

Town of Halfmoon Planning Board

January 14, 2008 Minutes

Those present at the January 14, 2008 Planning Board meeting were:

Planning Board Members: Steve Watts – Chairman
Don Roberts – Vice Chairman
Rich Berkowitz
Marcel Nadeau
Tom Ruchlicki
John Ouimet

Alternate

Planning Board Members: Bob Beck
Gerry Leonard

Senior Planner: Jeff Williams
Planner: Lindsay Zepko

Deputy Town Attorney: Bob Chauvin

Town Board Liaisons: Walt Polak

CHA Representative: Mike Bianchino

Mr. Watts opened the January 14, 2008 Planning Board Meeting at 7:01 pm. Mr. Watts asked the Planning Board Members if they had reviewed the December 10, 2007 Planning Board Minutes. Mr. Roberts made a motion to approve the December 10, 2007 Planning Board Minutes. Mr. Ouimet seconded. Motion carried.

Mr. Leonard replaced Mr. Higgins in his absence.

Public Hearing:

07.115 PH Leyerle Subdivision, 970 Hudson River Road – Minor Subdivision

Mr. Watts opened the Public Hearing at 7:02 pm. Mr. Watts asked if anyone would like to have the public notice read. No one responded. Mr. Dave Flanders, of David A. Flanders Surveying, stated the following: I am here tonight representing the Leyerle Estate. The property lies on the westerly side of NYS Routes 4 & 32 and just south of the entrance to the Saratoga County Sewer District's sewage treatment plant. The entire parcel consists of approximately 50-acres and is zoned M-1 Industrial. The proposal is to subdivide 2 lots out of the 50-acre parcel. Lot 1 will be a 12.2-acre parcel and Lot 2 will be approximately 8-acres. Each lot has an existing residence on it, which is serviced by Town water and on site septic. Both lots meet the necessary lot size, lot width and setback requirements. Mr. Watts asked if anyone from the public wished to speak. No one responded. Mr. Watts closed the public hearing at 7:04 pm.

Mr. Roberts made a motion to approve the Leyerle Subdivision. Mr. Berkowitz seconded. Motion carried.

New Business:**07.123 NB Boleski Subdivision, Farm to Market Road – Minor Subdivision**

Mr. Duane Rabideau, of Gilbert VanGuilder & Associates, stated the following: I am here tonight representing Karen Hannon in her request to subdivide out a 4-acre parcel from her parents farm. The parcel is located on the northerly side of Farm to Market Road and approximately 2,000 FT east of Pruyn Hill Road. The applicant would like to build a house on a 4-acre parcel in the center of the existing field. The overall parcel is approximately 43-acres. This 4-acre piece is directly across from where the existing homestead is. It would be a single-family home with on site septic and a private well.

Mr. Nadeau made a motion to schedule a public hearing for the January 28, 2008 Planning Board meeting. Mr. Ruchlicki seconded. Motion carried.

08.001 NB Creative Office Systems, 1520 Crescent Vischer Ferry Road - Change of Tenant/Use

Mr. Chauvin recused himself from this item. Mr. Greg Mills, the applicant, stated the following: Mr. Eric Hornberger, owner of Creative Office Systems, has filed an application for a change of tenant. Mr. Watts asked Mr. Williams if there was adequate parking at the site. Mr. Williams stated yes.

For the record – The following information was provided by Mr. Williams' Planning Board Topics: The applicant's business has been in operation since 1992. The applicant offers office products that are more efficient in space utilization, ergonomics, storage needs and records management. The applicant states no products are stored at this site as they utilize storage space at the Mabey's warehouse off of Morris Lane. This site is utilized for office purposes only. This site currently has the Mills Law Office (8-10 employees), Johns and Lee Real Estate (4 employees) and the proposed Creative Office Systems (5 employees). The total number of employees for the site is 19 employees with 39 parking spaces being provided.

Mr. Nadeau made a motion to approve the change of tenant application for Creative Office Systems. Mr. Roberts seconded. Motion carried.

08.005 NB Mills/Chauvin Partnership, 1520 Crescent Vischer Ferry Road - Sign

Mr. Chauvin recused himself from this item. Mr. Greg Mills, the applicant, stated the following: There is an existing 4 FT x 12 FT monument sign with a total height of 7 FT. The sign is two-sided and is internally lit. An illustration of the sign has been submitted to the Board. The bottom portion of the sign presently has a former tenant and we wish to replace that panel with the Creative Office Systems sign. The sign dimensions would remain the same.

Mr. Roberts made a motion to approve the sign application for Mills/Chauvin Partnership. Mr. Berkowitz seconded. Motion carried.

08.002 NB Rite Aid, 1701 Route 9 (Shoppes of Halfmoon) - Sign

Mr. Tim Prescott, of Ray Sign, stated the following: The owner of the plaza was supposed to be present tonight to talk about the sign. Mr. Watts asked Mr. Prescott if he was aware of all the signage issues at this site. Mr. Prescott stated the following: From what I understand it has all been approved with the package. I am going to be the installer of these signs. All I can tell you is that the owner of the plaza submitted all the plans for this project. Blass sign is sending us the signs that we will install. Mr. Watts asked if Empire Signs has worked on this. Mr. Prescott stated I don't believe so. Mr. Watts asked if this sign application was just for Rite Aid.

Mr. Prescott stated yes, just Rite Aid. Mr. Watts asked if there were any visuals for the sign. Mr. Prescott stated I have drawings of the signs but I was not aware that I had to bring more sets of drawings. Mr. Watts asked if Mr. Prescott received any inquiries from the owner of the plaza. Mr. Prescott stated I submitted the application and the drawings several weeks ago to the Town. Mr. Roberts stated the following: I have the application but I do not have enough information. Standard procedure is that the applicant stands before us and has color renderings of the signs, the sizes and the locations. Mr. Prescott stated I thought all of the drawings for the channel letters and the road sign were in the application packet. Mr. Roberts stated there are no color renderings or anything.

This item was tabled for the applicant to contact the owner for more information and asked for color renderings of the proposed signage.

08.003 NB Enterprise Rent-A-Car, 1637 Route 9 - Sign

Mr. Mark McMahon, of Enterprise Rent-A-Car, stated the following: I have all the different dimensions and copies of what I provided to the Planning Department but I only brought one color copy. Mr. Roberts stated the following: Usually the applicant has a color rendering so the Board can see what the sign is going to look like in color. When you see it in black and white and then you see the color sign that we approved, many times we are disappointed. Mr. McMahon stated the following: I have a drawing of what our existing signage is. Enterprise Rent-A-Car as a corporation has changed their logo. On our corporate logo we are eliminating the "1-800-RENT-A-CAR" in all of our signage and going with just the word "Enterprise". Our new logo "E" is now replacing the former "E" of the block letter. Rather than having a separate co-located sign below the existing box sign, we would have one all together denoting our corporate logo "Enterprise" and stating that there is a rent-a-car facility as well as a car sales facility on site. This drawing is not exactly to scale. We currently have a total of 94 SF of signage for both sides. The new proposed sign would be 105.5 SF. On the building we are proposing a separate sign denoting the differentiation between our rent-a-car location and the car sale facility. The existing sign is an oval with the word "car sales" in it and the new design is slightly more elongated with the word "car sales". Mr. Roberts asked the height of the freestanding sign. Mr. McMahon stated the freestanding sign would be the same height as the existing freestanding sign, which is 15 feet 6 inches. Mr. Roberts asked how the sign would be lit. Mr. McMahon stated the sign would be internally illuminated. Mr. Roberts asked if there would be any neon. Mr. McMahon stated there would be no neon.

Mr. Roberts made a motion to approve the sign application for Enterprise Rent-A-Car. Mr. Nadeau seconded. Motion carried.

Old Business:

02.143 OB Sandy Rock Subdivision, Beach Road – Major Subdivision

Mr. Kevin Dailey, Atty., is representing Mr. Ray Dahoda for a major subdivision application. Mr. Dailey stated the following: Mr. Dahoda is also present for tonight's meeting. The Sandy Rock Subdivision is located between Dunsbach Road and Beach Road. The property consists of 4 parcels. This project has previously been before the Board where you were looking at 50-scale drawings and Mr. Steve Lamb, the engineer for this project, has put everything on a 100-scale drawing. This project has been before the Board for some time and the Board has had some questions and I believe that Mr. Lamb and Mr. Dahoda have answered all of the questions that have been posed so far by the Board. The subdivision would be served by public water and the lots would have septic systems. The proposal is for 19-lots and there are good soil conditions. The lots are in the 30,000 SF range and larger. There were some concerns by the Board and there were certain things that needed to be done. One of the neighbors was concerned about

traffic lights and a berm was designed that has been submitted and is shown on the map. There is detail that is very clearly visible on the 50-scale maps. A no-cut buffer has been added up in the northeast corner per the Planning Board's request. We have submitted easements for the stormwater areas and language for the no-cut area. We have also shown on the map an emergency access driveway as a secondary access coming into the subdivision and that has been described. I have prepared deeds and easement statements submitted to the Town Attorney. As I understand it, the Town Attorney is satisfied with that language. Relative to the technical details; I think that everything has been submitted to CHA and I believe that CHA is satisfied with the engineering and technical details. Mr. Chauvin stated it is my understanding that the deeds and easement have been satisfied. Mr. Bianchino stated all our comments have been addressed.

Mr. Berkowitz made a motion to grant a negative declaration to SEQR. Mr. Roberts seconded. Motion carried.

Mr. Berkowitz made a motion to grant preliminary approval for the Sandy Rock Subdivision. Mr. Ouimet seconded. Motion carried.

06.163 OB Boni – Route 146 PDD, Route 146 – Commercial Site Plan/PDD

Mr. Scott Lansing, of Lansing Engineering, stated the following: Also present at tonight's meeting is the project's attorney, Mr. Kevin Dailey and the project's applicant, Mr. Larry Boni. We are before the Board tonight for the Boni Enterprises Healthcare and Bio-Medical Research Campus that is a Planned Development District (PDD) located on the south side of Route 146. The overall parcel is approximately 81-acres. The site is located approximately 1.25-miles east of Interstate 87. The aerial photo shows the existing conditions of the parcel. The parcel is pretty well wooded throughout the majority of the parcel. There is one clearing and open area towards the northeast portion of the parcel. A wetland's scientist has delineated wetlands on the site. The wetlands are a mix of both DEC wetlands and Army Corp wetlands. There are 2 areas with DEC wetlands with the remainder of the wetlands being Army Corp wetlands. The DEC complex does continue on toward the south and east of the parcel to a larger overall DEC wetland. The overall parcel is zoned R-1 Residential and the Comprehensive Master Plan identifies the parcel as a mixed-use commercial. Proposed conditions for the parcel includes a hospital healthcare and bio-medical research campus roadway for the parcel. The new plan for the roadway does connect up with Route 146 coming in with a single boulevard access point that terminates with a cul-de-sac in the approximate center of the parcel. We are proposing approximately 2,000 linear feet of roadway from the cul-de-sac to Route 146. The core or hub of the project is the hospital facility that is approximately 225,000 SF. There are 120 beds proposed for the hospital. Associated parking for the hospital facility would be through a combination of structured parking and surface parking as well. Conceptually at this time we have the main entrance toward the north of the building towards Route 146. Surrounding uses included approximately 240,000 SF of medical professional offices scattered throughout the parcel. Conceptually we are showing 8 lots for the different buildings and as tenants were to be retained for the individual parcels they may be adjusted slightly. Although, I would like to note that because of the environmental constraints of the individual lots, they will probably not vary too much from what we are showing right now. The offices are proposed to be anywhere from 2 to 5 stories. The 5-story buildings are located in the back central portion of the parcel and there would be a parking structure associate with those buildings. Water for the project would be served by Town of Halfmoon water. Currently there is a waterline along Route 146 that would be extended in for both fire flow and daily water usage for the facility. Sanitary sewer would be serviced by a central pump station. Because of the grades on this parcel the

grades do flow in toward the back of the parcel. We are proposing a central pump station and that pump station would pump out down Route 146 and connect to a main trunk line that has been constructed in the Fellows Road area. This pump station would be sized to accommodate flows in the area. There are some sewer concerns in the area from the adjacent mobile home park and across the street from the Light Industrial complex that would be sized appropriately to collect those flows and relieve some of the pressure that is going towards the western portion of the system towards Route 9 and Route 146. Stormwater would be managed on site and we are proposing stormwater management areas located throughout the parcel. The stormwater has been conceptually located on the plans and they would be designed in detail hopefully during the preliminary design phase of the project. Other studies that have been done are: an archeological investigation, a traffic study and also wetland delineation. We did have an informal meeting with the Town and we did present this plan to the Town back in May of 2006. The primary concern that we collected from the input that the Board gave us was relative to buffer impacts. 100 FT buffers are located on the plan and on the previous plan we had a number of structures, parking areas and things of that nature within the 100 FT buffer. This plan was presented to the DEC and it is my understanding that DEC did supply correspondence on this saying that they felt that conceptually it could be permitted and something that we could work through and get the permits for the project but the Town did express concerns on that so we have modified the plan with that regard. Our previous plan had wetland impacts for roadways, buildings and for the parking areas. The impacts were higher on the previous plan than on the newer plan. Parking was also a concern due to a lot of the parking areas relative to the structure. While we did have the parking balanced and the appropriate number of spots for the individual buildings, they were not in convenient locations to a lot of the buildings, which was a comment that the Board had and a request was made to fix that problem. Also as far as the parking structures shown on the plan in the lighter orange buildings, those are parking structures and we have many of them on this plan and on the other plan we have reduced that number. I will go through the primary changes from plan to plan and the items that we feel we have addressed on the new plan to address the Town's concerns. Firstly, the amount of building square footage; is very similar from plan to plan. We have gone down slightly on the latest submission from 593,000 SF to 586,000 SF overall. The hospital size has remained the same at 225,000 SF. The overall parking ratio has improved on the original plan. We had approximately 1 space per 400 SF and on the new plan we have 1 space per 232 SF. That number was derived from Creighton-Manning Engineering (CME). CME has performed studies of other similar healthcare facilities and historically for the other facilities they came up with a parking ratio of 1 per 232 SF and that the newest plan has been modeled after. As a result, even though the square footage went down slightly on the new plan, the overall parking has gone up slightly to accommodate those extra parking ratios. On the entrances; the former plan had an entrance on the western portion of the site coming in much deeper to the cul-de-sac in the back portion of the parcel. Then we had another curb cut on Route 146 for a second point of access. On the new plan we are proposing a boulevard type entrance to another location and then we have a secondary roadway coming along the back portion of the parcel all the way to the cul-de-sac. So we feel we meet the objective of the 2 points of access all the way back to the cul-de-sac without having a second curb cut on Route 146 without having the additional wetland impacts and without having additional buffer impacts on the central portion of the site. With the roadway modifications, we were able to reduce the overall linear footage of roadway. On the old plan we had approximately 3,300 linear feet of roadway where on the new plan we have approximately 2,000 linear feet. All these changes to the plan we feel have direct impact on what we think as the most important things the Town was looking for as far as buffer impacts and wetland impacts and we have reduced those significantly. As far as the wetland disturbances, the previous plan had approximately .75-acres

of impact and the new plan has approximately .478-acres of direct wetland impact. We go from a situation where we had an individual permit to something where we feel that we can permit this project with a nation wide permit which is an easier permit to obtain from the Army Corp. and the DEC. Wetland buffer impacts; the previous plan had approximately 5.5-acres of adjacent area impacts of the 100 FT buffer and the revised plan has approximately 1.7-acres of impacts. Regarding the garages and structured parking; the previous plan had 5 structures for parking and the new layout has 2 structures for the parking. Overall what we did is we looked at the plan and looked at the areas of unconstrained lands and we identified pods more or less throughout the parcel and we were able to balance both the parking and buildings within these individual pods and we do not have areas where we have parking that is dislocated from buildings. All the parking areas are in convenient locations to the individual buildings throughout the parcel. Public Benefits for the projects; first and foremost we feel that the healthcare facility is a benefit for the parcel for the Town and for the community at large. There are approximately 100,000 residents in Southern Saratoga County and this number is growing. The closest major medical facility is a minimum of a half hour away. Also, another benefit would be the medical services that would be offered above and beyond the hospital facility for the parcel and the employment opportunities that these facilities would offer for the community as well. We also feel the sanitary sewer pump station is a benefit that would relieve pressure toward the west of this parcel toward the Route 146 and Route 9 corridor and would be designed to take on flows from the adjacent mobile home park and the light industrial complex across the street and convey those to the eastern portion of the Town to the big sewerline on Route 146 and Route 236. There would also be trail potentials as well. While they are not shown on this plan at this time, the applicant's do intend to put a trail system through the parcel and this is something that we hope to work out with the Board during site plan design. We also feel the plan is in compliance with the Comprehensive Master Plan and the Performance Overlay District for the Route 146 corridor. We are observing the 100 FT setbacks from the Route 146 corridor for the plan. We are hoping for a possible referral to CHA for review and we would like the Board to consider setting up a public informational meeting so we can gather comments from the public as well and incorporate those into the plan as well as the comments from CHA. Mr. Roberts stated the plan shows lots 1 through 8 with the hospital being constructed on lot 1 and asked if the hospital would be constructed first. Mr. Kevin Dailey, Atty. stated the following: We don't know at this point. We have had extensive discussions with a number of hospitals in the Capital District and I can't tell you that we have anybody signed up at the bottom line. For all practical purposes, I don't think anybody would commit until they knew that we had a zoning approval. At the current time the property is zoned R-1 Residential. At the same time we have had discussions with the Center for Economic Growth and Saratoga Economic Development Council (SEDC). SEDC has been down here to the Town Hall talking about bio-medical research and there is some interest there. In fact, there are some discussions going on with the Capital District now between bio-medical research entities and medical entities about combining efforts and seeking a site for that. Whether it is the east campus over in East Greenbush or perhaps the Halfmoon location. We obviously would prefer the Halfmoon location. We think that being half way between some of those existing facilities like University at Albany Nano-tech and Luther Forest makes a lot more sense especially from a Saratoga County perspective. We don't know which would come first and we have discussed that in the past with the Town. Mr. Roberts stated there are some proposed 5-story buildings here and asked if our fire department was equipped to handle emergency situations in a 5-story building. Mr. Dailey stated the following: Yes, I have met with the fire department and also with the Rescue Squad to look at some of the technical issues and I don't know if it was West Crescent, Rexford or Ballston Lake but the Clifton Park-Halfmoon Fire Department does have the equipment to handle a fire at the Clifton Country Mall so they are

able to go up that high. They were also very interested in seeing to it that there was access around the backs of the buildings which the new plan shows and they were also very interested about the parking garages and how to fight fires and the parking garages have to be built according to State Code. We have answered those questions and I think they will be delighted with the way the new plan is setup. Mr. Nadeau asked if the Town has an ordinance of the heights of the buildings in the Town and if so, what is that. Mr. Watts stated the following: Yes we do, 35 FT. This is a Planned Development District (PDD) application, which would provide the Town Board to look into that as well. Mr. Dailey stated the following: Some of the new hotel buildings near Exit 9 are 4 and 5-story and they have been accommodated. Mr. Berkowitz asked if the other buildings would be built first in hopes of getting somewhere in here or would they have a tenant beforehand. Mr. Dailey stated these are pretty expensive buildings probably in the \$30-\$40 million dollar range and they would have to have tenants before they are built given the economics. Mr. Ouimet stated lot #7 appears to have a curb cut onto Route 146. Mr. Dailey stated yes. Mr. Ouimet asked if the curb cut was just for lot #7. Mr. Dailey stated the following: Yes. In the previously proposed site plan we had shown 2 entrances for emergency services. In fact, in block 1 there is always a secondary entrance for fire and emergency services vehicles especially when you are talking about ambulances gaining access to this kind of a site. With the new plan we have gone to a boulevard as the main entrance, which still gives you 2 entrances because you can't block a boulevard. What this did for us is to eliminate some wetland impacts. Instead of the second entrance and a lot of blacktop and wetland impacts we wanted this done for the purposes of the nationwide permit to bring that impact down. But we did keep one of the buildings there and instead of a secondary road we are showing just a small driveway. The recommendations for the Route 146 Overlay Zone were that there only be one entrance per project. On the other hand this is 80-acres and we are hoping for the one main roadway but we would like to maintain the option of retaining that building which would probably be the last building built. Note that this is in an archeological sensitive area and we have to do a Phase 2 study there before the building could be built. Mr. Berkowitz asked if there was a way to put an emergency exit or entrance through that way and into the hospital. Mr. Dailey stated the following: No, not at this point. Everything would come off of the boulevard. Mr. Berkowitz stated once you get through that boulevard if there was an accident at that boulevard intersection, the whole complex would be blocked off. Mr. Dailey stated on lot #1 there would be a secondary entrance and this loops around behind the main building. Mr. Berkowitz stated if there is an accident right at that boulevard intersection the whole area would be blocked off. Mr. Dailey stated the following: I think that is a pretty wide area blacktop wise. I would doubt that it could be blocked. We have done a complete traffic study with Creighton-Manning (CME) and they have studied the one entrance and the boulevard. CME has done a 45-page traffic study with all the maps. CME has studied every intersection for all the turning movements, the signalization and everything that would be necessary. CME has also provided a supplemental report discussing this particular redo of the entrance. Mr. Berkowitz asked if there was going to be a signalized intersection there. Mr. Dailey stated the following: Yes, we expect that that will be the case. I don't know if we would need a signal for the first phase but at full buildout, yes a signal would be necessary there and some turn lanes. Mr. Ruchlicki asked the approximate distance between the boulevard entrance and the entrance to lot #7. Mr. Lansing stated about 600 to 700 FT. Mr. Ruchlicki asked Mr. Lansing to go over the wetland mitigation figures again between the old and the new. Mr. Lansing stated the following: The old plan for the direct wetland impacts had approximately .75-acres and the new plan we have .478-acres proposed at this time. For the 100 FT buffer impacts the previous plan had 5.47-acres and the new plan has 1.70 acres. Mr. Ruchlicki asked if they could create 2 points of access on lot #7 as they had on the original plan. Mr. Lansing stated okay. Mr. Ruchlicki stated for the amount of wetland that changed, as

far as the impact the little strip through that one area, is not going to increase the impact all that much as far as the benefit of having a second point of access. Mr. Lansing stated the following: We can take a look at that and we can also take a look at reconfiguration of this boulevard. We could extend the boulevard further in so that this secondary point of access is not by an intersection to reduce the probability for something happening in that area. We will take a look at both scenarios. We do go through great strides throughout the entire project to reduce wetland impacts and buffer impacts in many, many places. The reduction was not just in that one branch. We did look at the overall site so the numbers that I have stated are a product of that overall reduction in buffer and wetland impacts. Mr. Ouimet asked is that a one-way road that comes off of the boulevard entrance and loops around the parking garage and loops around to the backside of the development. Mr. Lansing stated no that is proposed as a two-way road. Mr. Ouimet asked if the width of that road would be exactly the same as the one that goes across the front of the proposed hospital building. Mr. Lansing stated yes. Mr. Chauvin asked if you were to progress, as Mr. Dailey mentioned earlier, without the hospital being the first property built Mrs. Murphy would need to know how you are going to address the public benefit under that scenario so the legislation can be drafted. Also if there are any State or Federal standards for the level of service that the proposed healthcare facility is going to deliver with regards to access so when the legislation is being drafted Mrs. Murphy knows that all the emergency service issues have either been addressed or the method or manor in which they are going to be address so Mrs. Murphy can also properly respond drafting the legislation. Mr. Dailey stated the following: The public benefit has been a topic of conversation since we came in with the application, which was in mid-2005. As I think most of the members of the Planning Board know, the Town is desirous of having an east-west connector road built in the Town of Halfmoon. Sometimes you slip away from the developers prospective and you sort of slip back into Town Official mode and from my prospective with the growth that is going on in the Town of Halfmoon I can see where the east-west corridor road is probably going to become a necessity in the Town of Halfmoon sometime in future. This is good planning given the amount of traffic that will be on Route 146 or Route 236 in the future. What we were asked to consider was to build a north-south connector to the east-west connector and that would be something that could out opposite Werner Road and go due south through Mr. Gerry Bilinski's property (the next door neighbor) to a point of intersection with this east-west road that probably will be built sometime in the future. I think that there is probably a way to get the east-west road in because I think there is enough upland to do that with a little political boost from the State or the Federal government in terms of the enabling permitting process because it is going to be a heavy lift. Regarding the north-south road; next door at the back end of Mr. Bilinski's property there is standing water. There is a pond back there that is probably about 2 FT deep and I can just imagine the wetland problems of trying to build a roadway through that or maybe a causeway, which would be difficult to do. But, we said we the developer will do that if you want us to do it. We will make the attempt, we'll put the permits in and we will try to push that forward because we see where it benefits the Town and we have to provide a public benefit. But, it is an expensive proposition. It has taken a year in terms of the conversations back and forth between members of the Town Board and some of the Planning staff to talk about this. We were looking at a 2.2 million dollar road to get from Werner Road down to a point where it might make a connection to the east-west corridor. When we actually looked at the economics of the project, we realized, from a developer's point of view, that the project had to be bigger to be economically viable to throw off that kind of money to build that kind of road. So we made the project bigger and came in with that plan and presented it to the Chairman. One of the things that Mr. Watt's told me "I think you are trying to put a size 12 foot into a size 9 shoe" or something along that line. But it didn't work because we were trying to get too much on the site. Was it doable? Yes. Were we crowding

it, were we taking away from something that could be a nice project? Yes we were. I think at the same time some of the people in the Town Hall were starting to realize that trying to build that north-south road might be next to impossible because of the environmental constraints. In my conversations with the Town Supervisor we have said that the 225,000 SF hospital is a public benefit to have good healthcare in the Town in the Halfmoon and in Southern Saratoga County. That in and of itself serves as a public benefit. For the balance of the buildings, which are still substantial, there should be a public benefit paid. Since we actually cut the balance in half, I asked if we could come up with a formula to essentially pay half and I believe that the Town Supervisor is in favor of that. But that becomes a question for the Town Board and that would be about 1.1 million dollars. When I discussed this briefly with Mrs. Murphy I suggested that perhaps if we do get to a point of approval, that we could put up a letter of credit for that figure and the letter of credit could cover the Town through the construction phase but that we would be responsible for either cash or for doing some work or whatever is appropriate in terms of a north-south connector or an east-west connector or some other type of public improvement benefit for the Town of Halfmoon. Sometimes if you are doing a lot of work as a developer, privately you could get more accomplished than if you turn it into a public project. Depending on what the Town Board and the Town Attorney's office would feel comfortable with, we are committed to that and we are happy to do it. Mr. Chauvin stated I am not sure that answered the question but I think whatever you do; get it to Mrs. Murphy so it can be incorporated in the legislation so the Board members that have that concern see it before we get to the point of having a public informational meeting or a public hearing. Mr. Dailey stated we are committed to coming up with an over 7 figure commitment to the Town and it can either be in the form of cash or a letter of credit to get that accomplished. Mr. Nadeau asked if this was to be approved, what is your guess for the buildout phase time span. Mr. Dailey stated the following: We think about 4 to 5 years. I tried to give you correspondence back and forth with DEC. We have been up to Warrensburg meeting with staff in Region 5 and we have been trading letters back and forth. Knowing that this is a big project and knowing that we had 2 stream corridors that cut across the property and knowing when you start to measure out those 100 FT zones for either side, you chew up a lot of acreage quickly. We wanted to talk to DEC early and keep them informed as to what we were doing. I feel that this was a great plan and DEC said "we think if you go through all the steps we can give you a permit for that". The Town didn't think it was a great plan. Mr. Watts stated I think you should clarify this with the DEC because I think the DEC said it was permissible perhaps I don't think they said it's okay. Mr. Dailey stated and they never say it is okay until you get your permit and an application. The advice we received and we did listen to what we were told by staff and other Town officials was that we had to do better. We came back with this plan and today I received an email from Mr. Rich Speidel at DEC Region 5 and I have provide the Board with a copy of that and we think we are making some progress. In terms of the hospital and why we think it is important to the Town and to this community; when we found this location we measured out the distances to all the other hospitals in the Capital District. Whether you go to St. Peter's, Albany Med, Saratoga Hospital, the hospitals in Troy or Schenectady; we then went about halfway and we said what communities are included that would actually come to a facility here and we came up with a population base of about 111,000. So, there are a significant number of people that would be served and we feel this is a good location. If someone were to have a heart attack, stroke or car accident and you live in this community, by the time the ambulance gets to your home and gets you to the hospital it is a 40-minute drive. This location could cut that time in half and I think could be very beneficial to all of us. Mr. Watts stated the following: I know the Town has looked at that issue and agrees with that. Of course you would need a permit from DEC and you are going to have to get a certificate of need from the State Health Department relative to that issue. As a Town the Town Board has been supportive of the concept of a hospital based

upon following all of the permitting activities. Mr. Dailey stated I don't know that there is any Federal involvement anywhere but the State Health Department has to give a permit to any entity that comes here. Right now we have 111,000 people who all have health insurance and the market is split up between a number of facilities. Whoever comes here I think will dominate the market and the other healthcare facilities probably won't be happy about it. Mr. Polak stated the following: I would like to point out that there had been negotiations between the clients and our former Town Supervisor and now we have a new Town Supervisor and some new Town Board members. The earlier negotiations were not written in stone so some things may change. Certainly everybody in this community wants to see a hospital. Regarding all these DEC issues, the applicant knew what the parcel was when they purchased it and that is why it has sat there for 50 years. I do like this plan although I would like to see a second access. I know it is an issue to go around all of these wetlands and the Army Corp and the DEC are not the most pleasant organizations to work with but the issues are what they are. Mr. Berkowitz asked if a hospital signs on and they get their certificate of need, could another hospital litigate if it is in their sphere of influence? Mr. Dailey stated the following: I don't think they can litigate but I think they would make a very strong case to the DOH that they are not happy about it. I think there would be a lot of political intrigue that would result at the Albany level. As far as I am concerned I have talked to every hospital. Not everyone but close to everyone and I have talked to the entities that I think were in the best position, either financially or politically, to do something here in the Town of Halfmoon. They are all aware of this and whoever wants to step up we would be happy to talk to them but everybody is sort of waiting at this point. My feeling is that they have had their opportunity to come here. If somebody else wants to come here, I don't think it is really a good thing for you to complain about it. This community needs some healthcare and we need these services for our growing population. Some of the healthcare facilities are in cities that are declining in population and they are declining in the number of people who have healthcare insurance. Whoever comes to Halfmoon would do well economically. This is an opportunity and if you chose to forego the opportunity, don't deny that to somebody else or to the people in this community. This acreage is located in the Overlay District and it is designated as one of the sites for development for commercial office buildings. Rather than just a commercial office building park we are trying to propose something that is a little bit better than that for this community.

This item was tabled and referred to CHA for further review.

06.238 OB R.J. Valente, 118 Button Road – Revised/Addition to Site Plan

Mr. Dean Marotta, of R.J. Valente, stated the following: As you are all aware the building has been constructed and we have received a temporary Certificate of Occupancy. Currently we are using 3 of the bays. There was some confusion with the 4th bay from the first meeting that we came to and as the meetings progressed. I did get a building permit for a 4-bay garage but consequently at one of the last meetings I misspoke and still referred to it as a 3-bay building and hence that is where we are right now. Mr. Chauvin stated the following: It is my understanding that Mrs. Murphy review has determined that this proposed action is an expansion of a pre-existing, non-conforming use. Therefore, it is required to be denied and a referral for an application by the applicant to the Zoning Board of Appeals for the approval to extend the pre-existing, non-conforming use.

Mr. Roberts made a motion to deny the revised/addition to site plan application for R.J. Valente on the basis of the proposed garage was an expansion of a pre-existing, non-conforming use. Mr. Nadeau seconded. Motion carried.

Mr. Watts stated the following: I have a press release that I believe is about ready to be issued to the newspapers. This is a joint press release from the Town of Clifton Park Supervisor's Office and the Town of Halfmoon Supervisor's Office regarding a meeting to be held on January 23, 2008 at the Halfmoon Senior Center at 7:00 am. This study is funded by a grant from the Capital District Transportation Committee's Linkage Program. This is to look at all of the activity within the Route 9 and Route 146 corridor. Some identified goals of the study include movement of vehicles, pedestrians, bicycle travel, etc. There will be a series of workshops for the general public to receive their input on what changes are going to be needed at Route 9 and Route 146.

07.038 OB Sheldon Hills PDD-Phase 2, Route 146 & Upper Newtown Road - Major Subdivision/GEIS/PDD

Mr. Watts asked if a study is being done for the warrant for a traffic signal at this point at this site. Mr. Mike McNamara, of Environmental Design Partnership, stated the following: I don't know but I think that was all part of the original PDD and I think it was deferred until after Phase 2. Mr. Watts stated the following: Many of the residents in Sheldon Hills are clammering for a traffic light and that is not an issue that we can address in the Town. We would like to remind the applicant to do whatever he has to do. Mr. Bianchino stated I did speak to the applicant to remind him about the traffic light and he said he would get Creighton-Manning (CME) to update the study. I thought I noticed traffic counters out in that area. Mr. McNamara stated it is the applicants intension is to be in with Phase 3 in the near future. Mr. Watts stated this request is based upon the residents that are currently living in Sheldon Hills so please pass this along to the applicant. Mr. McNamara stated I will. Mr. Nadeau stated Mr. Bianchino stated that CME would do another study but wasn't that light triggered upon the number of units in the project. Mr. Bianchino stated the study estimated a buildout scenario, which they are not at yet. Because of the residents concerns that have been raised to date, we requested the applicant to go back out to update that study to see where they are at in terms of trips. The NYSDOT won't allow a traffic signal just because we want one. The traffic study stated that at a certain buildout scenario those warrants would be met and they are nowhere near buildout at this point. Mr. McNamara stated I am here representing A & M Holdings for Phase 2 of Sheldon Hills. Phase 2 of Sheldon Hills will include all of the remaining single-family and twin home lots on Covington Drive and Sheldon Drive. This Board gave a preliminary approval to Phase 2 back in July of 2007. Since that time we obtained approvals from the NYSDOH, NYSDEC and Saratoga County Sewer District. The comments of those agencies did not result in an subtenant changes. We have submitted all of the approvals to the Town Engineer's office and we have received a letter from Mr. Bob Lockwood of CHA on January 4, 2008 stating that CHA was satisfied with the plans. We are before the Board seeking final approval for Phase 2 of the Sheldon Hills PDD.

Mr. Roberts made a motion to grant final approval for the Sheldon Hills PDD-Phase 2 Major Subdivision/GEIS/PDD application. Mr. Berkowitz seconded. Motion carried.

07.093 OB Grace Fellowship Church, 1 Enterprise Ave. – Commercial Site Plan/Amendment to PDD

Mr. Tom Andress, of ABD Engineering, stated the following: The last time we appeared before this Board we received a recommendation to the Town Board. Since that time the Town Board has taken action for the approval of the PDD modification to allow Grace Fellowship to occupy the Halfmoon SAAB site. We are back before this Board for our site plan approval. The only change that has occurred since the last time we were before you was approximately half of the parking spaces are 10 FT wide. We now have an equal mix of 10 FT wide parking spaces and 9

FT wide parking spaces. The parameter spaces are mostly the 9 FT parking spaces and the areas adjacent to the building are 10 FT wide. Previously we had 232 parking spaces and we are now done to 216 parking spaces, which is still above the 117 parking spaces required. The plans show details for the actual construction of the site.

Mr. Berkowitz made a motion to grant final approval for the commercial site plan/amendment to PDD application for the Grace Fellowship Church. Mr. Ouimet seconded. Motion carried.

07.121 OB Charlew Subdivision, 80 Ridgewood Drive/56 Cary Road – Lot Line Adjustment

Mr. Percy Cotton, of Chas. H. Sells, Inc., stated the following: I am here tonight representing Charlew Construction. The proposal is for a minor lot line adjustment associated with the Rolling Hills PDD. The lot line adjustment would be between lot #29 and the Lands of Dorothy Walter. The proposal is to take 30 FT of land from lot #29 and convey it to the Lands of Dorothy Walter. Lot #29 is presently 1.327-acres and would become 1.12-acres.

Mr. Ouimet made a motion to schedule a public hearing for the January 28, 2008 Planning Board meeting. Mr. Ruchlicki seconded. Motion carried.

Mr. Ruchlicki made a motion to adjourn the January 14, 2008 Planning Board Meeting at 8:17 pm. Mr. Ouimet seconded. Motion carried.

Respectfully submitted,
Milly Pascuzzi,
Planning Board Secretary