

Town of Halfmoon Planning Board

March 10, 2008 Minutes

Those present at the March 10, 2008 Planning Board meeting were:

Planning Board Members: Don Roberts – Vice Chairman
Rich Berkowitz
Tom Ruchlicki
John Higgins
John Ouimet

Alternate

Planning Board Members: Bob Beck

Senior Planner: Jeff Williams
Planner: Lindsay Zepko

Town Attorney: Lyn Murphy

Town Board Liaisons: Walt Polak
Paul Hotaling

CHA Representative: Mike Bianchino

Mr. Roberts replaced for Mr. Watts in his absence and Mr. Beck replaced Mr. Roberts.

Mr. Roberts opened the March 10, 2008 Planning Board Meeting at 7:01 pm. Mr. Roberts asked the Planning Board Members if they had reviewed the February 25, 2008 Planning Board Minutes. Mr. Berkowitz made a motion to approve the February 25, 2008 Planning Board Minutes. Mr. Ouimet seconded. Motion carried. Mr. Ruchlicki abstained due to his absence from the February 25, 2008 Planning Board Meeting.

Public Hearing:

07.076 PH Harvest Church, 303 Grooms Road – Special Use Permit/Addition to Site Plan

Mr. Roberts opened the Public Hearing at 7:07 pm. Mr. Roberts asked if anyone would like to have the public notice read. No one responded. Mr. Roberts stated for the record; we received a letter from one of the surrounding neighbors about this project and it has been added to the record below on page 2.

From: "Michael J. Dillon" <
To: <jwilliams@
Date: 3/10/2008 9:13:09 AM
Subject: Regarding proposal from the Harvest Church

RECEIVED
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TOWN OF HALFMOON
 PLANNING DEPARTMENT

Thank you for taking time last Thursday to show me what the Harvest Church is planning. As I said when we met I have a conflict and will not be able to attend this evening's meeting. Please allow this email to state my concerns.

As you indicated, the church is proposing a 15,000 sq. ft. storage building at the rear of their property which is adjacent to mine. I researched their plans and learned on their website (www.soldoutforjesus.com) that this is not merely a storage building but is, in fact, planned to be a warehouse and distribution center. As stated on their website, "International Distribution Center: A building that will facilitate the storage and distribution of food, clothing, furniture, and other items to individuals and families in need in our surrounding communities. In addition, we will work in unison with governmental agencies and non-profit organizations in an effort to reach and help not only those locally, but potentially throughout New York State and internationally." Furthermore, in the minutes of the Town of Halfmoon Planning Board dated August 13, 2007, I learned that they are anticipating tractor trailer deliveries four to six times a week. Is this activity one would expect to occur in an area zoned as professional office/residential? This appears to me to have all of the trappings of a commercial enterprise.

What hours will the warehouse and distribution center operate? Individuals will learn that this is a place where they can drop off their donations and will simply come at their convenience regardless of any stated hours. What will prevent individual donors from dropping off and littering the area? I am concerned that this will look like the Salvation Army building on Route 9. I'm certain that it was not the Salvation Army's intention to create a junk yard but look at what it has become. Items not deemed worthy of further use will end up behind the warehouse and distribution center creating an eyesore for the residents of DeVoe Drive. The ravine, directly behind the proposed distribution center, is an easy catch-all for discarded material, which would create the appearance of a landfill behind our property.

Tractor trailer deliveries at off-peak hours will create a significant amount of noise, certainly more than the church's current activities create.

Since a large quantity of items of some value will be maintained within the distribution center I am concerned about light pollution from security lighting.

While we know the proposed distribution center is 15,000 square feet, how tall is the proposed structure. What impact will this have on the views behind our properties?

While we know that it is currently proposed to be 15,000 sq. ft. one can very easily see that the undeveloped area adjacent to the proposed structure could accommodate a future doubling of the size of the warehouse and distribution center. Furthermore, I am concerned that unused warehouse space (easily accessible from I87) could be leased to other companies creating a revenue stream for the church. These tenants may operate quite differently, in terms of access times and truck traffic, than the intentions stated by the applicants.

What material will be used to construct the distribution center? Will it look like the church's exterior or will it look like a warehouse?

Does the operation of a warehouse and distribution center need to happen on the church's property? Couldn't the church operate their warehouse and distribution operations in an area zoned for similar commercial interests? It would seem to me that maintaining their warehouse and distribution center in a location where corporate donors operate their storage and distribution facilities would provide for more efficient transfer of donations.

As I'm certain you've gathered by now, I am opposed to the construction of the proposed storage building. Please feel free to contact me if you require any further information.

Michael J. Dillon, MS, RPh, FAMCP

Mr. Jason Dell, of Lansing Engineering, stated the following: I am here on behalf of Harvest Church to discuss the site plan and the special use permit. The existing Harvest Church is located at 303 Grooms Road. The church is located on approximately 14-acres along the northern side of Grooms Road. The existing church is approximately 27,535 SF and includes a building, which encompasses the entire church. The existing church is utilized for both recreational purposes as well as for worship and this is why we are here for the proposed expansion. The current church parking lot has approximately 299 parking spaces and the parking lot is accessed by 2 curb cuts, which currently exist along Grooms Road. This is a traditional church in the sense that it typically has 3 services per week; Sunday at 9:30 am, Tuesday at 7:00 pm and Thursday at 9:30 am. We are here tonight to discuss the special use permit for the proposed expansion to the church. The proposed expansion is going to include an additional 48,720 SF, which would be located along the eastern side of the property as well as a reconfiguring of the internal layout of the existing church. The existing church would be converted into more of a gymnasium with the proposed expansion being on the eastern side for a spiritual area. We are proposing an expansion of the parking lot and are proposing a total of 356 parking spaces and we are looking to land bank approximately 288 parking spaces. This would result in quite a bit of green space for the project. We are required to have 20% green space and with the banked parking spaces we would have approximately 48% green spaces. Both public sewer and public service the existing church and the proposed church will continue to be serviced by both public sewer and public water. Stormwater would be managed on-site by stormwater management basins located around the perimeter of the property as well as a small portion in the front of the site. In recent developments; the plan has received Saratoga County Planning Board approval and we have been working with CHA in working through the traffic concerns, which have been addressed along with the stormwater management. We have also been working on the additional land banked parking spaces, which resulted in the land banking of the 288 parking spaces. We are before the Board to answer any questions that the public may have for the proposed special use permit as well as the Board's consideration for an approval of this project. Mr. Roberts asked if anyone from the public wished to speak. Mr. Kevin Hickey, of 12 Devoe Dr., stated the following: I am an adjacent landowner and I have a major concern regarding this proposed project because it has been awfully quiet, from the papers that I've seen, as to the purpose of what they are calling a "storage building". I see it as a euphemism for a warehouse with tractor-trailers coming in and making noise at varying times of the day. I have nothing against this church and I have been a neighbor of the church for 8 years. I have no problems with the worship and how they do their ministry and I don't want that to be in the battle tonight. Eight years ago when I purchased my lot, I purchased what appeared to be a wooded lot with my neighbors being residential homes in a development very comfortably within Grooms Road, Woodin Road, Sitterly Road and Route 9. We were not anticipating any warehouses being built, any traffic coming in and I am seeing my neighbors as being homeowners and a church. My feeling is that you are not going to have activity going on at midnight or being able to hear tractor-trailers. At worse you would hear the church. As a neighbor I am really concerned as to what this storage facility is and what the purpose is going to be for this storage facility. As a neighbor, I have 2 young kids, and I don't want traffic all through the night and I don't want tractor-trailers coming in and out. As far as the expansion of the ministry and places of worship, I applaud what they are doing. I am a little concerned about the appearance of the doubling or tripling of size of the facility and I am concerned about

what kind of traffic this is going to generate. I perceive that this traffic would be during normal business hours, 9 to 5 on Saturdays, Sundays and afternoons and this is not going to affect me. I have read the previous Planning Board meeting minutes of August last year that said there maybe some tractor-trailers, where are they coming from, I don't know. Are we going to have trucks backing up and depositing stuff here and in the future will this warehouse be doubled because there is enough room at this site to do so? Are we going to have a situation where we are going to have a huge facility that is no longer a church? This warehouse would be some distribution network and is this going to be an international distribution of food, clothing, and furniture? Is this going to be a holding place for people coming in and what kind of security is going to be there? Will there be lights, will they have motion detectors and are we going to have a potential a dump there? I am a neighbor and I don't want this stuff dumped. The ravine is the only thing that I have insulating me from this activity. The way I see it is that I don't think this is a special use permit; this is almost a change in the whole zoning. This property is zoned Professional Office/Residential (PO/R) and I do not understand that to be this activity. I hope that those concerns are being adequately raised and I appreciate the presentation that was made. However, I have heard nothing so far as to what is going to go on with that storage facility and what kind of truck activity is going to be coming in and I hope that somebody addresses these concerns. Mr. Dell stated the following: The storage facility is not intended to be a very obtrusive implement in the community. It is meant more for the storage of non-perishable foods, clothing, furniture and other needs of the church community itself. It is not intended to be any sort of a Salvation Army type facility. It is intended for the use by the church community for storage of materials necessary for the church community. Mr. Hickey stated the following: The proposed 15,000 SF facility seems very large and I hope that the churchgoers are that generous. What would the tractor-trailers bring in? Are they coming from other areas? Mr. Roberts asked the hours of operation for this facility. Mr. Dell stated the following: I don't know the exact hours of operation that the ministry wants. However, we did discuss that with CHA and with regards to the amount of trucks that are going to be going in and out of the site each week and that was all agreed to. I believe it was 2 to 3 trucks per week. Pastor Paul Tebbano, Senior Pastor of Harvest Church, stated the following: Right now exactly what we are doing is what we will be doing with that facility. We have trucks that come in all the time now between 9:00 am and 3:00 pm on Tuesday, Wednesday and Thursday and that is it. So what we want to do there is what we are already doing. Tractor-trailers come in and drop off all of the time. We just do not have any more room for any of the goods. Mr. Roberts stated to Pastor Tebbano that he said "all the time". Pastor Tebbano stated the following: In other words, if we have deliveries of any kind of any goods, it's Tuesday, Wednesday and Thursday between 9:00 am and 3:00 pm which we have been doing right along. Without any question there are no evening hours and no weekends. Mr. Berkowitz asked because there would be a larger building wouldn't there be more deliveries? Pastor Tebbano stated the following: No, we decided to put up the storage facility, which is why we went to the engineer. This is basically a master plan for the property. We cannot do anything else on that property except for what we are proposing and that is the maximum with all the regulations. Mr. Roberts asked if it was safe to say that the hours of operation would be 9:00 am to 3:00 pm. Pastor Tebbano stated the following: That is it. Only on those 3 days and that is what we have been doing right along. It is not like we are going to start doing it; we actually have these deliveries at the current time and it has never been an issue. In fact, you will see tractor-trailers on our lot all the time parking and one guy leaves it there occasionally because we give him permission to do that. My maintenance man is here and he can verify that because he receives a lot of the deliveries. Mr. Dave Lonnie stated the following: My

grandmother is Mrs. Harvey Connors who lives at 313 Grooms Road. I am sorry that I was late, but what is the new space being used for. Mr. Dell stated the following: The proposal is for a worship area, classrooms, bookstore, sanctuary area, nursery, chapel, bathrooms, studio, TV/Audio visual room and an area in the existing church would be converted to a gymnasium for the parishioners. Mr. Lonnie stated I heard something about some kind of kitchen. Mr. Dell stated there would be a cafeteria. Mr. Lonnie asked if the cafeteria would be used for personal use or for everyone. Pastor Tebbano stated the church parishioners would just use the cafeteria. We are not going to be doing anything differently than we are already doing except we would have more room to do it in. Currently we are using our auditorium for church where we have to take chairs down weekly to open it up for the youth on Friday night then put all the chairs back. So the proposed cafeteria would give us the opportunity not to be taking down and putting back up. We already have small weddings in the chapel and a lot of time people want to use the auditorium for a reception. The new proposal would give us an area to do all those things. We would just be expanding because we cannot do anything else in the building because we are maxed out. Mr. Berkowitz asked if it would be a catering hall. Pastor Tebbano stated no. Mr. Lonnie asked if the little white house on the right would be removed. Pastor Tebbano stated the following: We want to do this proposal first. If we can do that first, this is future and we want to keep that white house there as long as we can. Mr. Lonnie asked are we just talking about the storage building tonight. Pastor Tebbano stated we are talking about the whole thing but this is our first priority. Mr. Lonnie asked why aren't people just donating to places like the Salvation Army. Pastor Tebbano stated the following: We have people we can get things from but we can't receive them because we don't have any room. Sometimes we receive a lot of food and we have to put it in the hallways, which is a violation of fire code. Many times we have to say, "please no more" because we have nowhere to put it. This proposal would give us the opportunity to take more goods in and have them so we can distribute them. Mr. Lonnie asked who they distributed the goods. Pastor Tebbano stated the following: We have a food pantry right now where people come in on Tuesday, Wednesday and Thursday between 9:00 am and 3:00 pm. We have a system where people come to the site individually to pick up goods and we will put it in their vehicles for them. This is not for individuals; this is for organizations like other churches and food pantry's that may run out of food. Mr. Lonnie stated I am glad to see the new building proposed for the right side of the site because the left side would have a lot of drainage problems. Mr. Tom Rupert, of 18 Devoe Drive, stated the following: I am here for a couple of different reasons tonight. I am a resident behind this site and my home is right off the loading dock area. Obviously, this is going to be a lot larger facility and that means potentially there is going to be more donations, more traffic and more vehicles because it is a larger scale now. I am also concerned about the size of the building. Mr. Dell stated the proposed building would be 15,000 SF. Mr. Rupert asked the height of the building. Mr. Dell stated that has not been determined yet. Mr. Rupert stated the height is a concern because of the viewing from our backyards. At the current time I am having an office constructed across the street from the church. The traffic flow on Grooms Road to Exit 8A is pretty bad during the rush hour traffic. Sometimes when I leave my current office on Route 9 and I head home down Grooms Road and around to Woodin Road the traffic is backed up to the American Legion. So I am concerned about the additional flow because they would have a larger facility so it is going to increase the traffic flow. I know what the applicant has stated in terms of the time frame between 9:00 am and 3:00 pm but when you have a bigger facility where you mentioned organizations and larger, I am assuming that is going to increase with that size of a building. Pastor Tebbano stated the following: No, it won't increase because my word is my word. That is when we operate and anyone delivering has to

drop off in that time frame otherwise they will have to hold it off. In everything we do the traffic study will show that we do everything in off peak hours even for the church services. I know what Mr. Lonnie is saying because when we have youth night on Friday nights and I have to sometimes go there, I want to go in some other direction because the traffic is backed up all the way to the American Legion. We are going to keep our operation in the same timeframe in the off peak hours and we are not going to change that at all. Mr. Kevin Sullivan, of 10 Devoe Drive, stated the following: My biggest concern is also the storage facility. I have reviewed some of the literature between the two engineers and the final outcome from Lansing Engineering seems to be that there will be 3 or 4 small trucks a day delivering and 1 large truck a week taken away. That's not much throughput and anybody that would build a 15,000 SF building to support that either doesn't know what to do with their money or they bigger intentions of increasing the throughput in the future. This just doesn't make sense. The second big concern I have is the loading dock. Why is the loading dock placed on the back where all the neighbors get to enjoy that view and the noise associated with the deliveries. That building would be going up as close to the ravine as it can possibly get. If there is a special permit allowed for it, I think it should be very specific about the size of trucks and how many trucks. I think they should be held accountable to stick to that. I think there should be a living fence put around the parameter because this is strictly a residential neighborhood other than this property. I think the exterior lighting should be held to minimum, lights should be down and any security lighting after hours should be directed from the parameter in so as not to disturb the neighborhood. Mr. Dell stated a lighting plan would be done as part of the preliminary site design process. Mr. Berkowitz asked if they had a footprint plan. Mr. Dell stated the whole area in the back is proposed not to be disturbed. Mr. Berkowitz stated that is all in the ravine and asked if there is anything else planned. Pastor Tebbano stated the following: We have discussed with the architects that in the summertime we can't see through to the old apple orchard, which is now homes. When fall comes you can see right through. I think they had discussed putting some evergreen trees along that area for a barrier and still keep everything natural. At this point I don't know where they are with this but it was brought up in conversation. Mr. Ouimet asked if there is an exterior lighting plan for this distribution building. Mr. Dell stated a lighting plan would be developed during the preliminary design process. Mr. Ouimet asked if the plan would include floodlights and sodium lights on the building itself. Pastor Tebbano stated the following: I think what we are going to do is the same thing we have done on our present facility. Any parking lot lights we have are on a timer. They only go on when we have a service. The time goes off at 10:00 pm and in the wintertime the light comes on at 6:00 pm so people can see coming and going. The rest of the time we have wall packs on the building. We are planning to also do the wall packs on the new building just for security. Mr. Ouimet asked if these lights become activated as you approach the building. Pastor Tebbano stated they are on a light sensor. Mr. Ouimet stated so in other words you are planning on illuminated the exterior of this distribution building. Pastor Tebbano stated the following: The existing building is illuminated all night long. We don't know about the new building because we haven't gotten that far with the plans. Mr. Ouimet asked if they had any other security planned for that new building. Pastor Tebbano stated it would have a security system just like the old building and that will be it. Mr. Ouimet asked if there would be any external fencing. Pastor Tebbano stated no. Mr. Ouimet stated I would ask that you consider the comments of neighbors regarding the exterior lighting in the positioning and height of your building as you go to design on it. Pastor Tebbano stated yes. Mr. Roberts stated when your lighting plan comes in, have CHA review the plan. Mr. Dell stated yes. Mr. James Looman, of 34 Cambridge Drive, stated the following: I have questions about the future

parking lot. Mr. Dell stated that the area to the west is proposed for land-banked parking. Mr. Looman asked if they planned on lighting that area because currently the lights from the church shine in our backyard which is not bad but if you are going to expand more and put more lights in it will light up our whole house. Mr. Dell stated if the land banked parking lot is not deemed necessary there would be no lights there. Mr. Looman stated so we won't know anything until after the building is built. Mr. Dell stated yes. Mr. Looman stated this is unfair, as you would not be telling us about lighting that area until after the building has already been built. Mr. Dell stated this would be part of the master plan where there is potential that lights would be constructed in the land bank parking area if the parking lot became necessary. Mr. Looman stated the following: This is the reason why we bought our house in the first place. I did like the idea that the church was behind our home and no one was going to build behind us. It just seems like a lot. Mr. Kevin Sullivan stated the following: I live at 10 Devoe Drive and I have a problem with the argument that a certain percentage of the parking is land banked. It gives the impression that this may not be needed in the future so don't worry about it so much because it doesn't deserve that much weight. It is my understanding that this plan is to approve everything including the possibility of the additional parking in the future. I think the questions about lighting in that area and the affect of all that additional parking deserves just as much weight as parking that is being proposed and not being land banked. On the distribution center the final comment from Lansing Engineering seemed to be that while the service of providing goods to parishioners is something that all worship facilities do. This is true and I don't deny this but I don't know a single one that has a 15,000 SF storage structure and trucks coming in and out to support it. Mr. Roberts stated the lighting plan for the land banked parking area should be included in the plans. Mr. Dell stated he understood. Mr. Roberts asked Pastor Tebbano if he wanted to comment on the size of the building. Pastor Tebbano stated no, except in our constitution of bylaws one of the things we have in there is to distribute food and clothing and help in that way. This is part of our overall vision of the church. Honestly I understand every one of these concerns without any question. This is why we have taken so long to down size every thing and now we have come back again. I understand the concerns and if I had bought a house and I saw these thing going on, I would be sitting here asking the same kind of questions. I want to make sure that we address every single one of them and make sure we go through the process. My word is my word and we will work with the Town and the engineers to do all we can. Mr. Lonnie asked are we approving the master plan or just the storage building? Mr. Roberts stated the following: We are not approving anything tonight. We are here tonight to receive the public's comments. Mr. Lonnie asked eventually when the vote comes up, what would the Board be voting for. Mr. Roberts stated the entire site plan as you have seen tonight. Mr. Lonnie asked if and when they decide to do the bigger addition, would it go through this process again? Mr. Roberts stated once it is approved, then it is approved. Mr. Lonnie stated I would like to see an erosion control plan before we this is approved. Mr. Roberts stated the following: They would have to have an erosion control plan before an approval from this Board. The purpose of tonight's meeting was to hear the public's comments. Our engineers will be reviewing all of that. Mr. Lonnie asked if the engineers would be reviewing this during the design process. Mr. Roberts stated yes. Mr. Lonnie stated okay, so then you are following the State guidelines. Mr. Roberts stated we have to. Mr. Lonnie stated the following: That is a wetland right now as there is a big berm on the left side and very low in that area and there is not place for water to go as it is. So, building the parking lot is going to push water on somebody's property. Mr. Rupert stated the following: I am still concerned about the warehouse and the size of it. I know we are commenting on the current master plan and we are reviewing the special use permits. Who is to say how high they go on

this building? Is that something that is reviewed after this process of the master plan that we then work on the special use to make sure that it doesn't go out of control? Mr. Roberts stated they couldn't start building on that site until they get an approval from this Board. Mr. Rupert asked if this is the same with the addition on the ministry? Mrs. Murphy stated the following: The Planning Board decided at a previous meeting that they wanted to take some public input to hear what the concerns of the neighbors were prior to even really proceeding very far with the engineers into getting into those details. This way the engineers would know what to concentrate on based on the concerns of the public. So, that is what we are doing here tonight. We are here tonight to get all of those concerns aired out so that when a final plan is drawn it addresses the concerns of the neighbors. Mr. Tony Balonga stated the following: I live at 303 Grooms Road and I have been a member of Harvest Church for about 21 years. I have been working at the church for about 14 years. I would like to tell you that one of Pastor Paul's main concerns is the look of the facility and affecting the neighbors. What Pastor Paul has said about "his word being his word" is true and what he says he will do, he will do. I also head up the food pantry at our church so I know what we distribute and what we don't. In 2006 we fed 367 families from our food pantry. Our food pantry consists of 2 rooms that are approximately 20 FT x 20 FT. In 2007 that number increased to 455 families. I have some facts on nationwide food pantries and how nobody has food. Even the regional food bank is short 700,000 pounds of USDA food that we used to get to distribute. So, the distribution center is definitely a necessity in the area. We used to be able to feed everyone in Saratoga County. Over the last 3 years the demand has increased so much we haven't even been able to do Saratoga County. Now we do Clifton Park and the Halfmoon area. If you look in the PennySaver you will see almost every week that the Mechanicville Food Pantry and Captain have no food and they are asking for food for help. I know it is the Pastor's heart and it is my heart also to be able to help these people to be able to help other people and it just can't be done. We need the resources and one of the things that this building will do is enable us to be able to help everyone in Saratoga County, not just Clifton Park and the Halfmoon area. Another thing this article says is it used to be people using food pantries that just don't have money but the way times are now it is even people that have jobs. With the price of gas and everything increasing people don't have enough money to put food on the table for their families so they come to us and we help them out. I hope this helps you to understand a little bit of the necessity of this building to help distribute food to people in need. Mr. Sullivan stated the following: I don't think anybody would dispute the worthiness of the mission. It's about locating it on this property and that is the only problem that I have an issue with. There is plenty of warehouse space within reach of this facility that could be leased much cheaper. I have spent a number of years working for General Foods and one of the biggest studies that I have done in those 12 years was warehouse studies. You could never justify building a facility verses leasing space nearby. Economically it doesn't make sense and it does not make sense to put that on this property. Mr. Roberts closed the public hearing at 7:40 pm. Mr. Higgins stated the drawing doesn't say the size of the parking spaces and asked if they would be 10 FT x 20 FT. Mr. Dell stated yes. Mr. Higgins stated the following: This should be noted somewhere on the plans that the parking spaces would be 10 FT x 20 FT. Also, several of the residents have concerns about wetlands on a couple of the outer areas and asked if they have done any wetland delineations. Mr. Dell stated a wetland walk has been done and as stated before there are some wetlands associated on the northern portion of the property and this will be shown on future maps. Mr. Higgins asked if there were any wetlands on the western section where one resident said there was considerable water. Mr. Dell stated the way I understand it is that they are along the ravine on the northern portion of the property but we will look into that. Mr.

Higgins stated the following: Yes, definitely look into that because you have the proposed future parking going right up in those areas where some of the residents said there was considerable water so we definitely want to look at all of the wetland delineation in that area. As far as the proposed storage building, on your revised drawings we are going to need exact height, length and width on the building. The way the storage building is described is that people come in to pick up food, yet there is no pick up area or parking around the building other than the main loading area. Pastor Tebbano stated the following: This facility would not take care of the needs of individuals. That will continually be done through our food pantry like we are doing now. This is just a place where we can get supplies and place them in the storage building. It is not a place for individuals to go to drop anything off or pick anything up. It is just for corporations to give us donations, other churches we know and organizations that deliver to us or we can pick it up from them. Mr. Higgins stated when we talked about this several years ago; the questions of locating that facility off-site came up. At that time you explained to us the cost associated with running back and forth and asked if that had changed because now you are saying that the only thing that is going to be in this proposed storage building is major items and the food storage would still be in the other building. Pastor Tebbano stated the following: We will have food storage there but we will only be giving food out to individuals through our food pantry. When we first proposed this, we were only going to do food. But food becomes an issue today with the number of corporations not giving food out as much so we are going to be doing this as well as distributing some items such as furniture. A lot of times people are burned out of homes and they have not money for insurance and they have not furniture. So we help out with fire organizations like that because we can get the material, but we have no where to put it. Mr. Higgins asked would you back a truck up to the loading dock and then bring it over to the other facility. Pastor Paul Tebbano stated the following: Yes, we would get a truck. That is part of our plan and we have to go step by step. The concern has always been that it would be like the Salvation Army on Route 9 and it is not going to look like that because it is not for individuals to drop items off. We have a wooden fence that goes all the way around and we have a metal gate that we can close, which keeps everyone off the property. But we have kept it open because kids came through and destroyed the whole thing. Mr. Higgins stated the following: I suggest in your revised application you do a little more as far as description of the exact operation of the storage building and how you intend to do it. Also, one of the neighbors said they were getting light infiltration from site onto his property, which should not be and I suggest that you also look into that. Pastor Tebbano stated I know what he is talking about and there is a light that goes on when we have church to keep that area secure but everything is on a timer. Mr. Higgins stated the lights should not go off your site. Pastor Tebbano stated the lights are pointed down and if he is looking out his back door he'll definitely see lights. The lights end at the parking lot. Mr. Berkowitz asked if there were any State or Federal guidelines that they have to follow to have an operation such as this. Pastor Tebbano stated the following: I believe the Agricultural Department comes once a year for our food pantry and they check everything over to make sure we are doing everything properly. As far as the new facility, I honestly don't know until we get further along as to what will or will not. Mr. Berkowitz asked if the items were perishable and non-perishable. Pastor Tebbano stated yes. Mr. Berkowitz asked if refrigeration units were need. Pastor Tebbano stated it may be a possibility but at this point we don't know. At Christmas time we get a lot of turkeys and we have nowhere to put them. If we had a place in the new facility, we could store a lot stuff so they could be given out during those holidays. Mr. Berkowitz asked would we know before we get to the final phase of this project. Pastor Tebbano stated I would think so. Mr. Berkowitz asked what is your timeframe because you don't have a lot of time to

decide whether you want refrigeration units or not. Pastor Tebbano stated the following: We have talked to the architect about putting something in there but talking to them at this point wouldn't be a good idea because the engineering was just to get this approved. If you want us to discuss that more with the engineer, we will. Mr. Berkowitz stated that would impact the noise as far as the neighbors in the back also. Mr. Ruchlicki stated the following: Now that Mr. Berkowitz has brought this up, I also have concern about the refrigeration units and the noise associated with them. I'm looking at your preliminary traffic study where you have a timeframe from 5:00 pm to 11:00 pm on Friday and asked what this was for. Pastor Tebbano stated we have a youth program that runs from 7:00 pm to 10:00 pm every Friday night and the volunteers get there around 6:00 pm and then they dismiss about 10:00 pm. There is anywhere from 50 to 80 youth that come out every week. Mr. Ruchlicki stated the following: I have a concern relative to the stormwater management area relative to the wetlands associated with the property. Also, another concern I have is about the neighbors concerns with the lighting around that storage building. Being that this is so preliminary where you have the loading area relative to the existing residential development, can this be put in between the existing building and that building or maybe the building can be tipped in a different manner so the loading area on the residential side. It appears that you are higher than the neighboring property on the other side of that ravine so anything that could be done there to block their view would be beneficial. I would not be in favor of the light wall packs on the backside of that building because while they retain the light on the site, they tend to make the building glow. I suggest that you and CHA get together to discuss another type of lighting on the back of the building so as not to intrude on the neighbors privacy and you are limited with buffering in that area. Mr. Ouimet asked if any thought was given to a smaller storage building than a 15,000 SF building. Pastor Tebbano stated the one we originally proposed was much more larger and this is 4 years of scaling everything down. Mr. Ouimet asked is this the smallest building that you can live with? Pastor Tebbano stated for doing what we are going do yes. Mr. Ouimet asked can you live without a storage building? Pastor Tebbano stated no, not for the vision of the church and what we are doing and what we want to do. Mr. Ouimet asked is off-site storage was an option for the church? Pastor Tebbano stated at this point, no. Mr. Ruchlicki asked if they could consider having the gymnasium area in the area that would be the storage building and move the storage building deeper into the site? Pastor Tebbano stated the following: No, because everything is set up so when this sanctuary goes up in the future it is tied into this building. All the offices in the front would become classrooms with some modifications. This is totally built as an educational wing with a gymnasium and classrooms.

This item was tabled and the Board asked the applicant to take the public comments into consideration as they prepare preliminary engineered plans.

New Business:

08.004 NB Omnipoint Communications Monopole, 1487 Route 9 (McDonald's) – Commercial Site Plan

Mr. Jeff Davis, Attorney for Hiscock & Barclay stated the following: I am representing Omnipoint Communications who does business as T-mobile. I am here for an application to put in a monopole tower at 1487 Route 9, which is the McDonald's facility. The proposal is for a 100 FT monopole tower with the antennas at a centerline of 100 FT. We did provide a photo simulation in our package and it would be located behind the McDonalds's off of their parking lot in the back and it would meet all of the setback requirements under the zoning code. We are working to try and fill a coverage gap in a specific area of the Town. We are aware of the

Verizon application in the Route 9/Route 236 intersection and corridor. We have taken some proactive steps to look at site in conjunction and discussion with Mr. Williams. Our understanding is that the Verizon facility is proposed at 90 FT and they would have their antennas at a centerline of roughly 87 FT and the next available spot for a potential co-location for T-mobile would be 67 FT. We have looked at this facility and we have done a drive test at this location to see if that would work for us. The drive tested at 67 FT with tree height around the facility at roughly 67 to 70 FT really doesn't work. So that is why we are here, I'm not here saying that you need 2 facilities in this location. I think one facility in this location would probably work but it needs to be the right facility at the right height. This is why we are here and this is why we looked at the Verizon site as well. We have propagations and a drive test data that shows the McDonald's facility that we are talking about at 100 FT and the coverage we achieve from that showing the in-fill coverage in the area and the coverage gain. One of the things that we did is we did a drive test of this site as well. We went out there, put up a temporary tower, put antennas on it and did a drive test around the area to verify the coverage that we would get from a site at this location at 100 FT. Then we went up the road to the Verizon site and did a drive test at 67 FT to see what the coverage would be and then we did a drive test at the Verizon site at 97 FT. Which it would be if they were a 90 FT facility but it was 10 FT taller, which would then be 100 FT with our antennas at a centerline of 97 FT. Basically our site at 100 FT and the Verizon site at 97 FT would be very similar in coverage. The two at 100 FT versus 67 FT is a dramatic difference. I asked T-mobile to put together the best way that they could a representation of the drive test data, is difficult to show but they were able to do that for us. The drive test data from the McDonald site basically takes the exact same coverage propagation plots, which the green is the building and the yellow is the vehicle. This represents driving around the streets with an antenna on their vehicle, measuring in their vehicle the coverage levels that they are getting and the streets and the coverage that they are picking up and how it corresponds with the prediction model. What we did then is say okay, this is what we need to fill-in our gap to get this baseline of coverage in this area. With the 100 FT at McDonalds to 67 FT at the Verizon site and we lose more coverage than we gain between the 2 sites. We then did the exact same test at 97 FT and while we lose a little bit, it is something that I think we can live with for a 1-site facility versus 2-sites. The zoning question and the land use question is how can we all work together to get to one facility? I think Verizon needs a facility and T-mobile both need a facility in the exact same area and are looking for the exact same coverage requirements. We have made application in an area that we believe is good from a land use application in a commercial use. We tried to minimize the height of the tower the best we can and still meet the needs. We are before the Board looking for direction. We have taken the proactive steps to examine an application that is into zoning already. With that application at its current height and what would be available to us would not work if that application were to be modified to allow something that would work, I don't think we would say "no" to that. I know this is difficult and I have spoke with Mr. Williams months ago about this. We are here to talk about our site, but I don't think you can talk about our site without answering the obvious question of have you looked at other sites. These are 2 sites that are very close to one another, they both work for T-mobile at roughly 100 FT centerline and the McDonald site is 100 FT centerline and we did this one at 97 FT centerline. There is about a 5 to 10 FT elevation difference between the 2 sites with the Verizon site being roughly 5 to 10 FT taller and the other would be the location. We know the McDonald site works for us and we know that what works for us at the Verizon site but we are not asking for 2 sites. We are saying that 1 site in this location would work as long as it is the right height that would allow for both carriers to work. Mr. Roberts stated the following: You are correct, from a planning

prospective, we do not want 2 towers this close together but in your rendering it sticks out like a sore thumb and it does nothing for the esthetics of our Town. Mr. Davis stated the following: We are dealing with 100 FT tall structure and that rendering is probably the worse because they are standing in front of McDonald's with their camera. This is all they gave us but I think it would be best to do a photo simulation or a balloon test at the locations. Mr. Berkowitz stated you are putting a 100 FT pole in the middle of one of the busiest intersections in this Town and there is no way to hide it. Mr. Davis stated it is very difficult to hide a monopole. Mr. Berkowitz stated it is one of the most un-esthetically pleasing things I think I have seen before the Board and you have been before the Board a lot of times. Mr. Davis stated the following: This is a problem area because it is a busy area and to try and get coverage into this area it is very difficult. There is a reason why this hole exists today in this network and it is because there is nothing around here to co-locate on and nothing around here to use. They have co-located on all the existing towers that are around here. In tab 11 of our application packet shows all the sites that they are on already and the 7 different alternative locations that they looked at for this facility. In order to get coverage into this area you got to be into that area. You can't get coverage into this area from being in the outer areas. As you get into that area where your coverage is and you are more centered to your coverage gap, you actually end up with a tower that reduce in height. If we were to try to get coverage into this area from the outer areas, it wouldn't get to the full part of the coverage area and in order to get even half way into the coverage area you would be talking about tower heights of 150 to 200 FT. When you are closer into your coverage gap, the tower heights get smaller because you get closer to the center of your ring. That being said, the coverage doesn't lie, the map doesn't lie because this is where the gap is. Unfortunately, I think you are seeing the same question for the other application that you have where you have 2 carriers looking to try to cover a very similar area with a very similar coverage gaps. We are trying to figure out a way to do that that is the best way from a land use prospective. Whether we propose the monopole at 100 FT at the McDonald's site and we are here to talk about how the best way to get coverage in this area yet still work within what the Board would like us to do. Mr. Roberts stated I think the best thing for us to do at this point is to refer it to our engineer for his review. Mr. Higgins stated the following: The fall zone appears to be very close to the building and also very close to the neighbors. Is there any consideration for a flagpole style rather than the external antennas? Mr. Davis stated the following: A flagpole style can be considered but there are drawbacks with the flagpole style. With a normal monopole you can get 3 antennas per sector. If it is a triangle and each side of the triangle is a sector so you can get 3 antennas per sector. With a flagpole you are taking those and you can get a total of 3 antennas inside of the flagpole for your carrier. So for T-mobile they could get 3 antennas at one spot instead of getting 9. It has the effect of reducing your capacity and your ability to expand the site if you need to. Also what happens is you can end up having to put antennas at both levels to provide their coverage and that is the drawback you can get with a flagpole. I can go back and ask about the flagpole. It is something that has been done and proposed before but in these traffic areas like this the drawback with the flagpole is you reduce your capacity and reduce your ability to expand that site to meet your capacity needs. Mr. Ruchlicki stated the rendition of the monopole has 3 of those triangular shape units on it and asked how many of those units would they be using. Mr. Davis stated the following: We did all 3 to show what a fully co-located monopole would look like. We are only proposing one and the others would be used for co-locations. Mr. Ruchlicki stated if there was another place for you to locate on a higher pole to give you that same coverage, I would probably go with that before I go for this proposal.

This item was tabled and referred to Mr. Mike McNamara, of Environmental Design Partnership (acting Town engineer).

08.006 NB Bast Hatfield Commercial Park, 1399 Vischer Ferry Road – Major Subdivision

Mr. Tom Pratico, of Bast Hatfield, stated the following: We are before the Board to answer any questions the Board might have about the creation of a small subdivision of our property located at 1399 Vischer Ferry Road. The reason why we are asking to do this subdivision is because of refinancing. We refinanced the property about 6 months ago and within the loan documents we have 1-year to subdivide the proposed site. We believe we have created a conforming lot for the Town regulations. I think Saratoga County has approved the submission. Mr. Higgins asked if the 24 Con-Ex boxes located at the rear of this site were approved on the original site plan? Mr. Pratico stated yes, that was approved a long time ago. Mr. Higgins stated the following: I remember that there was a storage area back there but I don't remember as far as that many Con-Ex containers and asked Mr. Williams to check on this. If this is part of the revised site plan, we need to know this. Is this proposed subdivision strictly for financing or do you have any intentions of using it at this point? Mr. Pratico stated the following: No, we have no intentions to use it at this point. We have no proposed site plan or use for it at all. If we don't make this window within the next 6 months, then we won't be able to obtain financing for it. Mr. Higgins stated it shows 100 FT of road frontage and then there is a right-of-way for Vischer Ferry Road and asked if the actual road frontage is only the 100 FT. Mr. Pratico stated that is correct.

For the record: Per Jeff Williams'/Lindsay Zepko's Planning Board Topics stated:

The applicant wishes to subdivide a .92-acre parcel from a 7.58-acre parcel on the current Bast Hatfield office/warehouse exists. The remaining lot will be 6.66-acres. The proposed new lot will gain access through the existing curb cut on Rexford Way via an ingress/egress easement. The County has issued an approved decision with a comment that there should be no curb cut to Vischer Ferry Road for the new parcel.

Mr. Berkowitz made a motion to set a public hearing for the March 24, 2008 Planning Board meeting. Mr. Ouimet seconded. Motion carried.

08.024 NB New Country Toyota-Scion Service Facility, 202 Route 146 – Concept-Addition to Site Plan

Mr. Brian Ragone, of Environmental Design Partnership, stated the following: I am here representing the New Country motorcar group. They are proposing to move the Toyota-Scion dealership service and part sales operations from their current location which is in the existing sales building into the former GMC building located at the corner of Route 146 and Upper Newtown Road. This application addresses the service addition only. There will be a future separate application for the sales building that will have proposed interior and exterior changes. The existing zoning for this property is Commercial (C-1) and the parcel area where the service operation is to be relocated is approximately 3.7-acres. This parcel was utilized for the GM franchise, which is currently located across the street on Route 146 to the west. The existing parking to the north is across from Upper Newtown Road and currently serves the GM franchise and will continue to do so. Toyota's plans are to renovate the interior and exterior of the building by changing the appearance and adding an enclosed service write-up and automated car wash addition. The interior floor space renovations will include an updated waiting area and floor space for new vehicles which will give service customers a chance to

review current models and obtain information while waiting for their car to be serviced. The proposed write-up addition will be constructed along the south side and the size will be approximately 3,325 SF. This addition will allow for service customers to pull-up in an enclosed area and be greeted by service employees. The service employee will then either take their car to the service area or park it in one of the outdoor parking spaces that is designated for service. The addition will be able to accommodate up to 9 vehicles within the enclosed area while the interior service floor area of the building will have 18 work stalls. The proposed car wash addition will be 1,200 SF and will be situated along the northern side of the building near the northern entrance located along Upper Newtown Road. The use of this car wash is for serviced cars only and will not be opened to the general public. The applicant is estimating that once fully operational there will be 60 vehicles serviced during a regular weekday which also means that they expect 60 cars to be going through the car wash per day. The car wash is proposed to have water recycling. In anticipating of 60 cars going through the car wash per day would mean an average 8 to 10 gallons of fresh water being used for each car giving a total of approximately 500 to 600 gallons of fresh water per day. Currently this site does not connect to municipal water or sewer. New Country is proposing to connect to the Saratoga County Sewer District force main that runs directly in front of the parcel and this would require an application and approval by the Sewer District. The parcel will continue to use on-site wells. The connection to the existing force main will require the existing lateral to be connected to a duplex pump station. Floor drains within the service areas along with a silt trap within the car wash will be connected to an oil water separator prior to the discharge to the pump station. The building additions will require some modifications to the drive aisle striping. There will also be some additional curbing and landscaping proposed to enhance the exterior of the building and maintain good sight vehicular circulation. After reconfiguration of the parking and drive aisles there will be a total of 214 parking spaces to address the service, employee and new pre-owned vehicle parking. These additions will be built over existing paved surfaces and the green space for the parcel would remain the same. There will be no changes to the existing storm drainage system other than some modifications that include rerouting of existing piping that falls underneath the proposed building additions. Toyota is also proposing a sign that will be in conformance with the Town's sign regulations. This sign will be in place where the large freestanding GMC sign used to be and was just recently removed. The signs would match the existing pylon sign that is currently in front of the Toyota sales building and will be approximately 15 FT high. The number of employees is expected to drop from when GMC was occupying the building. GMC employed 27 full-time employees and 3 part-time employees. Toyota is proposing 21 full-time employees and 3 part-time employees. The business hours will be Monday through Friday 7:30 am to 5:30 pm except on Thursdays when they will be open until 8:00 pm. On Saturdays the facility would be open from 8:00 am to 4:00 pm and closed on Sunday. Mr. Higgins stated you said that they would continue to use on-site wells. Mr. Ragone stated yes. Mr. Higgins asked if they were going to hook-up to the Town of Halfmoon water supply. Mr. Ragone stated they do not plan to hook-up to Town water. Mr. Higgins stated you are showing a 50 FT side yard setback but yet you have an island with vacuum cleaner stations that infringes into that 50 FT side yard setback. Mr. Ragone stated that is existing. Mr. Higgins stated the following: This Board cannot approve it if that is the requirement and it does not meet the 50 FT side yard setback so this is something that has to be looked at. Also, where is the display area for new cars going to be? Mr. Ragone stated typically it will be in the front of the building and on the plans it is labeled as "vehicle display concrete pad". Mr. Higgins stated that is exterior correct? Mr. Ragone stated the following: Right, but they are also going to have a couple of places for new vehicle display in the interior of the building because when

people you are waiting for their car to be serviced they can look at the new models. Since they are separated from the sales building they felt that they needed to put some cars on display when the people are waiting but all sales will be in the other building. Mr. Higgins asked if the display area is going to be separate from the service area so you won't have customers wandering into the service area or is it all going to be part of the same area. Mr. Ragone stated I believe the waiting area will be off to the side and it would not be directly in the middle of the room. Mr. Higgins stated I think we should know exactly how this area is going to be setup because you say it is going to be a service area but then you are talking about a display area also. Mr. Ragone stated I can submit a building plan. Mr. Higgins asked if all of the parking spaces are 10 FT x 20 FT. Mr. Ragone stated I believe the customer parking spaces are 10 FT x 20 FT but I don't believe the new cars and pre-owned cars parking spaces will be 10 FT x 20 FT. Mr. Higgins asked where the delineation was on that. Mr. Ragone stated that will be given. Mr. Higgins stated I know previously we have requested this applicant to use Halfmoon in their mailing address and advertising, which they have in some cases, but in other cases they have not so we continue to request that. Mr. Ragone stated I will pass that information along. Mr. Ruchlicki asked how many wells were on site. Mr. Ragone stated I don't know. Mr. Ruchlicki stated I would like to see those on the next drawing. Mr. Ragone stated okay. Mr. Ruchlicki stated if possible, I would like to know how much the wells produce relative to the 500 to 600 gallons of water to run the car wash daily. Mr. Ragone stated okay and all the necessary tests would be performed. Mr. Higgins asked if they knew if the adjoining property owners are on wells. Mr. Ragone stated I believe they are connected to water but I will look into that further for you. Mr. Higgins stated obviously we have concerns because if it is a limited aquifer we don't want to be taking the water away from the nearby residences. Mr. Ragone stated right. Mr. Roberts stated the following: You mentioned a sign but there is no sign application before us so we are not going to rule on that. Personally I don't think any new sign at this site should be any higher than the Toyota sign is right now. Mr. Ragone stated that is all they planned as it is going to be the same exact sign that would say "Service".

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

08.025 NB Platinum Hair & Nail Studio, 1603 Route 9 (Towne Center Plaza) – Change of Tenant & Sign

Ms. Robyn Roback, the applicant, stated the following: I am proposing a change of tenant and sign application for the Platinum Hair & Nail Studio. The previous tenant was Super Suppers. I am hoping to put in 6 hair stations as well as a manicure and pedicure area so there would be 7 employees total. The space is approximately 1,500 SF. There are not a lot of things that really need to be done to change to the salon. It was setup as a kitchen so the plumbing and everything is there. The only thing we would have to do is separate the back room from the salon area. Other than that, the space is pretty adequate for what we need it for. Mr. Roberts asked if there would be any exposed neon on the sign and you will just be replacing the existing sign. Ms. Roback stated exactly. Mr. Roberts asked the applicant to please advertise as being located in Halfmoon.

For the record: Per Jeff Williams/Lindsay Zepko's Planning Board Topics stated:

The hours of operation for the salon would be Tues. & Thurs. – 11AM-8PM, Wed. & Fri. – 9AM-5PM, Sat. 8AM-4PM. The total number of employees for the plaza is 30. This leaves 57 parking spaces available to the general public. Parking is sufficient on the site. The sign dimensions would be: 2 FT x 6 FT, one-sided, wall mounted and internally lit.

Mr. Berkowitz made a motion to approve the change of tenant and sign application for Platinum Hair & Nail Studio. Mr. Higgins seconded. Motion carried.

08.026 NB Fairway Meadows & Lands of Parker, 39 Timothy's Way & 2 Camber Court – Lot Line Adjustment

Mr. Robert Wilklow, of Gilbert VanGuilder and Associates, stated the following: I am here for a lot line adjustment of Lot #'s 37 and 39 Timothy's Way located in Fairway Meadows. Currently Lot 39 is 20,531 SF and Lot # 37 is 28,625 SF. Lot 39 is currently vacant lot and Lot 37 has an existing home on it owned by Eric and Deann Parker. Lot 39 is still owned by the Fairways of Halfmoon. The reason they are going for a lot line adjustment is because after the house was being staked and we went to set property corners, the current resident thought that the lot seemed kind of skewed to the house that currently exists. So the homeowner talked with the Fairways of Halfmoon LLC and he agreed to do a lot line adjustment if it met with approval from the Planning Board.

Mr. Ouimet made a motion to set a public hearing for the March 24, 2008 Planning Board meeting. Mr. Higgins seconded. Motion carried.

08.027 NB Delaney Subdivision, 40 High Street – Minor Subdivision

Mr. Robert Wilklow, of Gilbert VanGuilder and Associates, stated the following: The property consists of a 2.09-parcel with a duplex on it. The applicant is proposing to subdivide the parcel into 1.05-acres and 1.04-acres lots that will have public water and sewer. Water access is on High Street and there is an existing sewer easement off to the side that the new residence would tie into. They are also asking for a 30 FT wide ingress/egress utility easement through the existing lot in order to minimize any wetland impacts, which we are aware that we would have to go and get the disturbance permit from the Army Corp. of Engineers. We are trying to minimize the curb cut by using the same entrance onto High Street that already exists. Mr. Higgins asked Mrs. Murphy if the Board could legally grant a flaglot where the road frontage is obviously in a wetland area. Mrs. Murphy stated the following: Our issue is to make sure that they have the appropriate amount of frontage. They don't necessarily have to utilize that frontage in order to access the property. They just have to legally have the frontage there. I will look at this in more depth prior to the public hearing should the Board decide to schedule one. However, as long as you need these extra requirements of having frontage, it doesn't matter if you actually access through that frontage.

Mr. Berkowitz made a motion to set a public hearing for the March 24, 2008 Planning Board meeting. Mr. Ruchlicki seconded. Motion carried.

08.028 NB Arlington Heights PDD, 1 & 3 Chantrey Blvd. – Lot Line Adjustment

Mr. Mike McNamara, of Environmental Design Partnership, stated the following: I am here tonight representing Belmonte Builders for the Arlington Heights PDD lot line adjustment. The subdivision was approved in November of 2007 and it has been filed in the County Clerk's Office. The proposal is for a lot line adjustment to Lot #'s 1 and 2. We would like to push the rear line of both and the sideline of Lot #2 back 10 FT. Those lines would move into an area of a large lot that is going to be conveyed to the Homeowner's Association (HOA). This action would take about 1/10 of an acre of out the HOA's lot and divide it between the 2 private lots. The purpose for this lot line adjustment is the floor plan that the builder wants to use for the lot is rather close to the available building envelope so we would like to increase the size of that

building envelope to give us some breathing room. Saratoga County has already looked at this at their February 27, 2008 meeting and their decision was that there was no significant countywide impact. Mrs. Murphy stated the following: There is a note in the file saying "need EAF?" Please make sure that the EAF is submitted for the records. Mr. Higgins asked if these lots were going to be single-family residences. Mr. McNamara stated yes, single-families residences on both lots.

Mr. Berkowitz made a motion to set a public hearing for the March 24, 2008 Planning Board meeting. Mr. Higgins seconded. Motion carried.

Old Business:

05.127 OB Stone Crest Preserve, Vosburgh Road/Werner Road – Major Subdivision/GEIS

Mr. Ivan Zdrahal, of Ivan Zdrahal Associates, PLLC, stated the following: This is an application for Rosewood Home Builders for a 90-lot single-family residential subdivision. This project is before the Board for consideration of final approval. After the last presentation to the Board where we went through the outline of the status of all the approvals, there was an open issue regarding the phasing of the project. Specifically the concern was in regards to the proposed improvements to the two intersections of Old Werner Road and Werner Road at Route 146. Subsequent to that meeting I have submitted to the Board the phasing plan, which I will present to you tonight. This phasing plan is part of the stormwater pollution prevention plan for this project. The first phase includes the 2 proposed improvements to Werner Road. These 2 intersection improvements will be constructed as a part of Phase I. The dividing of the Werner Road for the turning lane and the closure of the Old Werner Road at Route 146 requires an authorization of the Town Board. The subsequent phases as far as construction are outlined in Phases II, III, IV, V, and VI. Mr. Higgins stated the improvement all the way down Vosburgh Road to Route 146 is that a waterline or a sewerline? Mr. Zdrahal stated that is a sewerline. Mr. Higgins stated at the previous meeting I questioned how much of this development we want to have built without the second access out onto Werner Road and I see that you have phases designated for all six phases and asked as you do each phase I assume you are going to do some kind of a hammerhead or cul-de-sac at the end of the roads for emergency vehicles and snow plows. Mr. Zdrahal stated the following: That is correct. As you can see, Phase I ends up at the future intersection, Phase III ends at another intersection and Phase IV goes all the way to Werner Road. Mr. Higgins asked at what point do you feel that it would be viable to put the road all the way through to Werner Road? Mr. Zdrahal stated the proposal is to construction Phase I in 2008 construction season. Phase II will include constructions of Phases II and Phase III and that will be in the 2009 construction season and we would construct and maintain gravel access all the way to Werner Road. Mr. Higgins asked are you saying that for Phase III then you would construct an emergency access out to Werner Road? Mr. Zdrahal stated it would be a gravel emergency access. Mr. Berkowitz asked if the gravel emergency access would also be a construction entrance. Mr. Zdrahal stated it could be a construction entrance. Mr. Berkowitz asked aren't they going to be using construction vehicles through Phases I and II to get to Phase III? Mr. Zdrahal stated they would access from Vosburgh Road. Mr. Berkowitz asked if they would be taking a risk of ruining those roads or would they rather go through a gravel road. Mr. Zdrahal stated it is like any subdivision; sometimes they would be accessing over paved roads, which would be constructed with a binder and then ultimately the top coat would be put in place. Mr. Higgins stated I still feel that there would be way too many houses with a single access and personally I would prefer to see Phases I and II have the

single access and then prior to any Certificate of Occupancy (C.O.) given for Phase III to have the road all the way out to Werner Road. Mr. Zdrahal stated this would be reasonable and we could agree with that. Mr. Ruchlicki asked if they would also agree to make improvements at that point. Mr. Higgins stated the improvement on Werner Road would all be prior to C.O. for Phase I. Mr. Zdrahal stated this is correct. Mr. Ouimet asked how many homes are in Phases I and II? Mr. Zdrahal stated I think in Phase I you could build 24 lots, 1 lot is on Vosburgh Road and 2 lots are at the intersection so technically there would be 21 lots. Mr. Ouimet asked if all those homes would be constructed before you begin Phase II? Mr. Zdrahal stated I don't know. Mr. Ouimet asked if that were true, how many homes would be added in Phase II? Mr. Higgins stated 14 houses. Mr. Ouimet stated the following: So there would be 38 homes exiting through one entrance and one exit and I personally don't find that to be very acceptable. I think by the time you go into Phase II you should have that road at least graveled all the way out to Werner Road. Mr. Zdrahal stated as I indicated earlier what I was proposing is a connection in the 2009 construction season for Phase II and III there would be a gravel access to Werner Road, which is more in line with what you would like to see. Basically we have 2 points of access but these are construction phases. Mr. Ouimet stated the following: I am trying to understand as to potentially how many homes would only have one way in and one way out. Assuming that you construct the road all the way out during the Phase II construction season, which is in 2009, only 24 homes would have to exit through one entrance and one exit. Mr. Zdrahal stated the following: By the end of 2009 the construction would be progressing on Phases II and III. During the construction of the first two phases we would construct a maintained gravel access to Werner Road. Mr. Ouimet asked the following: Is there anything in between? Is there an emergency access out of there? Or at some sooner point do you put the infrastructure in for that? Mr. Zdrahal stated no, there is no other way to access. Mr. Higgins stated I might have misunderstood because I thought you just said that in Phases I and II you would have the single access but before any C.O.'s are issued for Phase III that you were going to run the road out. Mr. Ouimet stated I understood what Mr. Zdrahal said but my concern still exist because you would still have 20 plus homes with one way in and one way out. Mr. Zdrahal stated I believe Mr. Higgins said Phase I and II with single access and when we build Phase III to bring the road down to Werner Road. Mr. Higgins stated the following: No, that isn't what I said. Phase I and II single access and no C.O.'s for Phase III could be issued before you have the complete road all the way out to Werner Road. Mr. Zdrahal stated right. Mr. Berkowitz asked if Phase II and III would be done during the same construction season. Mr. Zdrahal stated if we follow what Mr. Higgin's is suggesting, which I said was okay, we would build Phase I and II. Mr. Berkowitz stated I thought Phase I would be built in the 2008 construction season and then you would start Phase II in 2009 and start Phase III in 2009. Mr. Zdrahal stated originally I proposed that we would do Phase I in 2008, Phase II and III in 2009 with a maintained gravel connection to Werner Road. Mr. Higgins stated that following: The proposal would include all of the off-site improvements on Werner Road that the applicant has agreed to do prior to any C.O.'s issued in Phase I of the project. Phase I and II would be completed with a single access onto Vosburgh Road and before any C.O.'s are issued for Phases III, IV, V and VI the road would have to be complete all the way out to Werner Road for the second access prior to any C.O.'s being issued. Mr. Berkowitz asked if Phases I and II have to be completed prior to Phase III starting or could they start Phase III concurrently with Phase II as long as the road is going through? Mr. Higgins stated the following: If they have the road through, he can start Phase III concurrently with Phase II. Phase II doesn't have to be completed but before anything is done in Phase III they have to have the road all the way out to Werner Road. Mrs. Murphy stated when you say anything you mean prior to the

issuance of the second C.O. and I say the second C.O. because the first C.O. is usually a show home and we allow one C.O. prior to the road dedication process. Mr. Higgins stated that would be for Phase I. Mrs. Murphy stated correct. Mr. Zdrahal stated my understanding of this is Phase I and II can be constructed with a single access from Vosburgh Road and before any C.O. is issued for Phase III the road has to be constructed to Werner Road. Mr. Higgins stated and all the off-site improvements on Werner Road have to be completed before the second C.O. is issued for Phase I. Mr. Zdrahal asked what is the first C.O.? Mr. Higgins stated the first C.O. is for the model home. Mr. Zdrahal stated okay. Mr. Ruchlicki stated this is essentially what I was asking that you would do the improvements in Phase I to Werner Road. Mr. Zdrahal stated since we have to have the roads built anyway before the C.O. so that is what has to be done up front anyways. Mr. Higgins stated one other clarification; the sewer line out to Route 146 has to be completed.

Mr. Higgins made a motion to grant a Neg. Dec. to SEQR. Mr. Berkowitz seconded. Motion carried.

Mr. Higgins made a motion to grant final approval conditioned on off-site Werner Road improvements are completed prior to the 2nd Certificate of Occupancy granted for Phase I and Phase I & II be constructed with one access off of Vosburgh Road and at minimum an emergency access road connection to Werner Road is made prior to a Certificate of Occupancy being issued in Phase III. Mr. Berkowitz seconded. Motion carried: 5 – Aye 1 - Nay

Vote: Mr. Higgins – Aye Mr. Ruchlicki – Aye
 Mr. Berkowitz – Aye Mr. Roberts – Aye
 Mr. Ouimet – Nay Mr. Beck - Aye

07.086 OB Northside Drive Access Point, 5 Northside Drive – Commercial Site Plan & Sign

This item was removed from the agenda per the applicant's request so the applicant can continue talks with the Saratoga Country Planning Board.

07.122 OB Architectural Glass & Mirror, 11 Solar Drive/Crew Road – Amendment to PDD/Minor Subdivision

Ms. Stefani Bitter, Attorney for Architectural Glass & Mirror, stated the following: I am here with Mr. Bill McFreche, of Hershberg & Hershberg Consulting Engineers and Land Surveyors and the Haverly's who are the applicants, J.T. Pollard, project architect and Jay Hopack from BBL. To recap we were before the Board in December 2007 and at that time and at this time as well we were requesting your recommendation for rezoning application that we are proposing for this project. Architectural Glass & Mirror (AGM) is currently located at 11 Solar Drive. AGM is a business, which currently operates as fabrication a company for the purposes of fabricating aluminum framed doors and associated glass glazing. They act as a commercial glazing contractor. When their product is completed they ship it to the site for installation. AGM has been lucky enough to be very successful over the past 21 years and at this time they are in need of an expansion. As a result they looked to their adjacent neighbor, Mr. James Johnson, to expand onto his property. The property at issue is immediately behind 11 Solar Drive as depicted on the map. Unfortunately, Mr. Johnson's parcel is zoned Commercial C-1 and for the purpose of this use we need to be part of the Parkford PDD which 11 Solar Drive is. The proposed building is 30,000 SF. 20,000 SF would be utilized for AGM and the remaining 10,000 SF would be utilized for a tenant in the near future. The building would face Solar Drive and

would utilize public water and private septic. The last time we were before the Board we were referred to CHA for comment. At that time our major comment was the fact that the site only had frontage to Crew Road, which is considered to be a private road. At that time we did modifications to the layout and made this a flaglot and it would now have frontage onto Solar Drive. The reason that we needed time to make the modification is that one of the parcels is owned by the Saratoga County IDA so we had to get their approval in order for this modification to be made which we have done over the past few months. The other concerns have been incorporated into the plan with the remaining item being the wetlands. We hired Copeland Environmental and they have gone out to the site. I have submitted a letter to Mr. Williams and CHA. This letter indicated that the on-site inspection of March 4, 2008 noted a very small stormwater management basin, which is along the eastern property line. This basin collects adjacent parcel run off and it is not considered to be a natural flow from their inspection. Although it could be considered to meet the Army Corp.'s definition of a wetland, the Army Corp. does not recognize man-made stormwater basins as U.S. water. So in the Army Corp.'s opinion it probably wouldn't be considered a wetland. I will submit the original letter to the Board. We are seeking the Board's recommendation this evening for the purposes of the rezoning application. Mr. Higgins asked is a 30 FT wide flaglot permissible for a commercial lot? Mr. Pollard stated the following: The 30 FT geometrically worked out. I believe State Law mandates a 15 FT minimum street frontage. The layout with the access that we had and the jog in the adjacent 3-acre parcel alluded that to be approximately 30 FT. Mr. Higgins stated being that this is going to be part of a Commercial zone, do we have our Town requirements and is 30 FT acceptable? Mr. Williams stated yes, 20 FT wide access is permissible under the Town code. Mrs. Murphy stated if you are subdividing that lot so as to not include the entire lot in the PDD then you may want to have us schedule a public hearing on that now before this Board. Get this done and out of the way and when you are next before the Town Board, they can go forward with the PDD legislation modification because they can't modify the PDD legislation in accordance with a subdivision that hasn't occurred. This Board can proceed with scheduling a public hearing tonight to get you moving along but this step needs to be done first. Ms. Bitter asked if the Planning Board had to approve the subdivision of the lot prior to us returning to the Town Board? Mrs. Murphy stated the following: Yes, but you want to move that process along first prior to modifying the PDD language. This Board could set the public hearing tonight subject to you having an application to the Planning Department tomorrow. Ms. Bitter asked if they could run concurrently with the Town Board. Mrs. Murphy stated no, because the Town Board can't changed the language of PDD to the entire parcel when only part of the parcel is what you want. So, you need it to be part of the parcel first. Mr. Higgins stated the following: My question still remains as far as the height requirements or height restrictions. Being that this is going to be part of the PDD, we need to check the PDD legislation to make sure that the 30 FT is acceptable in that. Mr. Williams stated it is 35 FT that is permitted by Town Code, however, there is some flexibility as this is a PDD. Mrs. Murphy stated the whole purpose in them going forward is to modify the PDD language and area so the regulations that you are talking about are exactly what the Town Board is looking at. Mr. Higgins asked if they are going to be part of the PDD, aren't there other buildings in that same PDD in that area or is this just the 2 buildings? Mrs. Murphy stated there are more than 2 buildings. Mr. Higgins stated all I am saying is that we may want to just double check on the PDD if it is a change to the PDD legislation or not. Mrs. Murphy stated it is that is why we are here. Mr. Higgins stated the height is? Mrs. Murphy stated everything that they are proposing is so we will look at all of that.

Mr. Higgins made a motion to set a public hearing for the March 24, 2008 Planning Board meeting for the minor subdivision application. Mr. Berkowitz seconded. Motion carried.

**08.018 OB Manheim Auto Auctions (Northway Auto Exchange)
459 Route 146 – Sign**

Mr. Ron Levesque, of Studio Sign Inc., stated the following: I am representing the application for this sign application. The general manager from the local Halfmoon Branch of Manheim auto Auctions, Mr. Michael Cesta, is also with me here tonight. The concern that the Board had at the last meeting was the use of "Albany" on their sign. Mr. Cesta and I have been in contact with Corporate and we have received written documentation from Corporate as to their position. Mr. Michael Cesta, of Manheim-Albany, stated the following: I dropped off a letter to the Board today and hopefully it answers any questions or concerns that you were having about the name change and we would like to move ahead for an approval for this sign. Mr. Levesque stated we are willing to address any questions or concerns you may have about the name. Mr. Higgins stated the following: At the previous meeting the Board was trying to convey to the applicant that we are very proud of the strides that Halfmoon has made over the past several years and we are encouraging people in our Town to use "Halfmoon" as a sign of a destination. I did read the letter and I do understand what your marketing manager was saying in his letter but I don't agree with 100 percent of what he said. In addition to that the zip code of 12065 we did get a correspondence that said "Clifton Park" on that. It is legal to use "Halfmoon" in the 12065 so we would encourage you to use that at least as your mailing address, which would be the Town of Halfmoon 12065. Mr. Cesta stated I took over the general manager's position 2 years ago and I honestly wasn't aware that that was a possibility and that is something I will consider. Mr. Ouimet stated the following: I made my concerns known at the last Board meeting and I was encouraged when you all agreed to take our concerns back to Corporate. The encouragement that I had left me about 2 hours ago when I read Corporate's response. I think Corporate could have taken the step of saying "okay Manheim/Albany, Halfmoon, New York on your signage. I think that would have been perfectly acceptable to everybody and I think that was what we were looking for. Quite honestly I am not happy with Corporate's response. You know what our position is and I just want to reiterate my position. Mr. Levesque stated the following: I think that sometimes we find out that it is unfortunate that we don't have enough feedback prior to some of these decisions being made especially when we are talking about community pride. If Manheim took some input prior to having their name being documented and legalized, they would have taken some input in from the community. However, a lot of time Corporate is outside of the area and they make decisions that don't involve local municipalities. I do deal with a lot of national companies and I have a few more applications coming your way. So I now know I have to approach the Board sooner and I have made that known to a lot of the companies that I deal with. I am now aware that if anything has name recognition on it to make sure that it includes "Halfmoon" and I am passing this word around the community. Mr. Roberts stated as Mr. Higgins and Mr. Ouimet have said we are very proud of our Town. Mr. Higgins asked if the signs were already built? Mr. Levesque stated no. Mr. Berkowitz asked if they could put an address on the bottom of the sign? Mr. Higgins stated it would be very easy to put Manheim-Albany, Halfmoon, New York on the bottom of the sign. Mr. Levesque stated the following: Two monument signs are being proposed tonight for refurbishment that would be located out by the road. I think maybe if the Board would agree, this may be something that they would consider and I would make a recommendation to them to put a rider below the sign on the brick structure listing the address and spelling out the street address and Halfmoon, New York. Mr. Berkowitz stated emergency

agencies would like to see an address on the sign to identify the location. Mr. Levesque asked if the Board had concern about the sign that would be on the building which is located about 200 yards back on the facility. Mr. Berkowitz stated we are referring to just the monument signs located on the roadway. Mr. Levesque stated it may be able to be done, it may not be. Mr. Roberts stated we would like you to consider this and if this could be done we would appreciate it. Mr. Levesque stated I could make a recommendation that they offer to build a rider sign to be placed on the monument sign. Mr. Roberts asked if the signs would be illuminated inside and if there would be any exposed neon? Mr. Levesque stated the following: No, it is all going to be backlit signs with acrylic faces. The guard shack sign will not be illuminated. The portion on the monument sign where the address would be listed may not have lighting.

For the record: Per Jeff Williams'/Lindsay Zepko's Planning Board Topics stated:

Sign #1– Monument (modification to two existing entrance signs)

Proposed Sign Area: 30.32 SF

Proposed Sign Dimensions: 4'2" x 7' 3.5"

Proposed Sign Height: 8 ft

Sided: one-sided Two-sided

Location of Sign: At the entrance to the Auto Auction

Lighted: Internal Flood

Planning Board Date(s): 2/25/2008, 3/10/08

Brief Description: The applicant wishes to modify the existing two entrance monument signs. Currently there are two similar signs on a brick wall with dimensions of 18.5" x 81" (10.40 SF) and stating "Northway Exchange". The applicant wishes to replace the existing monument signs with dimensions of 4'2" x 7' 3.5" (30.32 SF). The two entrance signs will have a total height of 8 ft, be internally lit and it will state "Manheim / Albany".

Sign #2-Wall Mounted

Proposed Sign Area: 30.32

Proposed Sign Dimensions: 4'2" x 7' 3.5"

Sided: one-sided Two-sided

Location of Sign:

Lighted: Internal Flood

Planning Board Date(s): 2/25/2008, 3/10/08

Brief Description: The applicant is proposing a 4'2" x 7' 3.5" (30.32 SF) to be placed on the front of the first building as you enter the sign. This sign will be single-sided and it will state "Manheim / Albany".

Sign #3 – Wall mounted

Proposed Sign Area: 6 SF

Proposed Sign Dimensions: 2'x 3'

Sided: one-sided Two-sided

Location of Sign: on security gatehouse

Lighted: Internal Flood –N/A

Planning Board Date(s): 2/25/2008, 3/10/08

Brief Description: The third sign will be a 24" x 36" (6 SF) sign on the security gatehouse. This sign will be single-sided and it will state "Manheim / Albany".

FYI: The applicant is to remove a 21' x 6' (10.5 SF) sign from the upper window of the front door of the front building and it is not to be replaced. The Total proposed signage is 96.96 SF. Mr. Berkowitz made a motion to approve the sign application for Manheim Auto Auctions. Mr. Higgins seconded. Note: The Board asked the applicant to consider placing address on sign using Halfmoon 12065 as their address.

08.020 OB Brookfield Place PDD, Guideboard Road – Major Subdivision/PDD
(formerly Spinuzza Subdivision-project #05.200)

Mr. Ivan Zdrahal, of Ivan Zdrahal Associates, PLLC, stated the following: This is an application for a Planned Development District (PDD) and the name is Brookfield Place. We are proposing 81 residential lots. This project was referred to the Planning Board by the Town Board for review. At a previous meeting there were numerous issues by the Board on various planning issues. On Feb. 25, 2008 I submitted a comment letter to the Board addressing a number issues which were raised. I am here tonight to ask the Board for consideration to refer this project to CHA. Mr. Higgins stated previously we had concerns about the stormwater retention parcel 'C' and unless we have an old drawing, it doesn't look like it has moved at all. Mr. Zdrahal stated the following: This would be part of CHA's review. I feel that is the best location for the stormwater management parcel. In the proposal I made some steps to meet with the adjoining property owners and explained to them the nature of the basin and I took them to Ellsworth Landing to show them what it looks like. Their main concern was that potentially could this water affect water in their basements. I showed them that this would not be the case because that area would be excavated lower. Again, this is part of the review and we will be presenting data in that regard on how this drainage would be handled in that area. Mr. Polak stated the following: I would like to thank Mr. Zdrahal in taking the time to talk with the Walkers because we do care about the concerns of the neighbors. We take this as a priority and we try to address the neighbors concerns whenever possible. I thought it was real nice that you went to meet with them, walked the site and explain to them what direction you were going in. Mr. Polak stated the original plan was that you were going to go down along Guideboard Road to Mari-nol Drive with the stormwater outlet and asked if this was still on the plan? Mr. Zdrahal stated yes, that is still proposed.

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

Mr. Ruchlicki made a motion to adjourn the March 10, 2008 Planning Board Meeting at 9:17 pm. Mr. Higgins seconded. Motion carried.

Respectfully submitted,
Milly Pascuzzi,
Planning Board Secretary