

## Town of Halfmoon Planning Board

### February 25, 2008 Minutes

Those present at the February 25, 2008 Planning Board meeting were:

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

***Alternate***

**Planning Board Members:** Bob Beck

**Senior Planner:** Jeff Williams

**Town Attorney:** Lyn Murphy

**Town Board Liaisons:** Walt Polak  
 Paul Hotaling

**CHA Representative:** Mike Bianchino

Mr. Watts opened the February 25, 2008 Planning Board Meeting at 7:01 pm. Mr. Watts asked the Planning Board Members if they had reviewed the February 11, 2008 Planning Board Minutes. Mr. Roberts made a motion to approve the February 11, 2008 Planning Board Minutes. Mr. Berkowitz seconded. Motion carried. Mr. Ouimet abstained due to his absence from the February 11, 2008 Planning Board Meeting.

Mr. Beck replaced Mr. Ruchlicki in his absence.

**Public Hearing:**

**08.013 PH Delisle Subdivision, 11 Angle Lane (#5 & #7)– Minor Subdivision**

Mr. Watts opened the Public Hearing at 7:02 pm. Mr. Watts asked if anyone would like to have the public notice read. No one responded. Mr. Duane Rabideau, of Gilbert VanGuilder & Associates, stated the following: I am here tonight representing the Delisle's in their request for a 2-lot subdivision. The parcel is located on the easterly side of Angle Lane approximately 600 FT north of Farm to Market Road. The parcel is approximately 1.6-acres and the Delisle's would like to divide the parcel into 2 residential lots. Lot A is proposed to be approximately 29,000 SF and Lot B is proposed to be approximately 41,000 SF. The parcel is zoned Agricultural/Residential (A/R) and the 2 residences would be connected to public water and public sewer. One of the issues that came up in the previous meeting was the fact that there was potentially a restriction on the lots for only 2 houses. On the initial subdivision the deed clearly states that they are allowed 3 residential lots. Mr. Watts asked if anyone from the public wished to speak. No one responded. Mr. Watts closed the public hearing at 7:04 pm. Mr.

Higgins asked if they needed some type of legal language on the sewer arrangement because of the fact that it has to be taken over by the sewer corporation. Mrs. Murphy stated the following: The applicant is required to ensure that they have sanitary sewer. They have represented to this Board that they in fact do have permission to tie into the Central Halfmoon Sewer Corporation. If they were not able to do that for some reason, then they would not be able to meet one of the obligations for the conditions of their approval. We don't need anything in particular as they have provided information from the Central Halfmoon Sewer Corporation. But it is considered a condition of their approval that they be permitted to tie in to the sewer. Mr. Higgins asked being that the sewer line is public could other residents along that line also tie in? Mrs. Murphy stated yes, if they have permission of the corporate entity of Central Halfmoon Sewer Corporation.

Mr. Nadeau made a motion to approve the Delisle minor subdivision contingent upon both lots connecting to the Central Halfmoon Sewer Corporation's sewer line. Mr. Roberts seconded. Motion carried.

**New Business:**

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

Mr. Ron Levesque, of Studio Sign Inc., stated the following: Due to a recent name change from Northway Auto Exchange to the Manheim Auto Auctions, we are requesting that we do a revision of their signs and add new signs to the facility. Currently there are no signs on the building. There is a small entrance sign above the doorway that is a vinyl decal. We are looking to remove that vinyl decal and put a new sign on the building. Sign #1 - we are proposing a 30.5 SF internally illuminated sign on the upper corner of the building. Sign #2 – if you look at the guard shack, currently there is nothing identifying Manheim on the guard shack. We just want to put the company logo on the guard shack, which would be approximately a 2 FT x 3 FT aluminum sign non-illuminated. The sign would be affixed to the front lower portion of the building. Sign #3 – are the monuments to the entranceway. Currently there are signs on the right and left hand side. It is a brick structure and Manheim would like to maintain the current structures and make them a little taller. The signs they are proposing to put on the brick structure would be identical to the building sign and the height of the sign would require, with the existing structure, to lower them down to the ground, which would probably bring them down below snow level. To avoid the snow from going up over the sign, they would like to build another 18 to 24 inches of brick on top of the existing brick and recap it and then bring the signs up. The existing signs that are on there right now would be taken out and the structure would be refurbished. Mr. Watts asked Mr. Williams whom he spoke with from Manheim. Mr. Williams stated I spoke with a representative from Manheim. Mr. Watts asked if the representative was going to be at this meeting to make a presentation. Ms. Lauren Sokolowski, Marketing Manager from Manheim Albany, stated the following: Mr. Williams spoke with Michael Cesta who is the General Manager from Manheim. Mr. Watts asked if Mr. Cesta transmitted our concerns relative to the sign. Ms. Sokolowski stated the following: The concern was the name change and why we changed to Manheim Albany and not Manheim Halfmoon. The reason being is we have customers not only nationally but internationally as well. All Manheim Auto Auctions across the United States changed their name to Manheim and then the geographical location identifying where they are in the United States. So Albany being the capital it was the most identifiable and the nearest geographical area. Mr. Levesque stated the following: This is a common trend with a lot of major corporations. They are picking the

largest geographical demographic area and then that is what they are using for their location name. For example: When Gold's Gym opened up a location, they find out the largest demographical area nearby. If Gold's is located in Guilderland, they are going to say Albany. Mr. Nadeau asked what is Manheim of Newburgh called? Ms. Sokolowski stated Manheim Newburgh is Manheim New York. Mr. Watts asked New York State or New York City. Ms. Sokolowski stated New York City. Mr. Levesque stated the following: It is really confusing and I understand your point. It is pretty similar to what the post office has done in giving people zip codes that are close to nearby cities and sometimes the outside cities or town will get the same zip code. Mr. Watts stated the following: In Halfmoon in the 12065 zip code, which is also Clifton Park's zip code, the post office allows the people to use Halfmoon. We have a certain amount of pride in the Town of Halfmoon that we've developed and many people want to move to our Town and be in our Town. We have a huge plaza going in that is called "Shoppes of Halfmoon" and a sign that says "Welcome to Halfmoon" and I personally find it offensive that Manheim thinks they have to have "Albany" on a sign. Mr. Levesque stated I agree with you and I think if somebody is just passing through this area on Route 146 and they see "Manheim of Albany" it is confusing. Ms. Sokolowski stated our only thing is we have, like I said, customers not only locally but a large amount of our customer base is throughout the nation. Mr. Watts stated the following: So what are people going to do, drive around until they find a sign that says "Manheim Albany"? No, they are probably going to go with their maps and it is going to say take Route whatever and come over and go down Route 146. I find that argument specious. Ms. Sokolowski stated the following: I think it is more at a national level and they are basing it on what State it is in, not really what city it is in. Someone from Texas doesn't know what State Northway Exchange is in. At least with Albany being the capital they know what part of the United States it is in as far as shipping cars. Mr. Nadeau stated on the computer you can go to your website and determine where your city is and where your location is because I do it all the time. Mr. Watts stated the following: Like I said, the argument in my opinion is very weak. I don't care sometimes what corporate thinks. Corporate seems, in many cases, to want to be in Halfmoon. We just opened a Rite Aid and all of their advertisements say Rite Aid of Halfmoon. People used to say Rite Aid of Clifton Park. We have gotten 80 to 90% compliance. It is a sign on Route 146 and we don't care what you put on your website. In my personal opinion I find some difficulty with a sign on a main thoroughfare in our Town to have Manheim Albany. Mr. Roberts stated the following: I also agree with Mr. Watts. One point that I would like to make is that you said your customers are from out of State. If they went on the computer to mapquest, they are going to put in Albany and they are never going to find the place. This is why they should use Halfmoon. Mr. Levesque stated the following: The word that I have gotten is that what corporate had done is to make it a legal entity. So as a legal entity, Manheim of Albany is their legal name. They are basically putting their legal name out there and I don't think they are just doing it to identify it as a geographic area. It would be like asking them to change the name of the business. Mr. Polak asked why don't they move their franchise to Albany. Mr. Ouimet asked if the applicant was Manheim Albany, LLC or Manheim Albany Inc.? Mr. Watts stated the application says the business project name is Manheim Auto Auctions. The application that we received said Clifton Park but it was changed to Halfmoon. The undersigned that is the owner is known as Wallace E. Waterman Jr., Assistant General Manager of Manheim. Mr. Ouimet again asked is it Manheim Auto Exchange Inc.? Ms. Sokolowski stated it is Manheim Albany. Mr. Ouimet stated it is Manheim Albany even though the applicant isn't Manheim Albany? Mr. Levesque stated the following: Manheim is a national company and there are no representatives in the area other than their location. I was contracted to do the sign application for them and that came out of Tennessee. Mr. Ouimet

stated the following: I agree with both Mr. Watts and Mr. Roberts. I am personally affronted by the fact that they want to locate in this Town and they don't want to associate with the Town. Mr. Higgins stated it sounds to me like the application isn't correct and asked if the gentleman that signed it is the President of Manheim Albany or Manheim Corporate. Mr. Levesque stated I filled out and signed the sign application. Mr. Berkowitz asked Ms. Sokolowski what her paychecks say?. Ms. Sokolowski stated the following: It says Manheim Albany. Corporate is Manheim Corporation. We are a location for Manheim Corporation. There are various Manheim Auctions. Mr. Ouimet asked why wouldn't the sign just say Manheim Incorporated. Ms. Sokolowski stated there are 62 Manheim's in the United States and each Auction is its own entity. Mr. Ouimet stated you could very easily identify your location as Manheim Incorporated, Halfmoon, New York. Mr. Levesque stated the following: You are perfectly right. But I think the problem we are going to have here tonight is that as representatives of Manheim the Corporation, what has been presented to you is what we have been given to present to you. We have no legal authority to change the name of the company. Mr. Watts asked if there was an existing sign up now. Mr. Levesque stated yes, Northway Auto. Ms. Sokolowski stated the new sign is not there but there are temporary banners and there has been a legal name change to Manheim Albany. Mr. Watts stated the following: I would like you to refer our concerns relative to the sign back to Corporate. We would prefer Manheim Halfmoon on that sign. If you feel that Halfmoon is not enough of a destination, you might want to say just Manheim. I don't really see a purpose for the word "Albany" on the sign. I would like you to bring that back to Corporate and tell them the legitimate concerns of the Town of Halfmoon Planning Board who takes particular pride in the Town of Halfmoon. Mr. Levesque stated the following: Would it be possible that we could move forward with a stipulation? The stipulation being that if you were to go through the process here tonight and agreed that we can get these signs put up, under the stipulation that if they were to change their name to Manheim or to Manheim of Halfmoon, then I could present this stipulation to them. Mrs. Murphy stated the following: This Board is not mandating that they change their legal name. The Board is saying that you can either just be known as Manheim and leave Albany off the sign regardless of what you want to call yourself. Or you could choose to change your name to Manheim Halfmoon. The Board is cognoscente of the fact that they cannot force you to change your corporate identification. Mr. Roberts stated I would rather wait to move forward because I don't feel comfortable with any stipulations on this. Mrs. Murphy asked if they are asking the Board to approve a sign that says Manheim period? Mr. Levesque stated yes, let's go that route rather than just having us go back to them to get them to agree to it. Mr. Roberts stated to Mrs. Murphy I don't see how we can do that because that is not what the application says. Mrs. Murphy stated they would have to modify the application. Mr. Roberts stated the following: I think Mr. Watts' idea is the best. Take our concerns back to corporate and then come back to this Board. Mr. Levesque stated so basically I would be telling them that their only option is to change the name to Manheim and if not, they are not getting a sign. Mrs. Murphy stated the following: Nobody is saying that they need to change their name. The Board is saying to just put Manheim on the sign. Mr. Levesque asked what if they don't want to do this, then what? Mr. Watts stated we would revisit it at that point.

This item was tabled for the applicant to discuss the concern of incorporating "Albany" on the proposed sign with Manheim's corporate office.

**08.021 NB Wilber National Bank, 1683 Route 9 (St. John Plaza) - Sign**

Mr. Tom Pratico, of the Rexford Group, stated the following: This is a sign application for the pylon sign for the Wilber National Bank located in front of the St. John Plaza and for a sign on the building. The wall-mounted sign would be 14 SF and the pylon sign would be 56 SF. Both signs would be interior lit with LED lights. This sign application would be within the square footage of the signage allowed. Mr. Roberts stated I have looked at this and everything looks fine and asked Mrs. Murphy if the LED was acceptable. Mrs. Murphy stated yes. Mr. Roberts asked if there would be any neon. Mr. Pratico stated the following: The sign would not have any neon. All the signs are going LED, as it is energy efficient. Mr. Watts stated would you please ask Wilber National Bank to advertise that they are located in Halfmoon. Mr. Pratico stated they already have.

Mr. Roberts made a motion to approve the sign application as presented for Wilber National Bank. Mr. Nadeau seconded. Motion carried.

**08.023 NB Salon Seven, 15 Route 236 (Woods Plaza) – Change of Tenant & Sign**

Mr. James McCabe stated the following: I am representing Salon Seven. The proposed business location is located on Route 236 in the Woods Plaza. We would be utilizing 1,600 SF of space, which would need minimum work. The work needed would be fresh paint, refinish the floor and I am aware that we would need a building permit to install 2 sinks. There is an existing sign box that we would be using and would just change out the face of the sign. There would be 3 hairdressers. The salon would be open Tuesday through Saturday with Saturday being the busiest day. Mr. Watts asked Mr. Williams if there would be adequate parking. Mr. Williams stated yes. Mr. Berkowitz asked if there would be any other services other than hair. Mr. McCabe stated just hair. Mr. Watts asked if this would be Salon Seven of Halfmoon. Mr. McCabe stated yes.

Mr. Berkowitz made a motion to approve the change of tenant application for Salon Seven. Mr. Ouimet seconded. Motion carried.

Mr. Roberts made a motion to approve the sign application for Salon Seven. Mr. Berkowitz 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: I am here tonight to present to the Board the Stone Crest Preserve residential subdivision which is a 90-lot subdivision. We are before the Board tonight to be considered for a final approval. This proposal is for a single-family residential subdivision located on approximately 187-acres of land. The project was designed and proposed for construction in accordance with the R-1 Residential zoning of the Town of Halfmoon. The project is located between Vosburgh Road and Werner Road. All the lots would be accessible by proposed Town roads. From the total 187-acres approximately 137-acres would be subdivided into roads and lots. The remaining acreage would remain in the ownership of the original parcel owners. The plans show a light green color depicting the portion of land that can be developed and the dark green color is encompassing the land, which would be protected by a restrictive conveyance, which is a land preservation area that contains about 67-acres or 36% of the project site. The plans, which I

am presenting tonight, include all comments, which were received during the review process for this project. We have submitted the plans to the NYSDOT, NYSDOH, NYSDEC and SCSD#1. We have received a letter for the NYSDOH stating that they would approve this project. We have a letter from SCSD#1 stating that they are ready to approve project subject to the water district extension. We have a letter stating that adequate capacity exists in the SCSD#1. We have a permit from the U.S. Army Corp of Engineers to disturb the identified area of the wetlands and the proposed mitigation for the disturbance. From the NYSDEC we have an article 24 permit and a water quality certification. An application for an extension of the water district was submitted to the NYSDEC and they have referred a draft permit as they are waiting for a response for the NYSDOH and at that time a permit would be issued. The extension is subject to an agreement, which was approved by the Town Board. Mr. Ouimet asked what is the departments understanding of the GEIS fees and the road improvements to Werner Road. Mr. Zdrahal stated the following: Only a portion of the project is subject to the GEIS fees but the applicant has agreed to pay GEIS fees for all the lots outside of the GEIS. The applicant has agreed to the two road improvements that would benefit the Town. One improvement was to provide widening to the new Werner Road where a turning lane would be added and that design is included in the final plans. The construction of those improvements would be applied to those fees, which are applicable to these lots. Another improvement is to correct a dangerous intersection at old Werner Road as it enters on Route 146. The applicant agreed that they would develop plans for the closure and the applicant agreed that if the Town authorizes the closure of that road that this project would construct the closure. Again the construction costs of those improvements would be applicable to the GEIS fees. All the details have been spelled out in an agreement for the water district extension. Mr. Ouimet asked Mr. Bianchino if this was his understanding also. Mr. Bianchino stated yes. Mr. Higgins asked if all the off-site improvements would be completed prior to the first certificate of occupancy for a residential unit within the development. Mr. Bianchino stated the following: They have off-site improvements on Werner Road and off-site improvements on Vosburgh Road. The applicant needs to make the improvements to Vosburgh Road first as the utilities will come in from the Vosburgh side. Since the project will not connect to Werner Road initially, there will be no immediate impact to Werner Road until that connection is made. Mrs. Murphy stated the following: So the Board is aware, the water extension agreement mandates that they either pay the GEIS fees for the non-GEIS lots or do both of these projects and get a credit towards those fees. So they are legally contractive to complete those improvements. I don't recall in the water extension agreement if there was timing with regards to the certificate of occupancy. Mr. Watts stated the following: Knowing the history of the Werner Road/Route 146 intersection and the traffic that we have, why would we leave it up to the applicant when that is the most important part of the activity with the closing of Werner Road and Route 146? There is a traffic safety issue there and that is why we want it closed and it would seem to me that if this had a particularly lengthy build-out, that it could cause some problem. Mr. Nadeau stated that was our objective to close this intersection off. Mrs. Murphy stated the following: I would recommend that the Board would do the second if that is the Board's choice. In the past we required them to get a certificate of occupancy to have a model home and often times those model homes, although nobody lives in them, they do have to have a C.O. and they are done long before an actual technical C.O. is needed. Mr. Watts stated the following: In terms of the phasing of the construction activity, I wouldn't want it to be optional for the applicant to say they are not going to do this and they are going to pay these fees because if the construction costs for roads increased to where it was a financial benefit to not do Werner Road with the ever escalating costs of road materials and availability. I think the key to getting this project

approved was the traffic concerns at Werner Road and Route 146. Mr. Ouimet stated this was my understanding. Mr. Ouimet asked Mrs. Murphy if the Board could make final approval contingent on the road improvements being made prior to the issuance of the first C.O. Mrs. Murphy stated yes. Mr. Zdrahal stated the project has to start from Vosburgh Road and would be progressing towards Werner Road. Mrs. Ouimet stated based on what Mr. Zdrahal is saying it is clear to me that the applicant isn't prepared to do the road improvements until they move into that second phase. Mr. Zdrahal stated I didn't say that but I think the applicant isn't in a position to really propose something because I think the applicant would like to have the project at a certain point and then do the improvements since it involves substantial off-site improvements on Vosburgh Road. Mr. Watts asked who is the applicant. Mr. Zdrahal stated Rosewood Home Builders. Mr. Watts asked who was the principal at Rosewood. Mr. Zdrahal stated Mr. Richard Rosetti. Mr. Nadeau stated your concern is that it could not happen possibly but do we need a bond or something in escrow for this beforehand because we have previously done this years ago. Mrs. Murphy stated the following: His concern is the GEIS fees. If the fees were to be increased by the Town Board, they would have to deal with that and pay increased fees. But there is a business equation whereby if the costs of doing these improvements get to a certain point, then the applicant will say, "I'll pay the GEIS fees instead of doing those road improvements". Mr. Nadeau stated our objective is to get the road improvements done. Mr. Watts stated unfortunately the economy is not the best and these things could take forever and our major concern was getting Werner Road closed at Route 146. Mr. Ouimet stated the following: I think we discussed the Werner Road improvements and the closure prior to any discussion by the developer to use some of the mitigation fees as an offset for the cost of those road improvements. They came to us at a later meeting and said they would like to use some of that money that we would otherwise give to the Town for those lots that are not subject to the GEIS fees to offset the cost of the road improvements. Mr. Zdrahal stated the following: Originally it was proposed to address the cumulative impacts and the project would pay those fees even for the lots that are outside the GEIS area. Subsequent to researching this we came up with these 2 proposals for the improvement to Werner Road and Route 146. Mr. Ouimet stated either way our major concern was for the improvements on Werner Road not the payment of the GEIS fees for those lots outside of the GEIS area. Mr. Higgins stated the following: I agree with Mr. Ouimet, as the sentiment from the residents in the area was an extreme concern for traffic on both Vosburgh Road and Werner Road. Even though you are going to start the building initially over on Vosburgh Road, you are still going to potentially increase the volume of traffic on both Werner Road and Vosburgh Road depending on which way the people find it easier to go. Even though your entrance isn't open on Werner Road you are still going to be adding to the traffic on Werner Road. The Board's feeling is that it is very important to get these improvements done right at the beginning of construction not later for both sections of Werner Road; the closure of one portion of Werner Road and the additional lanes on the other section of Werner Road. Mr. Zdrahal stated the closure of Werner Road would have to be authorized by the Town Board. Mr. Higgins stated correct and we all realize that this portion has be authorized by the Town Board but the Planning Board has heard from several of the Town Board members that this is something that the Town Board is ready to act on. Mr. Watts stated the following: We could be looking at a 5 or 10-year build-out and I think it is crucial that the Werner Road/Route 146 intersection be closed. This is more crucial than the remainder. Mr. Nadeau stated if there were other issues in the Town that showed up I wouldn't want to see that money used for that when we know this is what we are trying to improvement. This way we can tie it to this project where it belongs which has been our goal initially. Mr. Zdrahal stated I think the applicant was hoping that those improvements would be

constructed in correlation with the second phase of construction. Mr. Nadeau stated that was your hope but you know what this Board's feeling are. Ms. Nia Chalakas, General Council for Rosewood Home Builders, stated the following: We have been working with Mr. Zdrahal for a very long time on this project and I know Mr. Zdrahal has been working very diligently with everybody else within the Town. I guess that I was always under the understanding is for whatever reason that the infrastructure had to be put in down on Vosburgh Road first in order to come into the project. My understanding with respect to the Werner Road relocation or reconstruction was based on the fact that as we moved through the subdivision and there were more homes being built through the subdivision that was going to create taxing situation on Werner Road. Maybe incorrectly I was under the wrong impression. I was always under the impression that as we started here, we would be phasing in the infrastructure and as we got closer or even half way through to this point or thereabouts, we would then have to tackle this situation. This is a very large expenditure to come in and reconfigure this, install all of this, install all of the infrastructure and do Werner Road. That is why the thought was that this would be tackled not initially but somewhere in between. Mr. Higgins stated I think we are talking about 2 different things. Mr. Bianchino stated the following: The point I was trying to get across was if in fact they phase the project and start at Vosburgh Road and work in they are not going to have a connection to Werner Road in the beginning. Ms. Chalakas stated the following: There would be no road there. Until we actually put the drive in there will be no ability to get to Werner Road from this part of the subdivision. Mr. Higgins stated the following: There are other improvements on Werner Road besides the closure at Route 146. I don't think this Board is requiring you to do all the improvements along Werner Road. All we are talking about is the closure of Werner Road at Route 146 and the turning lanes. Mr. Bianchino stated it was just for closing Werner Road and the turning lanes. Mr. Higgins stated the following: I thought there were a couple of things they were going to redo along Werner Road for sight distances and a couple of improvements near the entrance to Werner Road. I am not asking them to do that until they actually have the entrance out there. I am just concerned about the Old Werner Road that is going to be closed where it meets Route 146 and then the turning lanes. As far as the other improvements along Werner Road, I agree that this can be left until they have an entrance on Werner Road because there were mainly sight distances and safety considerations at that point. Once they start this development it potentially could increase traffic both on Vosburgh Road and Werner Road depending on which way the people decide to go in the morning. Mr. Bianchino stated not if there is no entrance from the subdivision to Werner Road. Mr. Higgins stated the following: If the people go down Vosburgh Road to Cemetery Road and come around Werner Road to go towards Route 146, that is going to be the quickest way rather than go up to Route 236 and all the way around. Mr. Ouimet stated the following: I think tonight is the first time I heard about phasing this project. I don't think the discussion of phasing the project came into consideration by the Board at any prior meeting with the respect to the closure of the old portion of Werner Road or the widening of the turn lane on Werner Road. Now tonight we are first hearing this issue phasing and how it could be a number of months or years before any improvements are going to be made to Werner Road. I thought that this improvement to Werner Road was the whole premise of our approval of the initial project to begin with. Mr. Zdrahal stated the first phase would be off of the Vosburgh Road access area and the second phase will continue the project further progressing toward Werner Road. Mr. Ouimet stated the following: I am fine with phasing a project but I am not fine with not having a discussion about phasing before tonight. We never talked about phasing this project. Mr. Higgins stated now we are dealing with a single entrance for a project that could potentially have how many lots? Mr. Nadeau stated usually they designate Phase I to

Phase II. Mr. Watts stated the following: There were some lengthy discussions relative to the detention basin that was mentioned. I also remember your bringing up the issues of Werner Road and Route 146 and traffic issues. Whatever traffic studies were done there is never an impact according to the engineers who do the traffic studies. Be that as it may, there are accumulative impacts. We have worked hard on this project but I really think the Werner Road/Route 146 intersection is key to this. Mr. Polak stated the following: If we knew about the phasing aspect of the project from the beginning, we could have applied this to proposed improvements. I think the closing of Werner Road isn't a big cost factor compared to the turning lanes. Mr. Zdrahal stated I understand the position of the Board so we will agree that the improvements would be constructed up front in connection with phase 1. Mr. Watts stated at this point there are things in the record that we have discussed and what you are agreeing to and asked if it would be best if these things were memorialized in a document or in the resolution. Mrs. Murphy stated the following: It is already well documented both in the water extension agreement and in the detailed plans for the off-site improvements. The Board needs to put in the resolution any C.O.'s or the second C.O. be conditioned upon those improvements already being complete. Without that resolution, you do not have the ability to enforce what you are looking to enforce.

This item was tabled for the applicant to address the timeframe to the proposed Werner Road(s) improvements and to describe the phasing of the project.

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

Mr. Scott Lansing, of Lansing Engineering, stated the following: We are here tonight for the Harvest Church expansion which also includes a special use permit for the project. Our objective for tonight is to hopefully set a public hearing for the special use permit so we can advance toward preliminary engineering. The overall expansion to the existing facility has been prompted by the communities' involvement with the facility and the expansion that is required for that. The site is located at 303 Grooms Road. The parcel is approximately 14.07-acres. The drawing on the bottom best shows surrounding uses with an aerial photo in the background. The area primarily consists of some residential uses and vacant uses on the various sides of the parcel. The parcel is zoned Professional Office/Residential (PO/R) and it currently encompasses the existing Harvest Church facility with the associated parking. Public water and public sewer are served to the site. The proposal is to meet the growing church population in the area. Generally the church's operations will remain the same and it is simply an expansion of the existing facility. The overall proposed expansion is approximately 48,720 SF and the goal is to primarily get more of a spiritual type of space where the existing space is more of a flexible space where they have more of a general purpose room that they consistently modify for their different activities. The expansion would allow them to have a more spiritual gathering area and to use existing rooms and the new rooms for more dedicated uses so they wouldn't constantly be changing the types of uses in the various spaces within the facility. Uses would include: classrooms, bookstore, sanctuary, cafeteria, office, prayer room, nursery, chapel, kitchen, bathrooms, studio and TV/audio room with other miscellaneous use spaces. Also this would encompass the Harvest storage house, which would be in the rear portion of the site approximately 15,000 SF for various goods including non-perishable food, clothing, furniture and other supplies that would be needed for the community. As a part of the expansion we are also proposing a reconfiguration of the site to better serve access to this site and the parking for the site. Currently the facility has 2 curb cuts on Grooms Road and we

would maintain 2 curb cuts. The easterly most curb cut would be relocated even further to the east. Access within the parcel would have two loops; one for access to the church facility for dropping off and picking up of parishioners and there would also be parameter loop around the building for access around the building for parking in the rear for members, employees and also access for the storage house in the rear of the parcel. Parking has also been proposed to be expanded. Currently there are 266 parking spaces for the current facility and we are proposing to bump that up to 356 parking spaces. We did take a look at several different scenarios for the facility of which the worse case was approximately 644 spaces. In working with CHA in land banking spaces we are showing the ability to construct all 644 spaces but we have reduced that down to 356 parking spaces to decrease pavement, decrease impervious runoff and increase green space for the parcel. The overall green space for the parcel; 20% is required. If we were to build all 644 parking spaces we would exceed that with 36% green spaces. With the proposed 356 parking spaces there would be approximately 51% green space for the parcel. Water would be served by public water and it is within the water district. Sanitary sewer would be served by the existing sanitary sewer service. Stormwater would be managed on site. We are showing several locations for stormwater management on the site.

Development since the last meeting: We did receive approval from the Saratoga County Planning Board and since the last meeting we have been working with CHA on various concerns. A traffic study was done for the parcel and CHA had several comments on the study and I feel that we did address those comments. At this point I believe CHA is satisfied with the traffic study. Stormwater basins along Grooms Road was another comment that CHA had. Conceptually we still are showing a stormwater basin in the front portion of the parcel. A vast majority of the parcel does drain towards the front of the parcel so it is one of the larger basins. As we get into preliminary design, we can take a look at decreasing this stormwater basin perhaps with a couple of fore-bays with infiltration galleries underneath the parking lot or directing the stormwater off towards stormwater management areas to the rear of the site and we can look at this as we move forward. The other question was in regards to the proposed Harvest storage building the number of trips. We did clarify the number of trips for CHA and they would be off peak hours and they estimated about 3 to 4 deliveries per week and approximately 1 pick-up per week from the storehouse. The last concern was relative to the parking. We did originally propose 436 parking spaces and per CHA's recommendation to try to bank some more spaces. We did bank an addition 80 spaces on the site. The spaces that were banked were primarily in the center portion of the site and it has been reduced down to the 356 parking spaces. We are here tonight for questions and comments from the Board and once again we are requesting the Board's consideration to set a public hearing for this special use permit and we are hoping to advance to preliminary design. Mr. Berkowitz asked when is the peak times. Mr. Lansing stated the following: We did a typical traffic analysis and we looked at the peak hours in the morning and then in the afternoon from 5:00 pm to 6:00 pm. We did identify four different scenarios for the different peak times in the facility. The highest peak times were Tuesdays between 7:00 pm and 8:00 pm and also on Sundays for the Sunday mass. The one that had the most impact were the Tuesday evening masses from 7:00 pm to 8:00 pm and we looked at this because the mass during Sundays did not have that much of an impact relative to the background traffic. On Tuesdays from 7:00 pm to 8:00 pm initially we had to analyze that to the peak hour traffic which was 5:00 pm to 6:00 pm and it was determined that there would be a decrease in the level of service at the entrance intersection from an "A" to a "B" and then exiting the site it was an "F". In other words, people leaving the facility if they all left at pretty much at the exact same time; there would be an impact from the traffic on Grooms Road. CHA had raised a question on that and wanted a little more of a final analysis on

that. So, we did traffic counts from 7:00 pm to 9:00 pm and analyzed it in real time where we were being very conservative in looking at it with the church's peak hour even though it was off the peak hour against Grooms Road and it was a level of service "B". This was outlined in the traffic study and I believe CHA reviewed that and they did agree with that and they requested that we monitor that as the site goes up. Mr. Watts stated that is particularly crucial in that the original traffic study had the wrong peak hours. Mr. Lansing stated it was more of a conservative analysis. Mr. Watts stated the following: No, I would use the word "conservative". I thought this was for the Board's clarification where they were talking about turn lanes being used based upon information at the peak times were not in fact the peak times on the evenings and it wasn't during the major traffic hours. Mr. Lansing stated the following: What we did was to apply our non-peak hour trips to the peak hour. So, we had taken our functions for the site and applied them back to the peak hour. So, we refined those and modified them for the non-peak hours and the analysis came out appropriately. Mr. Watts stated right, that was the original concern when we looked at it and we brought up the fact that this is not when all the people are going to be coming to use the facility. Mr. Lansing stated you are absolutely right. Mr. Watts stated the following: That is why we brought this up because traffic is terrible during the peak hours. During the hours that the facility would be used or on Sundays the traffic wasn't that bad and I didn't see the need for turn lanes, etc. Mr. Lansing stated that is correct. Mr. Polak asked Mr. Lansing how close the facility was to one of the residence in the area. Mr. Lansing stated the following: Estimating I would say it was about 75 to 100 FT away. From the property line the actual entrance itself was about 100 to 125 FT away. Mr. Watts stated the following: A considerable number of revisions were made and a lot of things were worked out with CHA to get us to this point. Mr. Nadeau asked Mr. Lansing to explain what would be in the proposed storage building. Mr. Lansing stated the following: There would be non-perishable food, clothing, furniture and other supplies. It would be kind of a variable on what they would store based on what the community would need. Mr. Berkowitz asked if this storage facility would be used for a community drop off. Mr. Lansing stated no. Mr. Watts stated the following: This is where donations from various industries and people and then they would find out who needed these items and then they would distribute them. There would be limited truck traffic. We did have concern and I believe they have alleviated the concerns relative to the issues that exist at the Salvation Army drop off point. Mrs. Murphy stated the Board should be sure to put that as part of the resolution and condition of the approval. Pastor Paul Tebbano, of Harvest Church, stated the following: These donations have nothing to do with individuals. Corporations donate items and we would store them and then we would distribute these items to organizations, never to individuals. This would not be a drop off for individuals at all. Mr. Roberts asked if there would be any outside storage of items. Pastor Tebbano stated absolutely not. Mr. Higgins stated the following: I see all the land banked parking spots that you are talking about and when the local residents were here the last time at the public hearing meeting, there were concerns about buffering and things like that. Where you have the land-banked parking spots, they are fine because they would be buffer zones. If you have to do a full build out on those spots, you would be eliminating a majority of the buffer zones between the site and the residences. On the east side it looks like the parking spots would be within 50 FT or so of the property lines. Mr. Lansing stated it is a fair distance and there is existing vegetation in that area and I think they are a minimum of about 30 FT away from the property line and I feel there is still a good buffer in that area and these spaces would be some of the last spaces to be put in if they were needed at all. Mr. Higgins stated even on the other side you would have the same situation there. Mr. Lansing stated on the other side there is a steep ravine and there is a natural buffer

through there and a lot of existing vegetation in there that I don't think would ever be cleared. Mr. Watts asked what size the parking spaces are they proposing. Mr. Lansing stated a majority of the spaces would be 10 FT x 20 FT and in the rear there are some 9 FT x 18 FT parking spaces. Pastor Tebbano stated Sunday mornings is the most cars we get and we probably fill half of the parking lot. Mr. Nadeau stated the following: We need to stay consistent with other sites in the area as well. Indirectly this is almost a commercial site. What is good for one is good for the other one and we need to be careful not to set a precedent here. When the next applicant comes in and says "well you did it there, why can't you do it for me?" This is a concern I have and I think Mr. Higgins also made a good point. Mr. Watts stated the following: I know with the linkage studies that we are doing with Clifton Park relative to the Route 9/Route 146 corridor for parking and when we look at the aerial photos all we see is a sea of blacktop. The Town is looking at its ordinances to reduce the parking requirements because I just don't see it. Mr. Berkowitz asked how many services do you have on Sunday mornings. Pastor Tebbano stated the following: Just one service from 9:30 am to about 11:30 am. This facility is large enough to take on a large group of people. If we felt we needed another service we would have it on another night because it would be a lot easier.

Mr. Roberts made a motion to set a public hearing for the March 10, 2008 Planning Board Meeting. Mr. Higgins seconded. Motion carried.

Mr. Higgins made a motion to adjourn the February 25, 2008 Planning Board Meeting at 8:14 pm. Mr. Berkowitz seconded. Motion carried.

Respectfully submitted,  
Milly Pascuzzi,  
Planning Board Secretary