

Town of Halfmoon Planning Board

April 28, 2008 Minutes

Those present at the April 28, 2008 Planning Board meeting were:

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

Alternate

Planning Board Members: Bob Beck
Jerry Leonard

Senior Planner: Jeff Williams
Planner: Lindsay Zepko

Town Attorney: Lyn Murphy

Town Board Liaison: Walt Polak

CHA Representative: Mike Bianchino

Mr. Watts opened the April 28, 2008 Planning Board Meeting at 7:00 pm. Mr. Watts asked the Planning Board Members if they had reviewed the April 14, 2008 Planning Board Minutes. Mr. Roberts made a motion to approve the April 14, 2008 Planning Board Minutes. Mr. Berkowitz seconded. Motion carried.

Mr. Leonard replaced Mr. Ouimet in his absence.

New Business:

08.040 NB A Pure Day Spa Inc., 4 Old Route 146 – Change of Tenant & Sign

Mr. Scott Ronda, the applicant's attorney, stated the following: I am here tonight to represent Nancy Tedeschi who wishes to operate a health spa from the existing Personal Enhancement Center building. Mr. Ronda stated the following: The applicant is leasing the building and buying the business from the current owner. My client wishes to operate the business in every aspect as it is currently being operated. My client wishes to change the name of the business and change the face on the existing sign to reflect the new name. My client has applied to the NYS Dept. of State for licensing to the health spa. The hours of operation and number of employees will remain the same as well as the services being offered. Mr. Roberts asked how the sign would be lit. Mr. Ronda stated the same way it is lit now, from floodlights shining up from the ground. Mr. Roberts asked the applicant to make sure the sign lights do not shine in the travel path of Route 146. Mr. Ronda agreed. The only change to the sign will be the face

with the same dimensions as current. Mr. Watts asked the applicant to use Halfmoon NY in their advertisements. Mr. Ronda stated yes.

Mr. Nadeau made a motion to approve the change of tenant application for A Pure Day Spa Inc. Mr. Berkowitz seconded. Motion carried

Mr. Nadeau made a motion to approve the sign application for A Pure Day Spa Inc. Mr. Berkowitz seconded. Motion carried

08.041 NB Kivort Steel Inc., 380 Hudson River Road – Addition to Site Plan

Mr. Dan Tompkins, of Environmental Design Partnership, stated the following: I am here tonight to present an addition to site plan application. Mr. Tompkins stated the following: In 2005 the applicant was granted approval for an addition to the north side of the building but a short time after approval the applicant determined the addition would not be sufficient for their business growth. The applicant feels that they would need an addition large enough to meet today as well as the future needs for the steel distribution and fabrication business. The applicant is proposing to enclose the existing roofed structure that currently supports two 10-ton overhead cranes. This is a current open structure and the applicant wishes to enclose and expand the footprint of the structure. This plan would add just under 29,000 SF of additional footprint. The existing internal traffic circulation was set up in a way where trucks entered the site and drove through the existing front warehouse then out one of the two driveways off of Rt. 4 & 32. The applicant is proposing to retain the northern most driveway off on Rts. 4 & 32, trucks would enter the northern end of the enclosed crane structure building, be loaded via the cranes or an internal raised loading dock and exit out of the southern side of the building and exit to Briggs Lane. This part of this proposal is to upgrade Briggs Lane that currently is a substandard graveled Town road. The proposal consists of widening and paving Briggs Lane and improving the turning radii onto Rt. 4 & 32. Along with this proposal the applicant will remove or close the existing southern driveway off of Rt. 4 & 32 that gives access to the current site. The reasoning for all of this is because there is growth opportunity for Kivort Steel. Another reason is some of the material is temperature sensitive and when they need to cut it to order it needs to be at a steady temperature and not below freezing. The existing front warehouse will be used to perform more detailed fine cutting of metal material, which will be an expansion of services offered. The site has municipal water and on site septic. Initially they do not anticipate a big number of employees so the existing septic system will suffice. This project will create extra impervious surface and there is an proposed expansion of the storm water management area in the northwest corner of the site. Mr. Tompkins asked the Board for input on the site as it fronts on Route 4 & 32 and is straddled by Myrtle Street to the north and Briggs Lane to the south. Both Myrtle and Briggs are existing substandard Town roads. The proposed expansion will bring the building within 34 feet of Myrtle Street and 30 ft to Briggs Lane. Mr. Tompkins asked if this property is going to be considered as a property with three front yard setback needs. If it is he would like to receive a denial in order to ask the ZBA for a variance or if there is any preexisting standards in place. Mr. Ruchlicki asked if the use would be considered a machine shop with milling machined and torches. Mr. Tompkins stated there would be laser cutting machines and machines that bends materials. Mr. Ruchlicki stated his only concern is that some machines need coolants during the process and the used coolant need certain procedure to treat the waste. Mr. Tompkins stated any waste material would be cared for by proper procedure. Mr. Nadeau asked for more information on the setback requirements. Mr. Tompkins stated to simplify the question is if this lot was a corner

lot it would need to meet two front yard (50ft) setback requirements. This lot actually fronts on three roads. Mrs. Murphy stated she would research the issue and stated our ordinance states you need to meet two front yard but is unsure of the three front yard setbacks. Mrs. Murphy believes the applicant will need to meet the two front yard requirements and while the engineers are reviewing this she will research the three-road frontages issue.

This item was tabled and referred the project the CHA for engineering review and the Town Attorney would research the corner lot issue with the setback requirements.

08.042 NB Riley Subdivision, 111 Clamsteam Road – Minor Subdivision

Mr. Duane Rabideau, of Gilbert VanGuilder & Associates, stated the following: He is here tonight to propose a subdivision of land in order to separate two existing single-family dwellings that are currently on one parcel. The parcel is located on the southeasterly side of Clamsteam Road about halfway between Dunsbach Road and the Northway. The lot configuration would consist of Lot 113 being about 1.7-acres and Lot 111 would consist of 3.9-acres. This would separate the two existing dwellings and all other out-buildings associated with each home. There is private water and on-site septic for both homes. Both lots will utilize the existing curb cut on Clamsteam Road by a shared driveway easement. Mr. Ruchlicki asked if the wells and septic were represented on the plans. Mr. Rabideau stated that there is public water available but both house utilize private well water. Mr. Rabideau will place the septic and wells on the map.

Mr. Roberts made a motion to set a public hearing for the May 12, 2008 Planning Board Meeting. Mr. Berkowitz seconded. Motion carried.

**08.043 NB Romano's (Interior Café), 1475 Route 9 – Change of Tenant
(formerly project #06.200 -- 1475 Route 9)**

Mr. Kevin Mickels, representing the Romano's change of use. Mr. Mickels stated they wish to bring the use to a full café use rather than the previous approval of half café and half office use. The owners feel that the office use will not be as profitable as a full café use. The proposed use will a full café with emphasis on healthy food and vegetarian cooking. The will not be as many meals since it will be designed as a Coffee/Internet Cafe business. One of the proposed changes to the inside would be a removal of some of the kitchen area and revamp it to more seating area used for social type events of a book reading or poetry reading area. Also we wish to relocate bathroom areas to a more private isolated area. Mr. Berkowitz asked if there would be any educational seminars or training type seminars. Mr. Mickels stated there maybe would be some fresh healthy food preparation seminars, book club discussion but nothing of a formal education atmosphere. Mr. Leonard asked who would be preparing the food. The cooking will be done on-site by the business on-site. Mr. Roberts stated that the previous approval for the café/office use, the Romano's sign needed to be removed because it is in the NYS ROW. Mr. Mickels stated that he would make sure the sign would come down. He stated they need to make a sign application when an official name is determined. Mr. Roberts stated the sign needs to be placed on the businesses property. Mr. Higgins asked if he anticipated wedding receptions in the banquet room and asked what the capacity of the banquet room was regarding the number of people allowed. Mr. Mickels stated the total occupant number is about 200 people. The layout we are proposing has a maximum of 112 people because we want the tables in there to have people sitting and drinking coffee. The

layout is not designed for big banquets. Mr. Higgins asked how was the parking requirements calculated. Mr. Mickels stated the parking calculations were determined per the Town's code of one parking space per every three seating spaces. Mr. Higgins stated that the banquet area is fine the way it is laid out but if you remove the tables and set it up differently you may not have enough parking spaces. Mr. Mickels stated there are 91 existing parking spaces and when compared the Town's requirements we actually have more parking than the total occupancy allows. We do not intend to have half of the people that the parking would allow. Mr. Watts asked the applicant if the café is open to the public with hours of operation of 6am to midnight Saturday through Sunday. Mr. Mickels stated yes and the hours of operation may be less than what is stated on the application due to the demand. Mr. Watts asked if they would pursue a liquor license. The applicant stated no it is a healthy food aspect that we are looking to offer.

Mr. Berkowitz made a motion to approve the use as presented. Mr. Ruchlicki seconded. Motion carried.

08.044 NB Dirad, 9 Corporate Drive – Change of Tenant

Mr. Tom Andress, of ABD Engineering, stated the following: This is a change of tenant application for the Capital District Business Park for lot 9. The previous tenant was the US Navy recruitment office. This applicant wishes to utilize a portion of the former Navy office space to operate their software development and sales business. There will be 9 employees and will be opened Monday through Friday. Mr. Watts stated this company develops and sells software for Call Centers. Will this use be a Call Center itself? Mr. Andress stated no is for office use only and no Call Center is proposed. Mr. Roberts asked if there is a sign application. Mr. Andress stated he believes the road signs identify the lot or address and there is an internal directory in the building that indicates the businesses. If there is a need the applicant will bring in a sign application. Mr. Andress stated this use does not have clients visiting the office.

Mr. Roberts made a motion to approve the change of tenant application for Dirad. Mr. Ruchlicki seconded. Motion carried.

08.045 NB ON2 Technologies, 3 Corporate Drive – Change of Tenant

Mr. Tom Andress, of ABD Engineering, stated the following: This applicant is proposing to move its operation within the Capital District Business Park from 20 Corporate to 3 Corporate Drive. The reason is that they are increasing the size of the office to 14,000 SF from 6,000 SF. There is also an increase in employee numbers. This is another software development company, Corporate Drive was the last building to be built in the park and there is 30,000 SF out of the 40,000 SF office space being occupied. Mr. Andress stated that he provided a parking summary showing the existing employee count to compare with the existing parking on the site and its comparison to the Town's code. This summary shows there is plenty of parking available with about 54 spaces extra when compared to actual number of employees with the Town's parking code for office use.

Mr. Berkowitz made a motion to approve the change of tenant application for ON2 Technologies. Mr. Higgins seconded. Motion carried.

08.047 NB Rondaxe Enterprises, LLC, 14 Corporate Drive – Change of Tenant

Mr. Tom Andress, of ABD Engineering, stated the following: This is a change of tenant for a another software company to occupy the same building that the Abele Builders office is located.

This will take the place of the former tenant of the Winfield Group. The company develops software for the pharmaceutical industry with 12 employees. The proposed office space is 4,000 SF. This site has plenty of parking and this particular tenant does not have clients visiting the site.

Mr. Ruchlicki made a motion to approve the change of tenant application for Rondaxe Enterprises, LLC. Mr. Higgins seconded. Motion carried.

08.046 NB John Deere Landscapes, 1641 Route 9 (Casale Rent-All) – Addition to Site Plan

Mr. Higgins recused himself from this item and Mr. Beck replaced Mr. Higgins. Mr. Tom Andress, of ABD Engineering, stated the following: Mr. Casale has been in discussion with John Deere Landscapes to move to the Casale Rental site. John Deere Landscapes is currently located on Rt 9 up near Exit 10 of the Northway. The Corporate office states that their facilities need 4 acres in order to operate. What the applicant is showing is an area of 4-acres that would be for lease to John Deere that is located in the back eastern corner of the site. The proposal consists of placing an 8,000 SF building. John Deere Landscapes is listed as a retail use but in essence it is geared toward the professional trade industry. The public can buy their goods but the products that are for sale are really geared for the trades. There may be some plant material offered but most of the products relate to hard landscaping such as paver stones, retaining wall stones, piping, silt fence, tools and any other product a landscaper would generally use. Mr. Casale's business offers topsoil and mulch. We wish to utilize the lease area by placing the 8,000 SF building with needed parking along with outdoor display areas that would be fenced in. There are some residential properties in the rear of this site. Water and sewer will be provided. Mr. Ruchlicki asked what could be expected to be displayed in the outdoor storage areas. Mr. Andress stated there might be some plant material but not a major display. The plant material will be for fillers or replacement specimens for the landscapers. The other material will be the hard landscape materials that I already described. Mr. Berkowitz asked what happens during the winter months and how many employees will be working. Mr. Andress stated the business does operate year round. The seasonal workers are part time but there is a staff that operates the business year round. Obviously the main thrust of the operation is in the Spring, Summer and Fall time of year. Mr. Ruchlicki asked what the reaction is to full time outdoor storage as compared to the seasonal outdoor display areas. Mr. Watts stated the Planning Board could ask for the applicant to annually approach the Board to gain approval to its outdoor storage use. Mrs. Murphy stated the Planning Board can place safe guards into the approval for the outdoor storage areas. This proposal consists of year round outdoor storage so it would become more of a code enforcement issue with the site plan. Mr. Nadeau asked what the ordinance stated for outdoor storage. Mrs. Murphy stated the Board has a broad discretion on what is and what is not appropriate to be displayed onsite. Mr. Polak cautioned that most of the material being displayed is delivered by tractor-trailer and wants to ensure there is adequate access and turn around for the delivery trucks. Mr. Watts asked if access would be from the approved access off of Route 9. Mr. Andress stated the access has been constructed but has not been paved. Mr. Watts stated that the access is not formally opened then. Mr. Andress stated no it is not in service. Mr. Casale has been using it for his construction purposes but not open for the public. Mr. Watts asked what the target date was for the Route 9 access to be paved and opened to the public. Mr. Casale stated that he trying to read the market for the best price of asphalt and that the price they received last year is very different to today's price. Mr. Casale stated hopefully within the next 30 to 60 days. Mr. Watts

stated there have been a number of issues with the site with regards to neighbor complaints. Mr. Watts stated he would like to see it paved within 30 days and that the price of oil is not going down. Mr. Casale stated there is very little traffic generated from John Deere. John Deere bought out Lasko and all three branches will be consolidated to one site in Halfmoon. Mr. Nadeau asked if there will be lift trucks and what will the hours of operation on a Sunday be because he is concerned with the negative impact the use may have on the adjacent residential uses. Mr. Andress stated John Deere would be closed on Sunday. Mr. Polak stated a Public Hearing can be held and he is concerned with the back up horns and noise that will negatively affect the neighbors. Mr. Nadeau asked what type of buffer is being proposed. Mr. Andress stated it is all wooded with a 25 ft setback from the property line. Mr. Watts asked if there was any access road to Plant road going on here. Mr. Andress stated there is nothing now or proposed. DeVoe owns the lands surrounding this site. Mr. Watts asked the applicant that recent commercials have stated Clifton Park and asked him to use Halfmoon, as that is where the site is located. Mr. Casale stated he understands the concern but his advertising consultants told him to use Clifton Park because most people are unaware of where Halfmoon is. Mr. Casale stated he wants to loop in with Halfmoon-Clifton Park. Mr. Watts stated there are plenty of businesses that use Halfmoon without a problem and we are only asking for your cooperation. Mr. Casale stated by next year our ads will say Halfmoon.

This item was tabled and referred to CHA for review.

Old Business:

06.123 OB The Moorings of Halfmoon, Stone Quarry Road/Route 9 – Multi-Family PDD (formerly Hudson Ridge PDD)

Mr. Bill Hoblock, Atty., of Capital District Properties, LLC, stated the following: Someone is obviously listening to this Board as we were formerly approved under the PDD as Hudson Ridge and now have renamed the project as the Moorings of Halfmoon. In 2007 we received PDD legislation approval. We are here tonight to show a different layout to the site than what the Board recommended last year. The PDD legislation allows changes such as this under the guide of the Planning Board as long as the site plan is generally consistent. When we looked into the engineering aspect of the site we made changes to the layout that we believe improved and enhanced the final product. Before we go over the changes let me refresh the Board to what has not changed. The PDD boundary has not changed, the number of total residents remains at 200, the number of buildings remains the same at 20, the entrances and locations are the same, the public benefit has not changed that consists of upgrades to both the Stone Quarry/Woodin Road and the Stone Quarry/Route 9 intersections, public sewer will be extended up Woodin Road to the ball park, looping the water line down Stone Quarry Road, the clubhouse/fitness center/pool has not changed, the sidewalks remain and the last thing that has not changed is the quality of the apartment buildings. If you are able to see the Paddocks of Wilton, you will realize that the product we are offering is unmatched. The main change is the road layout. The change to the road layout is eliminated the dead ends and now the road loops with one cul-de-sac. We did this for several reasons: There are a lot of emergency service issues with dead ends. We wanted a site that was inviting and connecting. Dead ends don't promote connectivity. One of the standards of a good site design is to have connectivity with walk ability and drive ability and you can't do this when you have dead ends. Once we took away the dead ends and made this area a loop, we have a main boulevard with a village feel when you come in. There would be cast lamps, sidewalks and all the parking is off the main road except for parallel parking on the side. The change is the road configuration and a

correlated building. The building itself stays the same. The only change that we are making to the buildings is that the original 20 buildings consisted of 8, 10 and 12-units per building for a total of 200 units. We decided to make them 10-units per building still meeting the 200 units. The reason we did this was because we found the biggest desired amenity in this market is in-building attached garages. The original site plan had 12-units with 8 in-building attached garages. There would now be 10-units with 8 garages. We couldn't get to 100% attached in-building garages like we did at the Paddocks because of site constraints. Because we did change the units in the building we wanted to come before the Board and explain why we made the changes, which we feel we have improved and enhanced the project and we would like to move forward for a final site plan approval. Mr. Higgins asked about the detached garages by the maintenance building. Mr. Hoblock stated another improvement that we did was reduce the number of detached garages throughout the site that were on the original approved site plan. We did this because there would be more in-building garages for the 10-unit buildings. The new site plan has fewer detached garages and they would be in 2 locations and these garages would be shielded from view. Mr. Higgins stated it looks to me that there are some small garages and then some bigger spaces in the back. Mr. Hoblock stated there are garage spaces up front and in the back of the garages that would be 5 FT x 10 FT storage units. Mr. Higgins asked if there would be any outside storage that would not be enclosed. Mr. Hoblock stated no, all the storage would be completely enclosed. At the back of the garages there would be a row of doors to access the storage areas. We have learned from the Paddocks what people desire is storage. We have a large amount of empty nesters that need self-storage. We don't want self-storage scattered throughout the site but we do need to offer it. Mr. Higgins asked if there would be a designated area for parking RV's and boats. Mr. Hoblock stated no we don't want to do that because it would not be esthetically pleasing. Mr. Higgins asked if there would be restrictions on the site as far as that type of parking. Mr. Hoblock stated absolutely, it won't be allowed. Mr. Watts asked the square footage of the clubhouse. Mr. Hoblock stated the clubhouse would be about 3,000 SF. Mr. Watts asked who would be using the clubhouse. Mr. Hoblock stated it would be similar to the Paddocks where it would have a great meeting room with a fireplace and a plasma TV, a fitness center, a billiards room and it would also act as the leasing center and it would be for residents only. Mr. Watts asked if it could be rented out to people other than the residents. Mr. Hoblock stated no it would not be rented out. If our residents wanted to have a small gathering, the great room would hold about 25 people. Mr. Watts asked if there would be any parking issues at the clubhouse. Mr. Hoblock stated no. Mr. Berkowitz asked who would maintain the roads. Mr. Hoblock stated we would because they are private roads. Mr. Berkowitz asked where they would put the snow removal. Mr. Hoblock stated most of the time it would be taken off the site when it got to a certain size and we do a coordinated snow removal process.

This item was tabled and referred the final detailed engineer plans to CHA for review.

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

Mr. Scott Lansing, of Lansing Engineering, stated the following: I am here tonight accompanied by Mr. Kevin Dailey, Atty., and the applicant, Mr. Larry Boni. The overall project is approximately 81-acres in size. The applicant's are proposing a hospital, healthcare; medical offices and medical related Light Industrial PDD. The overall roadway area that is proposed for dedication to the Town is approximately 2,000 FT in length. The core of the hospital would be approximately 120 beds for 225,000 SF. Associated parking would be in close proximity to that healthcare facility. The balance of the site would include approximately 241,000 SF of space

again with parking would be in close proximity to those spaces. There would be public water and public sanitary sewer for the project and stormwater would be mitigated on site. We did receive comments from CHA dated January 30, 2008 and we did respond to those comments in a letter dated February 29, 2008. The first comment was related to general improvements on site. CHA felt that the revised layouts were an improvement over the previous layouts. CHA felt that the parking was justified with the parking numbers that we utilized for each one of the individual uses and the location of that parking was appropriate. One request was a modification to the boulevard in the front portion of the site. Previously we had the boulevard shortened in the rear area and there was a request to extend that to make sure that each side of the boulevard was wide enough to pass 2 vehicles and we have made that adjustment to the plan. Another comment was relative to access to the east with a potential future access point off toward the east and we have modified the plans to provide that access point. Another comment was relative to the 6,000 SF building in the front portion of the site and an archeological site and whether that building was appropriate given the archeological sensitivity in the area. The applicant's are conducting a Phase II of the area to determine what artifacts, if any, are in that area and the significance of those artifacts. There was a comment relative to the traffic study and the trips and the need for a traffic light at the front portion of the parcel. In the traffic impact study they did identify that after Phase I, which would be the hospital portion of the facility, that this be monitored to see if a traffic light is warranted and NYSDOT concurred that they wanted to see actual counts at the site to make sure that a trip was warranted prior to a traffic light being installed. There was also a request for a visual impact study for the parcel. Over the course of the last 2 weeks we have flown balloons on the site at various heights to determine the impact of the sites and we are currently preparing the visual impact study for the parcel. CHA requested an impact assessment of the EAF and various portions of the EAF to analyze those on an item-by-item basis. We did supply a comment response letter to CHA, which prompted their March 11, 2008 comment letter, which has a few comments on it, and I feel that they think that we addressed the previous comments. The outstanding comments are again related to the 6,000 SF building and they agree that we should get into the Phase II study to determine what archeological materials are out there and their significance prior to proceeding with that building. The next comment was relative to the traffic light and CHA concurred that the count should be done at or after Phase I to determine whether a traffic light is required for that intersection. Another comment was relative to a visual impact study and we are working on that. On the item-by-item response to the Part 2 of the EAF, they felt that the archeological sensitive areas should be determined before that is advanced. We are here tonight requesting a public informational meeting so we can get comments from the public and incorporate those into the plans. Mr. Dailey is here to comments relative to the Berger Commission Report. Mr. Dailey stated the following: When Mr. Watts and I were speaking on the phone I mentioned that I had been into the Berger Commission Report and with a project of this size for this community don't hesitate to look at the report that is available on-line. There is an appendix in the back that talks about the local counties and I prepared a packet and gave several pages of this portion of the report to each of the members. I highlighted one line in Saratoga County along with Warren and Washington Counties. The Department of Health bed methodology shows a need for nearly 500 new beds in this area. And the further it goes on to talk about what kind of beds and what it doesn't recommend is more nursing home beds because there are plenty of those. They are saying that Glens Falls Hospital and Saratoga Hospital do a good job but what we really need are more acute care beds, which are hospital beds. When you start to think about the northern areas of our county are covered in Saratoga and Glens Falls, where is the need? I think the need is right here in

southern Saratoga County. The report also talked about Albany, Schenectady and Rensselaer Counties on pages 8 and 9. It talks about the Tri-County area is characterized by multiple facilities, significant market penetration by freestanding ambulatory surgery centers and office based surgery practices. The important part is the unnecessary duplication of hospital services resulting in a medical arms race in over bedding in acute institutional care in some areas. The Berger Commission Report has address that in Schenectady County; Bellevue Hospital is to be closed and Ellis and St. Clare's are to be merged. If you have been following in the newspapers and I have over the past 4 years, all of these hospitals are building big additions. Albany Med just announced a \$360 million dollar new addition. There is a big new addition going into St. Peters. Ellis is now talking about a new tower. Seton Health is talking about adding a new emergency room and an expansion and Saratoga Hospital is talking about expanding. Other than Saratoga Hospital in Saratoga Springs, all of these areas that are being served are in zero population growth areas in fact some are declining. When you put this into prospective, where is the area that is underserved in terms of healthcare? The answer is Southern Saratoga County. Southern Saratoga County has a growing population, it's healthy and when you think about it, it is well employed and everybody has health insurance. So they should be coming here. I gave a memo to Mr. Watts essentially looking at the population. We believe there are 112,000 people in the immediate area that can be served. I also gave you a map of the United States broken down county by county. This was taken out of February 07 edition of National Geographic that shows a study of heart disease. When you look at the State of Minnesota there is a very low incidence of heart disease and heart death. It shows that a lot of people in the deep south die of heart disease. A lot of this has to do with race, ethnic origin, the environment and access to health care and this is the point I am trying to make. When you look at Upstate New York; Rensselaer County has a lower incidence of death from heart disease than Saratoga County. You would have to say the demographics are similar in fact there are fewer African Americans living in Saratoga County and race is a factor. In Saratoga County we are better employed and we are better educated which are positive factors but why are we in Saratoga County next to the worst colored graph, which is the deep south when you look at incidence of heart disease and death. My conclusion is that it is access to good health and quickly getting access to good health care. That is my own opinion and I have written Mr. Watts a memo on this and if anybody has a differing opinion, please let me know. We are all in this together and I think that at the end of the day there is an absolute need for this kind of facility in our community. Mr. Watts stated the point that we are at with this is a recommendation from the Planning Board back to the Town Board relative to the zone change. This is the purpose that we are here for tonight. They have made the various adjustments to the plan at this point relative to the wetland issues, which we have covered in great detail, the archeological issues and the roads. We are now at the point of a recommendation back to the Town Board relative to a zoning change for your plan. I understood that we are going to phase that with one part being the hospital and one part being the rest of the campus which both have unnamed uncommitted tenants which is common in any project program. Mr. Dailey stated we are entirely willing to do that. I know you have had conversations with the Town Board relative to the public benefits, which vary if there is a hospital and if there is not a hospital. Mr. Dailey stated the following: I have written the Town Supervisor a letter about a year ago addressing the issue of public benefit. I believe that it is the belief that the hospital in and of itself provides a public benefit in terms of good health care to residences of the Town of Halfmoon. The balance of the site; the bio-medical research campus and the various buildings that would accompany either the hospital or the bio-medical research are something that we need to address in terms of public benefit. We have offered money; we have offered to build a

sewage pump station to pick up sewage from the neighbors in the mobile home park as well as across the street. We are happy to do that because that relieves a burden in terms of sewer line that goes toward Route 9. The usual things that you would expect from a project of this scope and magnitude we want to do. Another thing that you may want us to do as a public benefit is to make sure that the design of these buildings has a certain distinctiveness because I believe that this will be a signature project for the Town of Halfmoon. We are willing to spend additional money architecturally to make sure that these buildings don't look like a lot of other buildings in office parks and they should be something special. Mr. Watts stated we would need to schedule a public informational meeting for our next meeting so we can keep this project moving along. Mr. Nadeau stated the following: We have had problems in the past with other projects that we have approved with not know what is coming in into the second phase. Are we talking medical businesses only in this complex? Mr. Dailey stated that is our intentions. Mr. Nadeau stated the following: My question is should that not happen, are we forced to be developing a shopping plaza? Of what we are recommending to the Town Board, my interpretation is that I am recommending a medical complex, but not knowing what could be coming in the second phase how would we be tied into that? Mrs. Murphy stated the following: What we have done in the past and what we would do in this situation is to get from the applicant a list of proposed uses and then limit the PDD to those uses. If they want to expand on those uses or have a different use, they would have to come back to the Board and go through an amendment process. Mr. Nadeau stated the commercial sites leave a wider area and I am under the impression that this is strictly a medical complex. Mr. Dailey stated yes, that is correct. Mr. Berkowitz asked if there would be any ancillary businesses such as pharmacist, florist, coffee shops, donut shops and fast food shop? Mr. Dailey stated the only thing that might be at odds with this is the 6,000 SF office building out in front. This could end up as a headquarters for Mr. Boni and I. That may be a law office at some time in the future. Other than that and it is somewhat separated. Mrs. Murphy stated the following: That would be in the PDD itself. The use for that particular site would have to be approved in the PDD legislation. If the use wasn't expanded to include in that particular area with that particular use, he could not do that unless he came back before the Board. Mr. Berkowitz asked what if a CVS wanted to come in there? Mrs. Murphy stated it would have to come back before the Board for an amendment for the PDD if the Town Board so chooses to limit the language that way. Mr. Watts stated unless we approved it originally. Mrs. Murphy stated correct. Mr. Watts stated so we could work out the laundry list of uses and what is appropriate. Mr. Roberts stated that Mr. Dailey mentioned and referred to Saratoga Hospital and Glens Falls Hospital and asked if this proposal is the same type facility and same size as those hospitals? Mr. Dailey stated the following: I think Saratoga Hospital and Glens Falls Hospital are around 165 to 185 beds and this proposed hospital would be 120 beds. We are trying to size this correctly for the needs not only of today but also of the future. When you start to look at large parcels of open space between the Mohawk River and up to exit 12 where Saratoga Hospital is going to put a facility, and anything that is close to the Northway/Route 9 corridor, this is one of the last larger parcels left. My belief is that there would be 1 facility of this kind built in Southern Saratoga County and that is going to be it. So we are trying to look at the future also. When we were asked to come up with the 120 beds that was at the request of one of the large regional hospital that we have been having a conversation with. Mr. Roberts stated I thought we were talking about a hospital but now I see hospital/healthcare facility. Mr. Dailey stated the following: I don't know if this is all going to be built day one. It may start out as more of a healthcare clinic type facility and evolve, as it gets bigger. I think I mentioned that we have a build out through 2016. I can't say that they would be 120 beds in day one. What we want to

make sure that we bring in day one is a full-blown emergency room. I think that is critical for this community whether it is heart, stroke or accident. If you are injured or have a heart attack, you are about 45 minutes away from a hospital in any direction. The emergency room is something critical that we have to get here. I think that we've tried to leave enough room so that it can be expanded over a period of years. Mr. Roberts asked so this may not be similar to Memorial Hospital or Samaritan Hospital. Mr. Dailey stated the following: I think that is exactly what it will be like at build out. I don't know if it will be like that by year 2 but at build out we are hoping to have 120 beds. Mr. Watts questioned the full-blown emergency room as apposed to a Medi-call type facility. Mr. Dailey stated the following: A lot of people refer to a Medi-call as a "doc in a box" type place. Saratoga Hospital has one in Wilton now that had 126,000 people there last year and they are going to be building a bigger version of that at exit 12 which I see as sort of a response to this application. They are trying to stake out their territory and say we have Ballston Spa and Luther Forrest but anything south of there I think the people would naturally gravitate to this location. Mr. Watts asked what kind of care do you envision in this emergency facility. Mr. Dailey stated the following: I think the level of care that we have to look at is exactly what you would get at Ellis, Albany Med or Saratoga Hospital if you went to their emergency room. The population base here warrants that now. I had a conversation with the chief operation officer of Albany Med who told me five years ago we wouldn't have taken a look at Southern Saratoga County. But in the last five years you have had a tipping point in terms where your population is. You did not have the population to support this five years ago. I think our population has grown to the point now where we have hit that critical mass. We as a community with a number of people with healthcare needs and we have an aging community and everybody has health insurance where we can support this kind of facility in our community. Mr. Berkowitz asked in the beginning are you looking to emergency triage to stabilize and then transfer and eventually stay-overs. Mr. Dailey stated the following: Yes and hopefully I think they will be stay-overs almost immediately. We would like to have hospital beds immediately but I don't know if there would be 120 there. This would all depend on who the hospital is. I have talked to Seton, Ellis, Albany Med, Saratoga and I have an appointment to go to St. Peters on May 20th. We are also talking to Turner Construction and BBL. We have talked to SEDC and they have been talking to numerous people relative to bio-medical research in the Capital District. When you consider that this location is half way between the Luther Forrest Park and the Albany Nano-Tech College and when you can combine bio-medical research with having some kind of a medical facility on the same campus, it becomes very attractive to bio-medical research companies who are looking for a location in that corridor. We are trying to arrange that as a dynamic and we have recently been in touch with the U-Albany Nano-Tech College. Mr. Higgins asked if there has been any kind of certificate of need application put in for this? Mr. Dailey stated yes, there would be a certificate of need for the hospital. We will have to go to the NYSDOH for the certificate of need. The NYSDOH bed methodology shows a need for nearly 500 new beds in this area. Once again, you have all of these people building on to these hospitals in areas that are not growing. The Berger Commission Report is critical of that type of activity and the Berger Commission Report is pointing out that 500 additional beds are needed in this county and the other two counties up north. We are underserved and I would think that a very good case could be made to the NYSDOH for having this kind of facility as a desperate need in Southern Saratoga County. Especially if it could support itself financially and at this point I think the evidence shows that it can be supported financially. Mr. Higgins asked are you saying that there is definitely a positive certificate of need then? Mr. Watts stated the following: That would be a determination by the NYSDOH. They may feel that there is a need and feel that they can make a case but that

would be between the hospital (whoever that is) and the NYSDOH. Mr. Polak stated the following: I think they are on the right track. There will be a lot input from the public and that will give us a better perspective on where they stand and there are a lot of questions that are unanswered to the Board that need to be resolved. The public benefits, the size of the buildings and what point the traffic light will go in. All these things will have to be worked out through our Attorney. There is a big road ahead with the healthcare challenges in Saratoga County. The State does have mandates and it is a big challenge for the applicant. Both the Town Board and the Planning Board will do what we have to do.

Mr. Roberts made a motion to set a public informational meeting for the May 12, 2008 Planning Board Meeting. Mr. Berkowitz seconded. Motion carried.

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

This item was removed from the agenda at the applicant's request.

Mr. Ruchlicki made a motion to adjourn the April 28, 2008 Planning Board Meeting at 8:37 pm. Mr. Berkowitz seconded. Motion carried.

Respectfully submitted,
Milly Pascuzzi,
Planning Board Secretary