.

**Jason Dell:** So, phase one of the project is going to include these two very large buildings with underground parking

**Richard Berkowitz:** Those are the apartment buildings?

**Jason Dell:** Yup.

**Richard Berkowitz:** How many apartments in each building?

**Jason Dell:** A total, there's 328 in these over here there was around, I want to say, 180 combined.

**Richard Berkowitz:** 180 in Phase 1?

**Jason Dell:** Yup. So, Phase 1 includes these two buildings and these two buildings.

**Richard Berkowitz:** The grocery store, which is how many square feet?

**Jason Dell:** 25,000.

**Richard Berkowitz:** How many cars a day are you figuring in that type of store?

**Jason Dell:** At the top of my head, I don't know a number of cars per day but to Alana's point, and what we were talking about before about building permits versus CO's, it's going to take a very long time to create, to build either one of these.

**Richard Berkowitz:** Oh no, we're talking 1-2 years.

**Jason Dell:** Yeah. A significant amount of time.

**Richard Berkowitz:** Right, I understand that.

**Paul Marlow:** It's about 5 years.

**Richard Berkowitz:** For the apartments or for the

**Paul Marlow:** The whole thing.

**Richard Berkowitz:** The whole thing, but we're talking Phase 1 is, what's your timeframe on Phase 1?

**Jason Dell:** 2 Years.

**Richard Berkowitz:** Two years. Ok, so we're talking, a grocery store, 180 apartments, another minor store. So, you're talking at least what 700-800 cars a day?

11/12/24

**Alanna Moran:** So, we don't look at

**Richard Berkowitz:** I know you look at by hour.

**Alanna Moran:** Exactly.

**Richard Berkowitz:** I look at it differently. I look at weight times.

**Alanna Moran:** Well, we can only look at wait times during the times that we evaluate.

**Richard Berkowitz:** Right.

**Alanna Moran:** That's the only part that we can look at. We're using standard practices and procedures. It's typical going through here. We all know it's difficult going through here, that's why it's one of the places that DOT is investing money. Understood they're investing it from a safety perspective as opposed to capacity, but they are investing money in this location because they know it's a problem spot.

**Richard Berkowitz:** Right, and I think it's a terrific project. Don't get me wrong. But there still are traffic issues and I know I'd be the dead horse for Plant Road, and I know you can't do, you're not doing anything with Plant Road, even though you should.

**Alanna Moran:** We can't.

**Richard Berkowitz:** Well, you can do something. You can, I don't know who owns that property. If you guys or Scott, whoever owns that property at the corner of Plant and 146, can move the intersection a little bit more east. Just to give, it gives you more of a gap.

**Jason Dell:** We haven't given up hope yet.

**Richard Berkowitz:** I know you haven't, and I know you're still talking to the other homeowner, and I do hope it works out.

**Don Roberts:** Rich, we can't hold the project up

**Richard Berkowitz:** No, I'm not saying, I'm not holding, and also, no one ever mentions that intersection and that's the intersection that might be affected the most, for residents, not for pass through and not for business. For residents.

**Alanna Moran:** Right, and I think the answer is that the

**Richard Berkowitz:** I'm not going to hold the project up because of that, but it does have to be in the back of your mind.

**Alanna Moran:** And they're continuing to try. They really want it to work as well.

**Richard Berkowitz:** Right.

11/12/24

**Jason Dell:** Scott's been trying to do that for many years.

**Richard Berkowitz:** I know...time I want to remind you that it still needs to be looked at.

**Richard Harris:** There are two things I want to just mention. Jason, can you provide, regardless of what happens tonight, a clear delineation of what Phase 1 is besides the four buildings and discuss it now. Is it all of the roads you're looking to turnover to the Town?

**Jason Dell:** Well, the only rules that are getting turned over to the Town are in here.

**Richard Harris:** Yeah. So, are you building it up to Cemetery?

**Jason Dell:** It'll all have to fit seamlessly with this circle. So, yes, we would have to construct the road here. This access would have to come out and into here. So, the majority of this infrastructure all has to go in. It's just going to be the staging of the building. But, in order to get the stormwater to work, in order to get your sewer extended over to the building in order to extend your water system, it's got to come over to these buildings. The Water Department requested that we loop the water lines. The Sewer District, we need to extend sewer from the gravity line here, all the way over to tie in these buildings. So, in order to do all this work, it's all of this infrastructure that needs to go in pretty much, yes. The only thing it does first is this parking area in the back doesn't need to go in and these parking areas don't need to go in, associated with the buildings. But the road does need to go in the parking areas. Up front need to go in because it's all incorporated into the parking numbers.

**Richard Harris:** I'd like a plan that shows that either shows the Phase 1. So, if none of us are here in two or three years.... I understand the infrastructure kind of crosses those lines, it doesn't make sense to come back and do.... Just so we're clear on what phase and what is besides the four buildings.

**Jason Dell:** Sure.

**Richard Harris:** Alright. Can you put that on a revised plan. Regardless of what happens tonight

**Jason Dell:** I can include that in the final set sure.

**Richard Harris:** The other thing that I want to bring up just so we're clear, I want to make sure we're on the same page. What the Board was discussing about making sure we have the highway work permit in hand. That was before issuing building permits for the four buildings. Was that your understanding of that discussion?

**Jason Dell:** It is my understanding but it's a question that I had for it because of the timeframes associated with these buildings. They're not going to be seeking COs in April. A building of this size with the underground parking and whatnot, it's gonna take a long time. So, if we wait for building permit for all of that infrastructure

**Richard Harris:** Not the infrastructure. I'm just talking about the four buildings. I'm not talking about roads, water, sewer, stormwater. Four buildings, those are four separate building permits issued by the Building Department. That's what I think the Board was talking about. When do you expect your Highway Work Permit ballpark? A year, six months? And do you expect to, do you want to start buildings, one of the four buildings or all, before you have that Highway Work Permit in hand?



11/12/24

**Alanna Moran:** So, based on DOT's backlog right now, we're probably at six to eight months before we have a completed Highway Work Permit. But, again, we have Stage 1 approvals and are working very, we're working to get in place all the design details as well.

**Richard Harris:** I just want to make sure everybody's talking the same language here.

**Jason Dell:** So yes, we would like to start buildings before

**Richard Harris:** You'd like to start construction of those four buildings or at least one of them.

**Victor Cabinero** The answer is yes.

**Donald Roberts:** Can I have your name please.

**Victor Cabinero:** Victor Cabinero. I'm the attorney for the property owner. So, yes, which is why I want to go back to what we were talking about what Lyn said because there's a backlog and I don't see this happening. I think there's going to be a problem with, between Lyn, DOT, gives their final.

**Alanna Moran:** Right.

**Victor Cabinero:** And when we want to start on this.

**Richard Harris:** So, is the Board comfortable conditioning COs on the final Highway Work Permit? That, I think, is that what you're asking?

**Victor Cabinero:** That would be more reasonable, yes.

**Richard Harris:** I guess that's the two things for the Board to decide here in terms of timing.

**Richard Berkowitz:** So, your backlog by DOT for six to eight months?

**Alanna Moran:** Yes

**Richard Berkowitz:** It will take you how many months to do the infrastructure?

**Victor Cabinero:** It's going to take a while. If we start in January but what are we talking? Months, right? Four to five months.

**Richard Berkowitz:** In, before you start construction on a building, all the infrastructure has to be completed?

**Victor Cabinero:** I don't think so.

**Jason Dell:** No. You can start on foundation work and what not, but you'd want all that infrastructure there when you get to plumbing, electric

**Richard Berkowitz:** So, your first CO would be approximately when?

**Victor Cabinero:** Next month. No. I'm realistically thinking a year.

11/12/24

**Richard Berkowitz:** So, DOT would be

**Victor Cabinero:** We're negotiating leases right now

**Richard Berkowitz:** So, DOT would be fully on-board by the time you want a CO?

**Victor Cabinero:** Yeah, well

**Alanna Moran:** I mean, they're on-board right now.

**Richard Berkowitz:** Your permits, what do you need

**Victor Cabinero:** Final. But we're negotiating leases right now and these tenants, the grocery market tenant, asking us every, single, day, we need an SBL, section, block and lot number for the lot. We need to know when you're going to start construction. We need to know when we can get a CO. So, time is

**Richard Berkowitz:** It's of the essence.

**Charlie Lucia:** Sure.

**Victor Cabinero:** It's on the wing. I don't like to use that phrase.

**Richard Berkowitz:** Ok.

**Charlie Lucia:** I think Rich brings up a good point though. If you're, hypothetically, it's all hypothetically though it's all hypothetically. First building, you're going to be looking for a CO, just hypothetically, in a year and the New York State and DOT is six to eight months which could be eight to twelve months because. Just because, there's backlog, they're not getting there, a little slow, it's the holiday season. All that. That puts it pretty close to we haven't got the necessary permits from the State, and we've already got her request for a CO. I don't know.

**Richard Berkowitz:** The timeline, the timeline matches as far as

**Victor Cabinero:** Hopefully.

**Richard Berkowitz:** Right, but you can't get a CO before DOT signs off.

**Alanna Moran:** That's typical.

**Richard Berkowitz:** So, you're building at risk based on DOT?

**Donald Roberts:** And also, no COs until the Town is satisfied. That's what it comes down to.

**Richard Harris:** Is it realistic that you pull four building permits while waiting for that Highway Work Permit or do you have a phase within a phase? Grocery store, one apartment building?

**Victor Cabinero:** I think all four

11/12/24

**Jason Dell:** You've got a significant export of material that's going to happen here that's going to be moved around because you've got a very large underground parking system that's underneath those buildings. So, there's a lot of site prep and work that goes along with that, so.

**Richard Berkowitz:** What time of the days is prep happening?

**Jason Dell:** What's that?

**Richard Berkowitz:** What time of the day is this prep happening? No, I'm serious. If this starts at 5:00 a.m. 6:00 a.m. you're gonna have a lot of complaints.

**Richard Berkowitz:** I have no idea. I don't think we have

**Paul Marlow:** No. We don't have a noise ordinance.

**Victor Cabinero:** Really?

**Paul Marlow:** Now generally what we do at pre-construction meetings sometimes is set specific time. The Board doesn't set, they've done it, but not in the past. But sometimes at pre-construction meetings we'll establish times.

**Victor Cabinero:** Some of the enlightened jurisdictions that I go in front of have this time limit. No earlier than 7:00 and no later than like 5:00.

**Richard Berkowitz:** Is there going to be any blasting for the...

**Jason Dell:** If you remember, this area's all been filled with sand

**Richard Berkowitz:** Yeah. I know it's sand. It's all sand, but. Any pile drive in? No?

**Tom Koval:** Tamping, sheet type roller.

**Jason Dell:** Yes.

**Victor Cabinero:** Probably.

**Richard Berkowitz:** What's that.

**Tom Koval:** Those rollers with the claws on, the vibratory sheep head rollers. Sheep's foot. Knock your fillings out. It's all the same. It shouldn't be too bad.

**Victor Cabinero:** No, right it is all sand.

**Richard Harris:** What we were talking about, it's not just the Highway Work Permit in hand. The work has to be done, right. I mean you understand, before you get a CO for one building, these turn lanes, these new lanes will be in, correct?

**Victor Cabinero:** Yeah.

11/12/24

**Donald Roberts:** It has to be.

**Jason Dell:** There's only one entrance on this end that's, ya know, and then everything else is contingent upon coming off of Route 146, Cemetery Road and the new road.

**Richard Harris:** So, it's not really, no COs till you have a Highway Work Permit. If the work's got to be done affiliated with it.

**Richard Berkowitz:** And where is your construction entrance?

**Jason Dell:** Construction entrance is going to have to come off of, you're going to be able to stage most everything right on the property because of the size of it, but we'll have to come off Cemetery, we'll have to come off Old Route 146 as well as 146. It's so vast in there you kind of just get everything in there.

**Richard Berkowitz:** How about delivery and steel and all that, that has to come off of 146 I would think.

**Victor Cabinero:** I would imagine coming off of the Northway.

**Richard Berkowitz:** You can't bring that off Cemetery.

**Jason Dell:** It would most likely be coming off the Northway anyways.

**Richard Berkowitz:** Yeah.

**Donald Roberts:** I would just say no COs until all the Town's concerns are satisfied. They're not going to want to have a bunch of empty buildings sitting there.

**Victor Cabinero:** That's for sure.

**Jason Dell:** We have no control of any of this down here as Alana said.

**Donald Roberts:** I don't think we should hold this up for that, no, we can see them.

**Richard Berkowitz:** I mean it's two separate traffic issues with two separate agencies. That's the problem and we don't control one of them. No one does.

**Jason Dell:** We don't control either one of them, actually.

**Richard Berkowitz:** We control yours.

**Tom Koval:** Final approval with review approved by the Town Attorney, the Town Engineer with the conditions that

**Donald Roberts:** No CO's.

**Tom Koval:** No CO's or issues until the traffic permits are all taken care of.

11/12/24

**Donald Roberts:** No COs until the Town Engineer and the Town Attorney signs off. That's what we want. Well, ya know, they're proceeding at their own risk. They know that they know that.

**Jason Dell:** Yes, yes, yes, the Town won't be liable if you don't get your

**Richard Berkowitz:** Now, are we talking Phase 1 or the whole project?

**Tom Koval:** Stage 1.

**Richard Berkowitz:** This is just Phase 1.

**Richard Harris:** So, the COs would be issued by the Building Department by the Inspector. What are you referencing for the Town Attorney to review and the Town Engineer as it relates to COs for buildings?

**Tom Koval:** The Town Engineer and the Town Attorney have to approve all of the traffic rights-of-way that is where the Town road intersects with the State roads.

**Richard Harris:** Yeah, I think, well, what we what we had put in the topics was the Town Attorney would review any easements or agreements related to sidewalks and landscaping in the right-of-way. Are you saying that there's something additional you want the Town Attorney to

**Tom Koval:** The Town roads are, they're roads that the Town have to be taking over.

**Richard Harris:** I see what you're getting at

**Victor Cabinero:** So, you're talking about the deeds into the Town.

**Tom Koval:** Correct.

**Victor Cabinero:** That I can work with Lyn absolutely and if

**Lyn:** The road dedication Mrs. Drobney actually handles the road dedication process

**Victor Cabinero:** Sure.

**Paul Marlow:** Do we want the roads dedicated before the first C/O Like we would do for residential?

**Richard Harris:** I think that's your intention, correct?

**Victor Cabinero:** Whatever you want and however you want to do it.

**Lyn Murphy:** Yes, I would say yes.

**Richard Harris:** I agree with that. I think it makes sense.

**Jason Dell:** I think to answer your question, what we would be doing or seeking here is similar to what we did with the 21 Flex Park. Approval for the whole site plan, but Phase 1, which includes this is what's approved now and, Rich, correct me if I'm wrong, we'd come back at a later date.

11/12/24

**Richard Harris:** Yeah.

**Jason Dell:** And just request approval, pay the application fee for those other buildings.

**Richard Harris:** Correct. This is just for Phase 1. Obviously, all necessary infrastructure and roads and the four buildings, and that's pretty typical of a lot of projects, Jason. Works on, you may get a tenant or two in two years that want something a little different here and that gives you that flexibility rather than you pay all the fees for Planning Board review for all of the buildout when you may change things down the road a little bit. I'm not saying you plan to do that, but.

**Victor Cabinero:** Can you just identify for everyone what roads are going to be dedicated to the Town? This road coming in, circle, coming down. And then what about the one, what about the one going out the Cemetery?

**Jason Dell:** No, that was not going to be dedicated.

**Victor Cabinero:** So that stays a private road?

**Jason Dell:** That's correct.

**Victor Cabinero:** Ok.

**Richard Berkowitz:** I hate to bring this up, is there a landscaping plan?

**Jason Dell:** Yes. That was included as part of the design

Tom Koval: when it's all tied in with the Town road. I don't see how that could possibly

**Jason Dell:** I had spoke to Bill Bryans about that Joel did as well and was his intention for that not to be a Town road

**Tom Koval:** I think it should be. Absolutely. Why wouldn't it be? It's all part of the same traffic circle. It's going out to a Town road. It's a Town road coming in. That'd be insanity to leave that one little spur a private road. It's just setting everything up for problems with maintenance.

**Donald Roberts:** Jason, was there a reason Bill didn't want it?

**Jason Dell:** Maintenance. I don't recall the exact reason.

**Tom Koval:** We should talk with Bill about that.

**Donald Roberts:** Yeah.

**Richard Berkowitz:** Are you open to having it a Town road?

**Jason Dell:** I don't see why not.

**Richard Berkowitz:** It's built to the same standards.

11/12/24

**Jason Dell:** Yeah. I mean it's all built to the same standards. We had sidewalks and what not over in there. I can work with Joel and Rich about the modifying whatever we would need to in order to make that a public road. Because there was some back and forth on that.

**Richard Harris:** Yeah. I'm trying to find it right now. I remember we did have some emails with Bill and yourself.

**Victor Cabinero:** I don't think it matters if the Town wants it.

**Jason Dell:** I just don't see the logic I can see the launch going into the rest of it but that wouldn't be, but this is more of even a passthrough through Cemetery and everything. It should be, it should remain part of the same infrastructure.

**Victor Cabinero:** Whatever. I mean, if they want it, if you want it.

**Lyn Murphy:** We can work that out, I mean logically they're not going to come in and plow and plow and plow and then hope you guys' plow that. It just doesn't make sense.

**Jason Dell:** Just the way it worked out. Rich was part of all of that correspondence.

**Richard Harris:** Yeah. I do remember you and Bill going back and forth on it by email. I just can't find it right here.

**Lyn Murphy:** But we'll figure it out.

**Donald Roberts:** Yeah.

**Paul Marlow:** Can we just clarify the exact conditions, because it kind of went astray

**Donald Roberts:** Again.

**Jason Dell:** Yes. We should. Who asked that?

**Donald Roberts:** Contingent on.

**Richard Harris:** No CO.

**Don Roberts:** No CO until

**Richard Harris:** Until traffic related improvements are completed and dedication of all Town infrastructure, I guess, would make sense.

**Donald Roberts:** Ok, and that would cover us on that one. Yup.

**Paul Marlow:** So, we had also put in our topics the final engineering review and then Town Attorney review of whatever might be in the right-of-way.

11/12/24

**Donald Roberts:** No COs until everything's signed off. Alright? We have a motion, right.

**Lyn Murphy:** Yup.

**Donald Roberts:** Marcel, you second it?

**Marcel Nadeau:** Could you repeat that. I'll second it.

**Don Roberts:** Okay, we have a motion and a second, all in favor Aye? (all were in favor) Opposed? (none were opposed) Motion carried.

***One-Four-Six Marketplace PDD – Site Plan (24.132)***

***APPROVED. Board approved the proposed Phase 1 of the One-Four-Six Marketplace Site Plan with conditions related to Town attorney review of proposed easements, obtaining NYSDOT permit(s), dedication of the Town road(s) and final review by the Town Engineer.***

**Victor Cabinero:** Now I know why you had us on last.

**Donald Roberts:** Yeah, right.

**Victor Cabinero:** Smart move Mr. Chairman.

**Donald Roberts:** I want Jason and all his money, that's why.

**Victor Cabinero:** Thank you very much.

**Donald Roberts:** Anything else?

**Lori Barton:** I'll make a motion to adjourn.

**Richard Berkowitz:** I'll second.

**Don Roberts:** All in favor Aye? (all were in favor) Opposed? (none were opposed) Motion carried. Good night.