

## Town of Halfmoon Planning Board

### May 12, 2008 Minutes

Those present at the May 12, 2008 Planning Board meeting were:

**Planning Board Members:** Steve Watts – Chairman  
Don Roberts – Vice Chairman  
Rich Berkowitz  
Marcel Nadeau  
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:** Paul Hotaling  
Walt Polak

**CHA Representative:** Mike Bianchino

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Mr. Watts opened the May 12, 2008 Planning Board Meeting at 7:00 pm. Mr. Watts asked the Planning Board Members if they had reviewed the April 28, 2008 Planning Board Minutes. Mr. Roberts made a motion to approve the April 28, 2008 Planning Board Minutes. Mr. Higgins seconded. Motion carried. Mr. Ouimet abstained due to his absence from the April 28, 2008 Meeting.

**Public Informational Meeting:**

**06.163 PIM Boni PDD (Hospital & Biomedical Research Campus)– Route 146,  
- Commercial Site Plan**

Mr. Watts stated the following: This piece of property is zoned R-1 Residential. The applicant has made an application to the Town Board for a Planned Development District (PDD), which would require a zoning change for this particular parcel. This application was referred to the Planning Board in 2006 for review. We have worked with the applicant and our engineers to review the proposal. This project has been through various phases and various changes. We are now here to tonight to hear the applicant make their presentation relative to the PDD, which we are particularly interested in the Phase I for the hospital and emergency room concept. We are going to listen to the presentation tonight and then we will take questions and/or opinions relative to the project. At this point the Planning Board will listen to what happens tonight and then take some time to review where we stand at this point. Most likely at our next Planning Board meeting, which will be on Tuesday, May 27, 2008, we would be

prepared to review the information we received and make a recommendation back to the Town Board for the zoning change.

Mr. Watts opened the Public Informational Meeting at 7:01 pm. Mr. Watts asked if anyone would like to have the public notice read. No one responded. Mr. Kevin Dailey, Attorney, stated the following: I am here with Mr. Scott Lansing this evening who is the engineer on the project and we are here to introduce the project to the public. As the Planning Board Chairman has said we have been dealing with the Town Board and the Town Planning Board now for many months and through a process we have managed to convince the Town that we are ripe for a public hearing and we are now able to present this project to the members of the public. The property is located on the south side of Route 146 and it is approximately 1.4-miles east of the intersection of Route 9 and Route 146. This is an 81-acre parcel with approximately 30-acres of wetlands, which would leave 50-acres for development. This particular parcel is part of the Route 146 overlay zone. As such it was intended at some future time to be developed as an office complex and this would be subject to a PDD process, which is the same process that we are going through. The owner of the property, Mr. Larry Boni, is also present at tonight's meeting. Mr. Boni felt that the highest and best use of the property would be for a medical campus project. When looking at the growth in the Southern Saratoga County Community, it became obvious to many people that better access to healthcare was a necessity in this particular community. We have planned this project to bring not only healthcare to the community but also we have included as part of the project a biomedical research facility which can go hand in hand with a medical campus and the hospital aspect of this project. Mr. Lansing's office has gone through several variations of the project in terms of the building layouts. We are looking at a main medical building of 225,000 SF, which is enough room for an emergency room and up to 120 beds. What we have attempted to do is to plan for not only today's needs but for tomorrow's needs as our community is going to continue to grow. We are hoping to have enough beds because we realize that there will not be room in Saratoga County for two of these kinds of facilities, there is room for one. One will be built somewhere in this community at some time in the future. We would like to see this facility in Halfmoon and we would like to see it at this location. When you start to look at the number of large open parcels between the Mohawk River and as far north as Exit 12, this is the last large open parcel that is close to the Northway corridor. This parcel is intended to have the correct type of zoning to permit this kind of a facility. Once again, it is on the main State Highway; Route 146. We are looking and proposing to build a 5-story 225,000 SF building as the main medical facility. In addition there are two 80,000 SF buildings that would be set aside for biomedical research. Why biomedical research? When you consider that this location is halfway between the U-Albany Nano-Tech College at Exit 24 and the Luther Forrest Campus at Exit 12, there is a tremendous opportunity for synergy between the two facilities. If you are going to have Nano-Tech biomedical research, it makes sense to do it at a location where you have a major medical presence. In addition there are six other buildings that total 82,000 SF. We are hoping that these buildings are used for doctor offices and doctor groups. Mr. Lansing, of Lansing Engineering, stated the following: I am going to go through some of the existing conditions on the parcel that are very relevant to the proposed layout. Again, the overall parcel is approximately 81-acres in size. The aerial photo is a great representation of the existing conditions. The majority of this site is wooded and there is a small cleared area out in the front portion of the parcel. The site has been delineated for both Army Corp. wetlands and NYSDEC wetlands. There is a mixture of wetlands on the parcel. The primary upland areas topography wise are in the general central corridor and there is a valley in the back portion of the parcel

and then another smaller lower area in the front portion of the parcel. The proposed development follows the natural topography as closely as possible focusing the central core on the higher parts of the area. The central core of the parcel is proposed for a 5-story hospital facility with 120 beds. Roadways also follow and meander along the natural topography taking advantage of the higher upland portions of the site. We are proposing approximately 1,800 linear feet of roadway. This roadway is proposed to be designed and constructed to Town standards and would be dedicated to the Town for ownership, operation and maintenance. Also as part of the project there would be a trail system that would meander through the open space areas of the project linking up the various uses to the open space areas and also out to the public corridor. There is 242,000 SF of space on other upland areas surrounding the main central core of the building. The infrastructure for the project; water would served by the existing waterline along Route 146. The Town of Halfmoon water system would be extended into serve all of the daily water usage as well as fire flow usage for the parcel. For sanitary sewer we are proposing a gravity system to a central pump station at the lowest point of the project. That pump station would not only be sized for this project but for surrounding areas as well. That pump station would then convey waste water out Route 146 and down towards Route 236 and the Route 146 corridor where this is a large trunk sanitary sewer line. The design of the wastewater disposal system would alleviate a lot pressures and a lot of sewer stresses on the western end of Route 146 and the Route 9 corridor. Stormwater would be managed on site and we are proposing many conceptual locations to mitigate stormwater flows from the various impervious areas on the project and conveying those to the natural drainage course. A traffic study was performed for the project outlining the various uses and level of service along Route 146. Various mitigated measures were recommended by the traffic-engineering consultant including a potential for turning lanes, a traffic signal and some other timing adjustments on adjacent traffic lights. This sums up the technical aspects of the project. Mr. Dailey stated the following: Public Benefits are a matter of importance for the Town. Good healthcare in the community is a major public benefit. We have also talked to the Town Supervisor about a contribution of cash and certainly we would be looking at appropriate bike paths, hiking paths or anything that we need to do to integrate this site into the Town's general park system. In addition we will be picking up some sewer activities and taking some of the strain off one of the sewer lines that runs to the west. The population and who will be served? When we put together the narrative for the zoning application, we had to look at the general community. We have come up with a population base of about 112,000 people in the Southern Saratoga County communities. If these people needed to get to an emergency room, whether that be to the north, east, south or west we have conclude that 112,000 are closer to this site than in any other direction. In some of my discussions with hospital administrators in the Capital District, they have indicated that they felt until 5 or 6 years ago that we didn't have the population base in Southern Saratoga County to support a facility like this. Within the past 5 or 6 years when given the census figures from the 2000 census, a tipping point had been reached. When you consider our population as it exist today and the fact that it is growing and the fact that we have a fairly affluent population, we've hit a tipping point where we can afford to have this kind of a facility. I also want to point out that many people have been talking about the Berger Commission Report, which has advocated hospital closings and hospital consolidations across the State of New York. When you look at the Berger Commission Report's appendix, it talks about Saratoga County. What the report says is that in Saratoga County, Washington and Warren there is need based upon the Department of Health standards and criteria for 500 additional acute care beds. Not necessarily nursing home beds but acute care beds for care. We are proposing 120 of those beds in the Town of Halfmoon. The most important point I

want to make is not only are we proposing for today's needs but also we are proposing this facility for tomorrow's needs. As this community grows, we have to realize that there will be a need for a facility like this so we are hoping to plan for today but also to plan for the next 30 years. Mr. Watts asked if anyone from the public wished to speak. Mr. Robert Maxwell, of 404 Forrest Point Drive in East Greenbush, New York. Mr. Maxwell stated the following: The reason I am here tonight is because for seven years I have been trying to get a hospital located in Halfmoon. Failing that two and a half years ago, I moved away. Now I have five hospitals near me and like everyone in this room, we hope we never have to go to any of those hospitals. The point being is that people in this area are 35, 40 to 45 minutes away from all major hospitals. Sadly the hospitals have not come out here to the communities that are growing and need them, which are all the communities that Mr. Dailey has outlined. Will the hospital be the primary building that goes in? Mr. Dailey stated the following: Yes Bob. The main building is 225,000 SF and 5-stories which is the main building coming in off of Route 146. Mr. Maxwell stated Public Benefits were mentioned and there is nothing more important than a hospital for a public benefit but I understand there are some other contingencies. Mr. Duane Parker, of 291 Grooms Road, stated the following: I was the 1<sup>st</sup> Captain of the Ambulance Corp. in Clifton Park and Halfmoon. I have driven to a lot of these hospitals and the way this Town is growing, we need this hospital a lot and I just can't believe that it won't be approved. Mr. John Cuttita, Chairman of the Board of the Clifton Park Fire District, stated I understand that this is a 5-story building. Mr. Dailey stated yes. Mr. Cuttita stated in the Town of Clifton Park we have a ladder truck that only allows us to go up to 3-stories. If you are talking about giving money to the Town for whatever, what about giving money to the fire department for a ladder truck? We are not going to be able to reach the top of this building and I don't think it is fair to the public to buy another ladder truck to service this building. You need to think about the fire service, the EMS people and our concerns for the people that are going to be in this building. God forbid that something happens. Mr. Dailey stated we have met with Mr. John VanChance, Jr., your fire chief and also with Mr. George June of the rescue squad and these plans have been previewed to them and the fire district is aware of the plans. Mr. Cuttita stated well, I'm not and I'm the Chairman and I understood that it would be a 4-story building not a 5-story. Mr. Dailey stated it has always been a 5-story building. Mr. Cuttita stated the following: 4-stories was brought to our district and we have never seen plans. This is not to say that we are not approving it. I'm saying that we have concern for the people that are going to be in this building. If something happens, who is going to take care of it? It is in our fire district and we are going to be responsible. Mr. Dailey stated we would be very happy to review any plans that we have with you. Mr. Cuttita stated like I said, our district has not seen anything and we were told that at one time it was a 4-story building which we need to plan for. Right now we have 102 FT ladder that will take care of buildings in Clifton Park that are a 3-story so that is our concern. Mr. Watts asked if these plans were submitted to the fire districts? Mr. Dailey stated yes. Mr. Watts stated the following: The Planning Department has a procedure where plans are supposed to be submitted to the fire districts for review. We will make sure if you don't have the plans that you do get the plans. Mr. Dean DeLuc, of Robinwood Drive, stated you mentioned the Berger Commission Report and asked if they had any evidence that the Department of Health would grant the Certificate of Need that you would need to begin construction? Mr. Dailey stated no, we don't at this point. Ms. Jean Golden, of 14 Hendrik Hudson Way, asked how are you planning on handling the biomedical waste, will there be a smokestack or are you going to incinerate? Mr. Dailey stated the following: I wouldn't have that information at this point. I think that would be up to the entity that actually builds the hospital. They would have to go through a procedure where they have to submit plans to the

Department of Health (DOH). All of those kinds of questions would have to be considered when you are going through the DOH process but also making an application to the Town for final site plan review and seeking a building permit. At this point we are only looking for a change in the zoning, which would permit this kind of an activity to take place here. Again, this is for a zoning change not actually to build the actual hospital building. Ms. Lois Smith-Law, of 11 Oregon Trail, asked if they had an administrator to run this hospital or anybody that is interested in being responsible for it? Mr. Dailey stated the following: We are the developers. A hospital entity will be brought here to build the facility. Hopefully, it will be one of the Capital District hospitals as a satellite operation. Ms. Smith-Law asked if anybody has expressed an interest? Mr. Dailey stated yes. Ms. Smith-Law stated I have been working with a couple of the CEO's in Schenectady that are involved in the Berger Commission and they said that as far as they know this project is dead on arrival and they see no reason whatsoever because they have unfilled beds and they are 25 minutes down the road. Mr. Dailey stated Schenectady certainly has some problems and that is a little different from Saratoga County. Ms. Beth Dugan, of 106 Monmouth Way, asked about what kind of services would the hospital do because I know that there is a lot of surgery that is done in Latham for outpatients. Mr. Dailey stated yes, there is a lot of outpatient surgery in the Capital District. Ms. Dugan asked is that what this is for? Mr. Dailey stated the following: We have tried to size this facility not only for today's needs as I said but also for the future; 30 years out. First and foremost I think that the Town as well as the developers would like to see some type of a full-blown Emergency Room here. That is something that we need. If you have a heart attack, a stroke or if you are in a car accident, we are really too far away from the nearest Emergency Room in Southern Saratoga County. A good Emergency Room is necessary, not these urgent care places, which do a great job for what their limitations are but something that is more serious for this growing population. We have needs in woman's healthcare in maternity and neo-natal and given our younger population with women who are in their childbearing years. Mr. John Sweeter, of Gauthier Drive, asked would this hospital and medical facility bring property tax revenue to the Town? Mr. Dailey stated the following: The hospital building itself would probably be a non-for profit building. The building itself will probably not generate real property taxes. The balance of the buildings; the biomedical research buildings and the office buildings should generate tax revenue. You also have to remember that we will be bringing many good paying jobs and the generation of economic activity is going to have a very positive benefit for the local economy. Mr. Harry Miller, of 30 Hendrik Hudson Way, stated the following: My wife and I are both pediatricians and we certainly welcome the opportunity to see how this works out in the community. I think one of the benefits mentioned was good health care and we would certainly advocate it as it should be great health care. I think as you are exploring further opportunities I think partnering with an academic center like Albany Med would seem to make sense from a healthcare provider prospective. Mr. Ken Hassett, Commissioner of the Clifton Park-Halfmoon Fire District, stated another concern that we would like to have clarified is the parking garage and how many cars would that park and how tall would that building be? Mr. Dailey stated the garage would park 535 cars and I believe the parking garage is 4-stories. Mr. Hassett stated based on my experience with parking garages this might also be an object that the fire district may be concerned with as far as getting water to a vehicle fire or something inside of the garage. Mr. Dailey stated of course the building would have to be built to the State Code and design properly and we would work with you very closely on that. Mr. Hassett stated this is a concern of ours that maybe some of the residents don't understand as far as getting access with the big vehicles in a small garage and even standpipe systems to feed the upper floor areas. Mr. Dailey stated the following: Note that we did put a roadway behind the facility and

that was based upon our previous conversation over at the firehouse in terms of better access. One of the things that was brought up at that meeting is concern about the garage and making sure that it was properly designed. Mr. Watts closed the Public Informational Meeting at 7:28 pm. Mr. Roberts stated the following: We have heard some good concerns tonight the fire truck issue, the Berger Commission Report, the water waste disposal and great healthcare verses good healthcare. I'm all for a hospital in our Town but I share those concerns also. I want to make sure that we have a great facility in our Town. I want to make sure that it is done the right way because we only have once chance of doing this so I want to make sure it is done correctly. Mr. Watts stated the following: We will consider the comments that were made tonight and ask the applicant to consider the comments that were made tonight. I believe at our next meeting, which is in 2 weeks, we should be prepared to make a recommendation back to the Town Board relative to the zoning change, which is the next step in our process. Due to the Memorial Day Holiday the next Planning Board Meeting will be held Tuesday, May 27, 2008 at 7:00 pm. I want to thank everyone for their attendance and I am glad to see everyone's interest in this project.

This item was tabled in order for the Board and applicant to review the comments presented by the Public.

**Public Hearing:**

**08.042 PH Riley Subdivision, 111 & 113 Clamsteam Road – Minor Subdivision**

Mr. Watts opened the Public Hearing at 7:39 pm. Mr. Watts asked if anyone would like to have the public notice read. No one responded. Mr. Duane Rabideau, of Gilbert VanGuilder & Associates, stated the following: I am here representing Donovan Riley in his request to subdivide a 5.59-acre parcel of land into two residential lots. The parcel now consists of two single-family houses and the applicant wishes to subdivide the property so each house has its own lot. Lot 113 would be approximately 1.7-acres and the remaining 3.9-acres would go with Lot 111. Each house has its own individual well and septic. A questions that came up at the last Planning Board Meeting was in regards to the well locations. On Lot 113 the well is located underneath the porch and on Lot 111 the well is in the basement of the house. There is public water available to the parcel. Mr. Riley informed me that the wells have excellent water and high capacity so they never tied into the public water. Mr. Watts asked if anyone from the public wished to speak. No one responded. Mr. Watts closed the Public Hearing at 7:41 pm. Mr. Nadeau asked if there was an entrance easement in place for this subdivision? Mr. Rabideau stated no, but we are going to prepare an easement.

Mr. Nadeau made a motion to approve the Riley minor subdivision. Mr. Berkowitz seconded. Motion carried.

**New Business:**

**08.048 NB JD's Tire Kingdom (Auto-America Super Store), 1540 Route 9 – Change of Tenant & Sign**

Mr. Jim Towne, Attorney for JD's Foreign Car Sales, stated the following: The application before you tonight is for a change of tenancy but I don't really know if it is a change of tenancy per-say. If approved by the Planning Board, we are going to be changing the signage and that application is before you as well. The intent of this application is for Auto America Super Stores to have separate DBA for JD's Tire Kingdom. JD's Tire Kingdom is an operation run by the DeNooyer Family in Albany, which has proved successful in connection with the facility they

have on Central Avenue. The idea would be to use the buildings in the back to expand their usage in the sense that we would have more of a public precedent with dealing with the tire operation but continue the sales in front and continue service and inspection that now exist in the back. The signage that we are proposing is bifurcating the current sign and would be below the maximum height requirement of 20 FT and the proposed height is at 18.5 FT. I guess it is a change of tenancy but it is the same corporate entity that would be operating and JD's would operate in the rear portion of the property under a separate DBA. Mr. Nadeau asked if this operation would be for tire resale service. Mr. Toby Fallis, of Auto American Super Store, stated the following: Yes, we would be selling tires at that facility to the customers that we have who may come back a year or two later who need tires and to further our service for the customers that we sold to in the past. We had the excess square footage in the back there unused for 4 years. Part of that was an economic reason over the last couple of years. With the growth in the population and with the growth of our business and our reputation time is of the essence where we can service those customers in the future. Customers might come back in 6 months with a repair. Mr. Nadeau asked if they would be warehousing the tires. Mr. Towne stated most of the tires would be warehoused on Central Avenue, as there is a large warehouse at that site. Mr. Fallis stated the following: The number of models of cars on the market right now make it almost impossible to keep a set of tire for each car. But we will never have a tire outside with the space that we have there. We don't need it on the 2.5-acres that we have and the several thousand square foot building in the back. Mr. Roberts asked if there would be tires stored on-site. Mr. Fallis stated there would be just enough tires to serve a small amount of customers but I would say 80% of time the tire would come up from Albany for the installation on a customer's car while they wait. Mr. Berkowitz asked if they would service prior customers only and not the general public. Mr. Fallis stated we would like to be able to service the general public; for example a young lady, Jen Mikol, buys a car from us and 6 months later her water pump goes, she refers a friend or a family member to us, we would not like to send that customer elsewhere. Mr. Berkowitz asked if they had a full service repair shop. Mr. Fallis stated the following: Sure, like any other dealer for the most part. I don't think there is a dealer around us that doesn't. Mr. Roberts asked if they could anticipate how many tires you might have on site. Mr. Fallis stated the following: Less than 50. We do a lot of business with Wal-Mart and they sell about 50 tires on a Saturday and I think we are lucky to get about a tenth of that business so we won't keep much there and if we do keep it there, it would be indoors. Mr. Watts stated the following: From the time we started this application and the letters we received, representations were made about the utilization of the site. I have had a question since day one and I still don't have a real comfort level at this point relative to whom your business is going to be for. Will you have the same kind of business that Warren Tire has? You have made the statement that it was for people who have bought cars. Can someone driving down the street come in there and get some kind of repair work done on their car? I believe it is more than just tires and I haven't really been able to pin down exactly what you plan to do with this site and what the volume of business will be at that site. We need this information. Mr. Fallis stated the following: It will be light repairs it is not going to be transmission work. It will be inspections, tire changes, oil changes, filters changes and lubrications. We are not going to have a full service facility there. In terms of the public, we would love the public to stop in. If somebody drives by and they need a set of tires and they decide to come in and put a set of tires on, while they were having their tires put on we'd love it if these people walked around the used car lot and found another car they liked. To directly answer the Chairman's question on the volume, if we did somewhere around \$2,000 a day in retail sales that would be 4 sets of tires at \$300 apiece. Maybe a brake job, an inspection and a

reconditioning of car that we have sold. I manage Auto America and I have been there a little over a year and have been with the company 10 times that long. We wouldn't want to be prejudicial to anybody coming off the street. We couldn't say we wouldn't do business. With a transmission job or a complete engine rebuild that is something usually Warren Tire, Adirondack Tire and Wal-mart would do. Wal-Mart does not do New York inspections. Those major repairs are things that we wouldn't do and wouldn't get involved with because we don't have the manpower or the time. Yes, we would be doing a reasonable amount of business servicing the customers and the public. We might take a little business from Wal-mart, Adirondack Tire, Tire Warehouse and from Warren Tire. Would there be too many tire places on the Route 9 corridor? We think no because we wouldn't do the business or Mr. DeNooyer wouldn't do it if we didn't think we'd have a reasonable return. We don't want to open up a business that we're all going to suffer from having had opened. To answer your question from before, we're really trying to promote the idea that we are just doing service like we always have. When Mr. Mackie was in the back in previous years, he would take care of a car, clean it and repair it. He couldn't inspect it for New York State's Inspection License, but he would do everything it took to get to that point and we would like to do the same. It is a non-conforming use and it's a car lot and that is what we would like to do. In the sense that Hoffman's Car Wash has Jiffy Lube for tire sales or their repair, inspection and oil change business, it is a matter of marketing. If we can market what is already popular and known, JD's Tire Kingdom as part of the Auto America group, I would be the person handling complains, dealing with the public and servicing the community. We think we do a good job and we think we have some good roots and we would like to build the business up. We think we have a right to and we want to compete with Adirondack, Tire Warehouse and all those businesses. Mr. Berkowitz asked how they would dispose of the used tires. Mr. Fallis stated there is a tax for used tires charged to anybody who buys new tires and it is \$2.50 per tire and we will always legally dispose of that tire to the person that buys them from us and who has a license to do so. Mr. Berkowitz asked how long the used tires would be stored on the site. Mr. Fallis stated because we promise no storage I would be estimating that we would have the used tire out within 2 weeks time or less. Mr. Berkowitz asked could you get 10 used tires a day. Mr. Fallis stated we could get 10 tires a day and have them out in 10 days potentially, but usually faster than that and I am guesstimating. Mr. Berkowitz stated so you could be storing between 100 and 150 tires on site. Mr. Fallis stated the following: I say that this is a possibility as I do a ton of business right now with Adirondack Tire and they have been in business a long time and they don't have that many on the property. So I think the vendor who gets those tires comes faster than that. Mr. Berkowitz stated between the new tires and the used tires you could have between 200 to 250 tires on the site. Mr. Fallis stated I would say that is a guess on your part and not necessarily accurate as I don't think it would be that many. Mr. Berkowitz asked what would be accurate then. Mr. Fallis stated I would have to get you the vendor's or the person who receives those tires from us to give me exact information to answer your question directly. Mr. Berkowitz asked if the mechanics were their mechanics or are they subcontractors. Mr. Fallis stated the following: They are our mechanics and they are trained and hired through DeNooyer Chevrolet. We been there since 1972 and they have a really good reputation. In terms of cleanliness, storage and having them out unsightly, I am the only guy in Halfmoon would the cleaned sidewalk year round. I plow that whole sidewalk top to bottom and we will keep the rest of the lot the same way. Mr. Higgins stated the present site plan doesn't have any indication as far as handicap parking, a parking layout or anything like that. Mr. Fallis stated the following: I have seen the site plan and we see the handicap parking spot is in the middle of the sales aspect of the lot. I see that they had planned for handicap parking behind the white fence that bisects the property

right down the middle. We would delineate that parking with paint and signs to be proper and correct. Mr. Williams stated we have an updated site plan from 2006 that is signed, stamped and dated by Mr. Watts. Mr. Ouimet asked if they were going to change the entrance configuration for the flow of traffic into the site. Mr. Fallis stated no. Mr. Ouimet asked if they were still going to have all the front parking spots for the display of vehicles for purchase. Mr. Fallis stated in the very front parking area along Route 9. Mr. Ouimet asked if all of the other spots were for people who would be coming in and doing business. Mr. Fallis stated yes, there are 2.5-acres and there is quite a bit of space. Mr. Williams stated I think there is 42 display parking spaces in front of the site and if the Board is asking for changes to the site plan, a new site plan would have to be submitted to the Planning Department. Mr. Ouimet stated the site plan shows 2 rows of 12 spaces and in front there is 2 rows of 13 spaces and then there is just a few parking spaces across Route 9. Mr. Fallis stated the following: Yes that is correct. We sell about 20 to 25 cars a month, which is about 1 a day. I think the closing percentage for a salesman is about 20% so you might have 5 people come in and they would sell 1 car. There is not a tremendous amount of traffic through the property. Mr. Ouimet stated the following: I would be concerned about the flow of traffic if there is going to more concentration on service and repair and sales of tires or whatever. There is only one curb cut that I can see on this site plan and I would be somewhat concerned about how the traffic is going to flow into the property, around inside the site and how it comes out given the way the layout is currently setup. Mr. Watts asked if anyone from their operation has looked at this as far as the interior traffic flow to make sure, should we approve that change, that there are no safety issues with people with cars backing in and out. Mr. Towne stated the following: This is a separate business in a sense that it is a separate DBA but it is an adjunct to Auto American Super Store. It is designed to supplement and enhance the business of Auto American Super Store. It is not designed to be a full competitive business doing service with other service stations around. That is not our goal. It is to service our customers and to potentially attract some tire business. Mr. Fallis stated the following: In order words it would be auxiliary. JD's Tire Kingdom will support our business that I run which is Auto America Super Store. Mr. Watts stated the following: If we have a building with 4-bays and business gets good, you are not going to have somebody standing out on Route 9 saying "go away". That was part of our original issues with this thing, which is finding out what you want to put back there so we can look at it and make sure that it is a safe with appropriate parking and traffic flow through that site because Route 9 is a busy site. Mr. Falls stated the following: This site is a little over 2-acres and we have plenty of space to handle anybody coming in and going out we will treat traffic accordingly. If we need to run it to the right of the fence going in and to the left of the fence coming out, it would be easily done because it is all paved and able to be done. We will do this when we sense a need. We are very concerned about safety and we don't want to have our property insurance called out to pay a claim that we could have avoided. Mr. Towne asked if we direct the traffic to the right of the fence going in and to the left of the fence coming out, would this address your concerns. Mr. Ouimet stated when I look at the site plan that we have approved, it doesn't seem to lend itself to the concept that you are telling us you want to do now. If this is an operation where you are inviting people to come and get autos repaired or sell them tires, it is not a auto sales use it is different like a Warren Tire with the used car sales use adjunct to it. Mr. Ouimet asked what the principle business on the site going to be. M. Fallis stated that he understands Mr. Ouimet's concerns but stated this use would not be as busy as a Warren Tire or a Wal-Mart's Tire business. Mr. Fallis stated that the car sale is the beginning of the relationship with their customer and after that they wish to be able to take care of the customer's automobile needs. The sale of cars is the most profitable and the secondary service

use is really an amenity to Auto America. We do not intend JD's Tire Kingdom to carry the business as the other large tire sale and service businesses in Town. We feel that if we sell 1 to 2 cars a day or 25 per month that is the main stay. The auto services we wish to offer will be to support or sales use on the side. Mr. Nadeau stated that the proposed sign stating JD's Tire Kingdom will open the site up to being a full blown tire shop. Mr. Fallis stated yes but there will be the used auto sales in the front. Mr. Williams reminded the Board that this site gained used car sales use in 2002 and then were approved for an auto repair use in 2004 that also contained an approval from the Town's ZBA approval for an extension or enlargement of a pre-existing, non-conforming use. Mr. Williams asked if the Board was asking the applicant to reconfigure the approved site plan with regards to the internal traffic flow and if so the applicant would need to revise the current site plan. Mr. Ouimet stated that is not a question of asking for changes but when we approved the services use it was stated that it would be for Auto America cars and their customers. Now it seems that the service use will be opened up more to the general public. I don't recall any discussion about inviting the public to get their cars serviced there or purchase auto accessories. Based on this proposal what I was suggesting is that it sounds to me like you are changing concept and you have clarified that you weren't really doing that and if you were changing the concept, then the flow within the site might not fit this plan that was approved. Mr. Higgins stated the following: Where the office and waiting room going to be for the tire business? Will it be in the back building or will it be in the side building? Mr. Fallis stated the following: It would be in the side building. The two end bays in the side building closest to the trailer park are what we are using currently and the other bays are empty. In the original construction it was set up to have storage in there and that is where we would have the customer waiting room. Those 4 bays in that big building in the back would be where the mechanics do their work. The small office in the front is used for sales. Mr. Higgins stated the following: I am inquiring about the tire sales, the office and the waiting room. So, in actuality it is not just the back building that you are changing the use of but it's also the side building. Mr. Towne stated we are not changing the use we are changing the branding of the use. Mr. Higgins stated no, you are changing the use because now it is retail in addition to service. Mr. Towne stated we have an inspection license and a repair facility license and under New York State Law we cannot bar anybody from the public. Any member of the public can currently come in to our site to get their car fixed, get an oil change, have their tires rotated or anything and this is the New York State Law. Mr. Higgins stated the following: I am very familiar with the New York State Law and you are now looking to retail tires, not just service but you are looking for retail also. That is a change to what you were doing previously. Mr. Fallis stated the following: I can see Mr. Higgins's point about it being a change of use in that particular building but our prospective is that it is one of a whole. We own the whole property and those buildings are designed and were used for that in the past. I think we are just restarting under the use of the building the non-conforming use of the entire property as a car sales place and I think we are just continuing with that. We are offering the public some of services that the public has offered at almost every other dealership. Mr. Higgins stated the following: I don't think any member of this Board is arguing that. We just want a clear understanding of what is going on at the site so that if there are problems with health and safety as far as getting in and out of the site, we are aware of it and we are trying to avoid that. I don't think anyone is questioning your business plan. All we are questioning is we want to make sure that this site works safely for people getting in and out of the site. Mr. Fallis stated the following: If we change 3 sets of tire a day for 5 days a week, do a tune-up, a New York Inspection or light service, we would have plenty of space, plenty of parking, plenty of background with our Corporation to handle it right and do it safely so that we are not liable

for any problems that arise in the future. To clarify to Chairman Watts and all of the Board members, I think the volume of the store might be something of a fear factor. How big do we intend on getting and how much are we are going to sell. I will keep it at a ballpark around \$1,500 retail sales to \$2,000 a day which breaks down to a few tire sales and what I mentioned earlier. It wouldn't be anything tremendous or anything huge. There was a business, Don Ruddy's, on Route 9 who had a great business going. On that little piece of property, he handled people in and out 10 times a day/10 customers a day and he did it responsibly and well and he had a good reputation and I don't think we are asking for anything different. Mr. Ruddy's property is about a 1/3 or a 1/4 of the size of land that we'll be on. Mr. Watts stated the following: I assume that was a pre-existing, non-conforming use that changed. Also part of the issue is that we have asked before and now I am starting to understand what your business operation is. The previous responses that we received were not that clear to myself and to the other people on the Planning Board and this is why we are asking the questions. It doesn't do any good to me to have a business going on up there and some cars getting piled up on Route 9 and all kinds of issue when we asked questions and we have gotten responses that we could not understand. Whether it is on the letters that we received or anywhere else and this is why we are asking the questions. Mr. Fallis stated I totally understand. Mr. Watts asked Mrs. Murphy if there was any question that we have relative to the use at the site because I know this site had been before this Board and the Zoning Board of Appeals (ZBA). Mrs. Murphy stated the following: The issue becomes, based on what the applicant is saying, is whether or not it is an expansion of a pre-existing, non-conforming use. If that is the case, then obviously this Board would have to deny this application and refer it to the ZBA. In order to answer that question I will need to look at the prior approval from the ZBA now knowing what it is that you want to do there and determine whether or not those 2 things are compatible. So, I would ask the Board to adjourn and allow me to do that research. Mr. Roberts stated the following: I would rather wait on the presentation on the sign application because I do have concerns on this sign. While they are correct in saying that it falls within the limits of our ordinance for height, it doesn't really meet the intent of our sign policy. What we try and do within our Town is try to make sure that there is consistency among the different uses like used car dealers having similar height signs as well as in the area adjacent sign owners having the same size sign. The sign that they have proposed is almost as high as the billboard. Mr. Fallis stated the following: The billboard has to be at least 50 FT tall and it is amazing what you can do with a camera. The perspective of that is really terrible. I know billboards fall under a totally different ordinance. Mr. Roberts stated when we approved the previous sign; we thought that would be the highest point of the sign. Mr. Fallis stated that sign would be 12 FT wide by 18.5 FT tall. Mr. Roberts asked if that would be the height and width of the addition. Mr. Fallis stated no, currently it is 15.5 FT tall and the new yellow portion would make up another 3 FT. So we would move up 3 FT and still remain 1-1/2 FT below. We would be right around the size of Lindsey's sign and we would be under the height of the Getty sign. Granted Wal-Mart has a small sign and Louis Henry has a small sign. Mr. Roberts stated the following: That is what we are trying to do; we are trying to keep it consistent the best that we can. This sign must be deceiving because this doesn't look like you explained. Mr. Fallis stated it isn't. Mr. Watts asked who took the picture. Mr. Towne stated we took the picture. Mr. Fallis stated the current sign is 15.5 FT high and we would just be going up another 3 FT. Mr. Polak stated we should check with Code Enforcement because the tire sales would change the use as it going to be a tire store. I don't know what the code is on this regarding the storage of the tires and what the fire code is. Mr. Watts stated the following: This is a good point. We want to make sure because there are State Fire Codes relative to the storage of tires. I don't believe you

reach the threshold where that's an issue in the State code but could you give us a little more information in the form of a narrative about your use and how many things would be stored there just for your own protection. We had a major issue relative to the amount of tires stored in the building and the fire suppression system that were required with one of the places in Town that sells tires. Mr. Towne stated the following: In response to one of Mr. Berkowitz's questions. Why don't we come back to the Board at the next meeting with a suggestion on a cap on the number of tires and how long they can remain on the premises? The idea is to rotate them out. I apologize for Mr. Higgin's confusion but one of the things I was trying to get to was if there is a significant change with respect to ingress and egress within the property itself, we are more than willing to address this situation even though it would require a new site plan. Mr. Higgins stated the following: The problem is if you are extremely successful, then as we were saying, you only have one area of access to Route 9 and trying to get a second curb cut on Route 9 with NYSDOT would be extremely difficult. So then our hands are tied, your hands are tied and we have an existing condition that could turn, as Mr. Watts mentioned, extremely dangerous to people going in and out of the site and we are trying to avoid this. Mr. Towne stated the following: We are going to be limited by the size of the buildings in the back. Under any circumstances it could not be a high volume facility. If you are concerned about the traffic flow within the site and how it would impact upon ingress and egress, that is something that we would be willing to address just as we would be willing to address Mr. Berkowitz's concern. At the next meeting we will come back with information on the tire storage and the rotation of the tires.

This item was tabled for the Town Attorney to review past approvals from the Zoning Board of Appeals and the Planning Board.

**08.049 NB State Farm Insurance (Thomas Rupert), 308 Grooms Road – Sign**

Mr. Thomas Rupert, the applicant, stated the following: I am a State Farm Insurance Agent here Halfmoon and a few months back I received my approval for my building located at 308 Grooms Road. I am here tonight to propose my application for the signage for my business. I have submitted the signage with the size of the sign that would be 18 inches x 40 inches and , double-sided. Mr. Roberts asked if the height of the sign would be 6 FT. Mr. Rupert stated yes. Mr. Roberts asked if the sign would have floodlights. Mr. Rupert stated I am going to have a light from the ground shining onto the sign. Mr. Roberts stated make sure the floodlight does not shine into the roadway. Mr. Rupert stated yes, absolutely and also this light will be on a timer so it won't be on all night long. Mr. Watts asked Mr. Rupert to please advertise his business as being located in Halfmoon. Mr. Rupert stated yes Halfmoon and thank you.

Mr. Roberts made a motion to approve the sign application for State Farm Insurance contingent upon floodlights do not shine in the driving lanes of Grooms Road. Mr. Nadeau seconded. Motion carried.

**08.051 NB Loomis Subdivision, 114 & 116 Harris Road/81 & 83 Lape Road – Minor Subdivision**

Mr. Duane Rabideau, of Gilbert VanGuilder & Associates, stated the following: I am here tonight representing my client in his request to subdivide the Loomis parcel on a 2.60-acre parcel of land located on the intersection of Lape Road and Harris Road. To the south is the Sprucewood Subdivision and to the west of the parcel is the Stage Run South subdivision and the to the north is the Knox Woods Complex. The applicant wishes to subdivide the parcel into

4 single-family residences. There is public water along Lape Road and Harris Road. We are proposing to tie into the public sewer. There would be a single driveway for one of the homes that has approximately 510 FT of sight distance in one direction and over 900 FT in the other direction. Two of the lots combine into one ingress/egress along the existing driveway and another single driveway for the remaining lot on Lape Road. We have marked out the wetlands and there would be no wetland disturbance. Mr. Roberts asked if the existing house would remain or would that be removed. Mr. Rabideau stated the existing house is going to be removed. Mr. Higgins asked how far the common driveway was from the stop sign on the corner because it looks very close. Mr. Rabideau stated the following: It is probably about 70 FT. This is not a very busy intersection. It is my understanding that Saratoga County had a comment about potentially moving the common drive and have the other 2 lots have a common drive. Mr. Higgins stated the following: Harris Road is getting busier all the time and there are a couple more developments before the Board on Harris Road. I would be a little concerned about stacking and people trying to get out of the driveways. The driveway is an existing drive and we could move the intensity of two driveways to another location. Mr. Higgins stated I did not see the County's recommendation. Mr. Watts stated this application has been referred to the County but we have not received their comment at this point and we will have to wait until we see that in writing. Mr. Rabideau stated I think we had a heads up. Mr. Williams stated the following: I talked to Mr. Valentine when we referred this to the Saratoga County Planning Board and they are going to review this application at their April 15, 2008 meeting. Mr. Valentine suggested combining the 2 driveways fronting on Harris Road and the 2 driveways fronting on Lape Road. Mr. Watts asked does this make sense to other people. Mr. Williams stated the following: The existing curb cut on to Lape Road is very close to the Harris Road intersection. We need to hear from the County and in the interim this application should be referred to CHA in order for our engineer's to review the proposed sewer line and water line along with any implications regarding stormwater regulations.

This item was tabled and referred to CHA for their view and wait for Saratoga County's response and comment.

**Old Business:**

**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 project is a proposed residential Planned Development District (PDD) and the applicant is Landmark Development. The project was before the Board in February and March of 2008. The Town engineer has reviewed the project. This PDD includes approximately 73-acres of land. The parcel has frontage on Harris Road and Guideboard Road, which are both County Roads. Of the 73-acres this is approximately 53-acres of buildable land. The access to the site would be from both Harris Road and Guideboard Road. There would be approximately 81 proposed lots. The proposal of this PDD is to allow development of these lots for an empty nester type market. The proposed lots are smaller with a minimum lot size is 15,000 SF and a minimum lot width is 85 FT. The average lot size is 22,000 and the largest lot is 53,000 SF. Approximately 43 percent of this site would be preserved as either a common open space and there also would be a land preservation area established over the proposed lots and over the stormwater management parcels. The stormwater management parcels are located at the intersection of Guideboard Road, at the end of the turn-around and by the intersection of Harris Road. The water supply would be provided from existing water mains located at Guideboard and Harris

Roads. Sanitary sewer would be a gravity line connecting to existing lines on Guideboard and Harris Roads. For this project we have submitted two main documents documenting the site, the wetlands, the stormwater, the stormwater management, and the traffic. During the time this project was in front of the Town Board, we had a conflict with the County DPW in which the County is on record to have a traffic light budgeted at the intersection of Guideboard and Harris Roads. We have made a proposal of a public benefit to the Town Board, which involves the extension of the sanitary sewer in the southerly direction on Harris Road. In my opinion the project at this point and the level of documentation of this project is such that I feel that the Board could consider scheduling a Public Informational Meeting on this proposal. Mr. Higgins stated one is shown as a lot and one is not a lot, which is 10 and 11 and the other is 13 and 14. Mr. Zdrahal stated in a document for this project we showed a conventional layout. Mr. Higgins asked if they pulled the stormwater retention further away from the existing residence or not? Mr. Zdrahal stated the following: We did a final design on that where we can preserve substantial vegetation between the property line and the stormwater management. I have met with the 2 homeowners at the end of Locust Lane, Mr. Walker and Mr. Sokolowski. Mr. & Mrs. Walker had concern about how the stormwater management area was going to look and I showed him an example of a stormwater management area at Ellsworth Landing. Mr. & Mrs. Sokolowski had concern about some of the large Locust trees there so we will have it defined on the final plans that we would only remove trees that they feel present a danger to their property. We also will be providing evergreen plantings for buffer purposes. Mr. Higgins asked if the white area in the front on the plans is presenting being looked at for another potential development. Mr. Zdrahal stated that is the Suchocki Farm that is a cornfield and I am not aware of it. Mr. Higgins stated I had concern about this because I didn't know if any consideration was given as far as having a area left open for a connector street. Mr. Zdrahal stated there is a possibility for another access. Mr. Higgins stated I was trying to see if we could improve the traffic with another connection to the road on the south portion of that property if that ever does develop. Mr. Zdrahal stated this comment was never made to me but we can take a look at this. Mr. Nadeau stated I think this a good idea because on many of the large developments that we do we always try to look to the future in getting something similar to that and I think that would be a good spot in that area. Mr. Watts stated the following: Good point because this seemed to work with Ellsworth Landing, Timberwick and Ponderosa. You have referred to your Public Benefit, which is an issue with the Town Board. I believe there was a contribution that was going to be made toward a traffic light. What individual are you dealing with from the Town Board relative to the Public Benefit? Mr. Zdrahal stated I was working very closely with Mr. Jim Bold. Mr. Watts stated Mr. Bold is no longer on the Town Board. What current Town Board member are you dealing with now relative to Public Benefits or do you have the imprimatur of the entire Town Board? Mr. Zdrahal stated I was dealing with Mr. Jim Bold. Mr. Watts stated I suggest that you check with the Town Supervisor to make sure that the Public Benefit is being handle appropriately.

Mr. Roberts made a motion to set a Public Informational Meeting for the Tuesday, May 27, 2008 Planning Board Meeting. Mr. Nadeau seconded. Motion carried.

**08.034 OB      Rolling Hills Subdivision, Lot #37 Ridgewood Drive & Lot #38  
Rolling Hills Drive – Lot Line Adjustment**

Mr. Percy Cotton, of Chas. H. Sells, Inc., stated the following: I am here tonight representing Charlew Builders for a lot line adjustment of the Rolling Hills Subdivision at the corner of Ridgewood Drive and Rolling Hills Drive. We are proposing to convey approximately 300 SF of

property from one lot to another. This conveyance will increase Lot #37 by approximately 300 SF and Lot #38 will decrease by approximately 300 SF. This is a reconfiguration because of the initial layout didn't provide much of a backyard. Mrs. Murphy stated the following: There was question as to what the setback requirements would be if those were corner lots. I made a determination that they are not corner lots because our definitions define a corner lot as having a road on two sides of the property. These two proposed lots will not have a road on each side.

Mr. Nadeau made a motion to set a Public Hearing for the Tuesday, May 27, 2008 Planning Board Meeting. Mr. Ouimet seconded. Motion carried.

Mr. Ruchlicki made a motion to adjourn the May 12, 2008 Planning Board Meeting at 8:33 pm. Mr. Higgins seconded. Motion carried.

Respectfully submitted,  
Milly Pascuzzi,  
Planning Board Secretary