

The August 19, 2008 regular meeting of the Town Board of the Town of Halfmoon was called to order by Supervisor Wormuth at 7:00 pm at the A. James Bold Meeting Room in the New Town Hall, 2 Halfmoon Town Plaza with the following members present:

Melinda A. Wormuth, Town Supervisor  
Walter F. Polak, Councilman  
Regina C. Parker, Councilwoman  
Paul L. Hotaling, Councilman  
Craig A. Hayner, Councilman  
Mary J. Pearson, Town Clerk  
Lyn A. Murphy, Town Attorney  
Matthew J. Chauvin, Deputy Town Attorney

The Town Board Workshop was held in the Board Room at 6:15 pm; no action was taken. The Supervisor led the Pledge of Allegiance.

Supervisor Wormuth stated first on the agenda is public hearing for the Halfmoon Healthcare and Biomedical Research Campus on Route 146. She stated on behalf of the Town Board they appreciate everyone coming out to offer their input on this project as they feel it is a vital part of the community to have input and involvement. She stated she will recognize anyone who wishes to comment after the presentation and provided procedure for addressing the Board.

At 7:01 pm the Supervisor opened the public hearing for the Halfmoon Healthcare & Biomedical Research Campus, Route 146, and asked Mr. Dailey to make his presentation.

Kevin Dailey stated he is representing the applicant Boni Enterprises, LLC and, also present is the project engineer, Scott Lansing. He stated they are very pleased to be here and thank the Board for scheduling it. He provided the timeline of the project and details of the project.

Mr. Dailey stated they made application to this Board in 2005 for a planned development district and process took quite a bit of time because it's a big project and they went through some changes. He stated the site has some wetlands they needed to work around and they have been able to get the wetland impacts to less than half an acre. He stated the use of the property that was proposed was for an office park and essentially this is an office park but dedicated to medical use. He stated at that time they started contacting hospitals in the area and had conversations with everyone and they felt the highest and best use of the property would be for a medical campus, which is a need we have in Southern Saratoga County communities. He stated when looking at those communities he went from this location and measured out the distance to all the area hospitals, Saratoga, Troy, Albany and Schenectady and determining the areas that would be served they went half way. He listed the Town and Villages that comprises 111,705 people, which is the size of the City of Albany 25 years ago it is an area that is under served medically. He stated he provided a map from the National Geographic Magazine and deals with heart disease deaths and the time it takes for an ambulance to get you to the hospital and is a 40-minute ride. He stated we didn't have the population in our communities until about 5 years ago to get to a point where it made economic sense to have this kind of investment in our community. He stated he talked to CEO's of several area hospitals who feel we now have the population to financially support this kind of facility. He stated good zoning is needed along with water and sewer, good roads, good schools but also good medical coverage and access to medical services. He stated when you look at all the open large parcels between the Mohawk River and Exit 12 close to major transportation this is one of the last large parcels that is left. He stated they think they have a very good case to present to this Board as to why this is important to our community and ask they set a public hearing for a full presentation with maps and all the exhibits to the public.

Mr. Dailey stated they have been advised that is the desire of the Town and Phase I would be the Hospital portion of the project.

He stated he is not certain what will open initially and they allowed for 225,000 square feet and what they would want to open initially is a full blown emergency room with 24-hour care that can take care of any medical activity and the ability to add rooms and it would be a general hospital.

He stated when he mentioned medical campus there is additional square footage which he understands they would like to postpone to a second phase and to make sure they bring the

hospital in first and they are agreeable to that and they believe it is important that they get a hospital here first. He stated they understand that is the desire of the Town Board.

Kevin Dailey stated of the 81 acres that comprises the plot, 29 acres are wet lands and they decided they would make the wetlands work for them essentially as boundaries between the various lots and try to use those as borders and incorporate into the landscaping.

Supervisor Wormuth stated the current zoning on the parcel is A-R.

Mr. Dailey stated it can't be changed until the Board takes action and what is proposed tonight. He stated they brought several renderings and they are proposing to dedicate 225,000 square feet for a hospital type use and also additional large buildings, 160,000 square feet for bio- medical research and some smaller office buildings. He stated they are in agreement with the Town that the medical hospital comes first and they are in agreement with that for a full blown health care 24-hour emergency services there and they are entirely in agreement and is also their goal. He stated they prepared a site plan that the Planning Board found acceptable and recommended on May 22 to move forward. He stated he received a response letter from the DEC, Region 5 that states the plan appears to be conceptually approvable.

He stated the Berger Commission report was controversial in New York State and the Capital District but it talks about Saratoga County and stated the region is more populated in the southern part and the Department of Health shows the need for nearly 500 new acute care beds in this area.

He stated they have also done an endangered species study, a traffic study and an archaeological study.

He stated the traffic study was sent to the Department of Transportation and further comments came back and they did additional studies. He stated the analysis shows that the adjacent road network can support the 225,000 square foot hospital with the following improvements:

(a) Route 146 and 236 construction of a northbound left turn lane, the applicant is prepared to provide a fair share contribution toward this improvement since it is necessary for 2010 conditions; (b) Route 146, west side driveway provide a single northbound lane for shared left and right turns and monitor for traffic signal at future time. He stated they are saying they can build the project, monitor the traffic rates and at some future time they will need to put a single at this location.

He stated they are leaving a significant barrier of mature trees that are nearly 100 feet tall and the only entrance into the site will be from the boulevard which will be the main entrance and there will be a secondary driveway for emergency back access if necessary. He stated the trees are very high and he provided copies of the visual balloon observations.

The Supervisor asked if the map and the plan is the same one the Planning Board made its positive recommendation to the Town Board.

Scott Lansing, Lansing Engineering, stated it is and it was the last time the plan was revised.

Mr. Lansing stated the overall parcel is approximately 81 acres, for the most part wooded with cleared areas in the front, moderate to mature vegetation throughout. He stated the applicants are proposing a hospital, healthcare, medical office and medical related light industrial PDD. He stated the plan has been developed through many many revisions and many conversations and discussions with DEC, the Army Corp. NYS DOT, the Planning Board, the Town Board and Town engineers. He stated there is one major access point for the parcel and approximately 1800 linear feet of roadway for dedication to the Town to be designed in accordance with Town standards. He stated there will be a secondary access point on Route 146 that will connect with a portion of the primary and throughout the site there will be multiple points of access to the various buildings in case of an emergency. He stated the core of the facility is the hospital and the emergency room will be staffed 24 hours and will be a 5-story structure and approximately 120 beds. There will be service parking and within the proposed parking deck and the main access on the front portion with emergency room on the side and parking garage access one each side of the building and the back portion. He stated they are proposing approximately 242,000 square feet of medical professional office buildings with the larger building being in the back and there would be two 80,000 square foot buildings with a parking structure. He stated they are showing seven lots for the project.

He stated the parcel is in the water district and there is currently a water line and would be extended into the parcel for daily water usage and fire flow; sanitary sewage and all will convey all storm sewer to the low spot of the site; there will be a pump station from a trunk line

being construction through the Town park and the Fellow's Road PDD. He stated the sanitary sewer line and pump station would be designed to service a broader area and he understands there are some sewer constraints to the west of the site and it would be designed to potentially take the flows from D & R Village and the light industrial park and vacant lands around the area and there is more than adequate capacity. He stated the project would require that a storm water pollution prevention plan be developed to outline how it would be mitigated through construction of the parcel.

He stated they have worked very hard to reduce wetland impacts to the greatest extent possible and they have a letter from DEC saying it is conceptually approvable which is the most they can get at this stage. He stated they have looked at the noise impacts and feel it would have less impact with the buffers and screening of the vegetation. He stated they would design all the light standards and fixtures to be downward style so there would not be light spillage from the parking areas or roadways to adjacent properties and they would submit the design to the Town engineer for review.

He stated the public benefit would be health care and emergency services and would be a community benefit as well as the several hundred employees this project would generate; also the sanitary sewer pump station is a benefit of the project and will relieve existing constraints; also the applicants have committed to trail potential and work with the Planning Board to provide trails for employees and residents; it is also in accordance with the Comprehensive Master Plan and the performance overlay district for the NY State Route 146 corridor; and they are proposing a financial contribution to the Town.

Mr. Dailey stated they have had conversations on the public benefit aspects of the project and they are committed to provide a public benefit. He stated at one time they talked about building an access road on adjoining property and that may happen someday but may not happen for some years and they have looked at how much that would cost. He stated they made an offer of cash to the Town in the form of a letter of credit or a bond that will be put up at the appropriate time. He stated the hospital building itself is and of itself a public benefit and they recognize that the balance of the buildings are commercial in nature and they should contribute to the public benefit of the Town and they are certainly willing to do that. He stated he has written a memo to the Town Supervisor and he feels that offer is fair and they are willing to make that commitment to the Town.

Supervisor Wormuth requested that he summarize the letter.

Mr. Dailey stated looking at building a road that was estimated at \$2.1 million but then backing out the hospital portion which essentially is close to half the project and applying that proposition they have made an offer to the Town of \$1,127,700.00 as the proportion based on the square footage of the balance of the project.

Supervisor Wormuth opened the public hearing for comments.

Peter Aust, President and CEO of the Chamber of Southern Saratoga County thanked the Town Board for allowing the public to comment on this proposal and it is a critically important issue. He stated he applauds them and this is a big project and the Town Planning Board and the Town Board has certainly done their due diligence also the applicant and the developer and all the engineers who put a lot of time into this proposal. He stated the wanted to clarify the position of the Chamber of Commerce to rezone this parcel of land because they feel that is the issue and this is a phenomenal project being proposed and they have no position on a hospital health care facility on this parcel whether for or against because they haven't reviewed it. He stated that they believe is critical to the quality of life in our community is they have to continue this discussion as to the need of a health care facility in Halfmoon. He stated the Chambers position is that they strongly urge considerations and they believe health care in our regions is of number one importance and having accessible affordable healthcare is critical and they believe the rezoning should take place and the dislodge continues on this very vital project and the Chamber will stand solidly behind the Healthcare facility.

Kristine Compa, 186 Moe Road stated she is a pediatrician in Clifton Park and it is absolutely essential to have a hospital in this community and currently they send all their children to Albany Med to be taken care of and it is a strong feeling in their office that they need a hospital.

John Wasieloewski 9 Tarragon Terrace, stated he has been a New York State emergency medical technician since 1982 and has been to thousands of calls and, its also a member of the Clifton Park Ambulance Corp. and while not speaking as an official of that organization but speaking as

a member they run into problems by not having a facility in Town. He stated even though some facilities are twelve miles many of the other hospitals they have a half hour transportation time and trying to get down the roads in the morning, even with lights and sirens it is a concern. He stated there is nothing more frustrating than being stuck with traffic and they definitely need a facility here in the Town. He stated he appreciates the deliberateness the Town Board has taken in this process and is a very useful project for the Town and hopes it goes forward.

Fred Bahr, 29 Willlowbrook Terrace stated one of his concerns is if there is such a need for a hospital in the area why isn't there a hospital supporting this project and it is his understanding there is no backer. He stated a statement made about the Berger commission and he did a lot of research and found the Department of Health bed recommendation was not actually put out by the Bergen commission instead by an advisory committee and the Berger commission didn't in the end agree with that and, the occupancy rate for the local areas is 60%. He stated he can't see the justification for the hospital and maybe there are some other alternatives. He stated it might be so low because today's health care needs are addressed by other alternatives. He asked if there is any public money going toward this facility. He asked if there is going to be a turning lane on Route 146. He stated he moved into this area well aware of hospitals in the area and associated drive time and appreciates the fact that southern Saratoga County is rapidly growing but questions if another hospital is the best approach to improve health care and many needs are provided on an outpatient basis or other urgent care facilities and the average statewide occupancy rate is only 65% and paying for unused infrastructure costs money and jeopardizes the quality of health care and is for these reasons that the Berger Commission recommended the closure of hospitals. He stated if the Town does chose to allow for a hospital and the State agrees to the need the plans should be carefully prepared. He stated consideration should also be given to the plan for a hospital in Malta which appears to be a much better location which is closer to the Northway and doesn't impact neighborhoods and provides for more space and appears to adequately address all critical care needs and feels the Town should not endorse such a drastic change in zoning to accommodate a poorly located hospital in Halfmoon and instead work with Malta. He stated he has a petition signed by 54 individuals opposed to the hospital and the majority are residents of Halfmoon.

Supervisor Wormuth replied to the questions and stated the need for the hospital will be determined by the Department of Health and a certificate of need; the turning lanes will be decided by the traffic study done and the planning at the time the hospital is actually to be built and is not necessarily part of this zoning change consideration this evening and they would be required to meet any DOT standards.

Justin Rathman, Mohawk Terrace, stated this looks like a pretty good project for the Town as far as quality of life and giving identity to the Town. He stated there is a lot to be said for the benefit it would bring to our community but this is more about a zoning change. He stated the Town land use map for the Comprehensive Plan from 2003 approved by the Town and feels this project fits nicely into the zone and if that corridor is to be developed he would much rather see a project like this than another box store or office building. He stated once the zoning is changed more details could be looked at to make sure it is done the right way.

Supervisor Wormuth stated it is correct that the Comprehensive Plan was developed and adopted by the Board as complete at that point and all the recommendations in that included this zoning change which is what they are doing this evening and appreciates the public taking the time to come to the meetings and help the applicant better define what zoning change they are requesting so the definition of a hospital can be properly defined to make sure it does fit in with our Comprehensive Plan

Bob Maxwell, Halfmoon resident for five years, stated he left the area because we didn't have a hospital, and he has been a hospital nut and has talked to the Supervisor about it and also defibulators which she was able to get into the senior center and schools. He stated this is a fairly wealthy community and so is Clifton Park and most people have insurance and there is a lot of young people that have needs to be met. He stated the only thing that isn't here is a hospital and when an angel flies in the window take it over and Mr. Dailey is willing to give a twenty one million dollars worth of hard work to get things done right.

Christopher Nedwick, Clifton Park, stated they have lived in the community for roughly a year and purchased here in spite of the fact there is not a hospital. He stated it is clear we do need one because the population center. He stated this facility is consistent with the economic vision that has been laid out for the last twelve years and biomedical research is very important to the

upstate economy and could be beneficial for Clifton Park and Halfmoon. He stated the developer has made an effort to address any needs that have arisen in the community and thinks the Board has also made very effort to make sure those needs are addressed as well. He stated he thinks it's a good project and doesn't like the fact we have to drive to Troy, Albany, Schenectady or Saratoga if we need medical attention but with all the folks living here we could use a project like this and tanked the Board.

Jack Ceremuga 202 Brookwood Road stated he has lived here his whole life and his father was involved with the Town for many, many years and they use to talk about identity for the Town. He stated he commends everyone for all the work that was put into this and they should be proud of it and the of town will be identified through this. He stated for anyone who thinks that Albany Med, Ellis or even Malta is not a far trip he has made that trip with a loved one and it seems like forever but here we talking 5 or 10 minutes from our houses. He stated he is happy to support this and thanks them for all the hard work they put into it.

Kim Paulson, Clifton Park, stated she agrees with Christopher Nedwick and he is reason she supports this project and thanks them all for giving Clifton Park residents as well as any resident the opportunity to speak tonight. She stated she has raised three children and is very proud of everything she has seen happening over the last 50 years and with her children and their children moving into this community and has a daughter who was burned very terribly in Clifton Park and took her to a emergency medical care center and was told she had to be sent to a trauma unit. She stated she knew that she had to be treated at this moment and they did not have a medical center to get her to and if there was a hospital it would have been done with a lot more confidence and she supports this 100%.

Mark Mc Bride stated he teaches in Ballston Spa and it takes him about 15-20 minutes to get to work and on average it takes about 5 minutes to get through the light at 146 and Rt. 9. He stated he understands everybody's concern about the amount of time it takes to travel to hospitals in the area but it is his understanding there is a backer for the hospital that is in the planning stages at Exit 12. He stated the town has put a lot of money into the roundabout an is part of the reason is for that to have things in place and Exit 12 is not that far away. He stated another question is the waste products from a biomedical facility and is a major concern of his living in the area with two young children.

Supervisor Wormuth stated the biomedical research has not defined enough that the Town would allow it and would be done at site plan and is zoning change is not requesting a specific use for a definition of a biomedical research. She stated they do have defined under New York State Department of Health what a general hospital is and that's what Phase I of this project is and what they are looking at this evening.

Gail Smullen, Willowbrook Terrace and she has an ethical dilemma with the hospital and she has been told that it's a half hour for anybody in this area to get to a hospital. She stated she was a consultant as an occupational therapist and it took her 21 minutes to get to St. Mary' and 20 minutes to get to St. Claire's. She stated she sees hospitals closing down and has a feeling that a hospital will be built here because people here have money and insurance the people in Troy and Schenectady who may not have insurance or money will have a long ambulance ride in stead of people in Halfmoon or Clifton Park and somebody is going to have a long ambulance ride and who are we to say who that should be.

Harold Grimm, New Netherland Way, stated we strongly need this for our area and he recently experienced the ride to the hospital in Troy and it was almost 45 minutes not 20. He stated we have to consider our neighbors and we have a piece of land and a chance and is a blessing.

Steve Thayer, 57 Spice Mill, stated he grew up in Halfmoon and would like to go to a hospital in Halfmoon if ever needed.

Bill Camello, Halfmoon, stated he supports the project completely and one of his child has a severe food allergy and if she was to have a reaction the difference to get the hospital is life and death.

Barb Dailey, Schaghticoke, she stated it takes over an hour for a helicopter to come in to Albany Med and going from Schaghticoke to Malta is back winding roads and would take over 40 minutes and is not a good trip and she supports this and hopes the Town Board does.

Michael Pauley, 35 Willowbrook, stated he respects everybody's opinions and thinks everyone has strong feelings about this project. He states his personal opinion is the noise and traffic concerns. He stated the traffic will get worse and there will be a lot more congestion and the noise pollution is also a concern. He stated he recently invested a lot of his money for an area that was quite and not a lot of industry and he just asks for an open mind.

Paul Rickard, 443 Grooms Road, stated he looks at this as a major benefit to the Town and when he looks at what the Town has become since he has lived here he sees the hospital as being a beacon and something brand new that the community really needs something good for them all. He stated a hospital is a major positive and asks the Board to look at it as a jewel for the Town to take.

Jeff Brooks, 54 Deer Run Hollow, stated he supports this project and the area definitely needs to have a medical center and he recently had to drive to St. Peter's and it was definitely a 35-minute trip. He stated the only thing he would like is to push for a Level-1 Trauma so the people can be treated there and not have to be shipped elsewhere. He asked if this Board would be considering things in regard to noise and light pollution.

Supervisor Wormuth stated what is being proposed is a rezoning of the property that will allow this type of use. She stated those things are considered but not determined at this level and are set forth in the current zoning law and the impacts and when a project comes in for site plan review for be required to meet what is required. She stated this Board could mandate certain levels of protection in the legislation.

Beth Thayer, Spice Mill Blvd., stated she has young children and in-laws in their 70's and asks to please let this go through.

Laura Perrault, 5 Werner Road, stated she is a registered nurse and works in Albany and sees this as positive for the community and would be nice to offer employment that isn't so far away. She stated she dreads all the traffic on 146 and hope people will have consideration for the residents.

Chuck Anderson, Willowbrook Terrace, stated it would be ludicrous to suggest there isn't a public benefit to a hospital and he could have an acute need for a hospital in the future. He stated he would like to suggest the Board reflect on for a project of this magnitude is where the best location for a hospital is and where the backing is going to come from. He stated there is backing already for a hospital off Exit 12 and is asking the Board to reflect on going forward without a backer for a project like this.

Russ Carman, 4 Minuteman Court, stated he worked at Samaritan Hospital for 7 years and the only noise he heard was the air conditioner and the heater and when an ambulance came in they turned off their sirens. He stated he doesn't see a big deal our community to growing all the time and he is in favor of it.

Bob Eckert, 18 Westbury Court, stated he has a daughter with cystic fibrosis and type 1 diabetes and they go to Albany Med and this would be a feather in everybody's cap and there is nothing negative about a hospital in this location

The Supervisor closed the public hearing at 8:15 pm.

Councilman Polak stated hats off to Kevin and Mr. Boni and he has seen this project from the origin as planning and zoning liaison to the Town Board. He stated the applicant and their engineers have spent a lot of money and our planning department they have put a lot of background work into this project and to see where they are today the public doesn't realize because they don't have the opportunity to see what the planning and zoning board really does. He stated they work for all the people in our community and together they have brought beautiful things to this community. He stated he wanted to remind everyone about this being a political decision that the senior center, the town highway, the new Town Hall and Town Park are all about our community because that is what services our residents and the decision on this hospital will be about servicing the residents of our community. He stated he wouldn't deny the opportunity for one to come to our town to serve our residents. He thanked Kevin, Mr. Boni, their engineers and all our planning and zoning people who worked so diligently to put the project where it is today and thanks everyone involved.

Councilman Hotaling thanked Kevin and Mr. Boni for all their efforts just to get the zoning change and shows how much they are committed. He stated the Town had 702 kids here for six weeks this summer in the recreational program and we need this and commends them for an outstanding job.

Councilman Hayner thanked everyone who came out tonight to voice his or her opinion because that is very important that everyone is heard. He stated they asked many questions of the applicant and he has worked for years to revise the plans to make it work with the planning department, heard the public input and he would like to make a motion that they move this forward to approve the rezoning.

Councilwoman Parker stated there is nothing worse than losing a child which happened to here and she had a son get hurt at the commons and saw him and waited 25 minutes for an ambulance to come. She stated her son was worked on for 25 minutes at the scene of the accident to stabilize him but that didn't happen and it will be over her dead body that anybody in this room or the Saratoga County community goes through what her family has gone through. She stated we need this hospital and we are going to do everything possible to bring it to our folks.

#### RESOLUTION NO. 191

Offered by Councilman Hayner, seconded by Councilman Polak: Adopted by vote of the Board:  
Ayes: Wormuth, Polak, Parker, Hotaling, Hayner

RESOLVED, that the Town Board approves **LOCAL LAW #3 OF THE YEAR 2008** as follows:

**BE IT ENACTED** by the Town Board of the Town of Halfmoon as follows:

**Section 1.** This Local Law shall be known and may be cited as "Local Law #3-2008, amending the zoning ordinance of the Town of Halfmoon, Local Law #5 of 1995, and the map and official regulations relating to zoning of the Town of Halfmoon" as codified in the Code of the Town of Halfmoon and added to Chapter 155 of said code, creating a Planned Development District known as "Halfmoon Healthcare and Biomedical Research Campus".

**Section 2.** Local #5, 1995, of the Town of Halfmoon, entitled "Local Law Relating to Zoning for the Town of Halfmoon" and the zoning map of the Town of Halfmoon, as set forth and enacted in Local Law #5 of 1995, as previously amended, codified and supplemented be and the same hereby are further amended by creating the residential Planned Development District to be known and described as "Halfmoon Healthcare and Biomedical Research Campus".

**Section 3.** The area comprising said "Halfmoon Healthcare and Biomedical Research Campus" is approximately 80.99 acres, encompasses tax map parcel number 272.0-3-42, and is located on Route 146 approximately 1.4 miles east of Route 9, Town of Halfmoon, County of Saratoga, State of New York and is bounded and described as set forth in **Exhibit A** attached hereto and made a part hereof.

**Section 4.** There shall be constructed within the area of said "Halfmoon Healthcare and Biomedical Research Campus", a project generally consistent with the Site Plan dated December 18, 2007, last revised February 29, 2008, prepared by Lansing Engineering, consisting of two Phases of development. Phase I shall consist of the construction of an approximately two hundred twenty five thousand (225,000) square foot general hospital as that term is defined in the New York State Public Health Law section 2801(10) which states that a general hospital is a hospital engaged in providing medical or medical and surgical services primarily to in-patients by or under the supervision of a physician on a twenty-four hour basis with provisions for admission or treatment of persons in need of emergency care and with an organized medical staff and nursing service, including facilities providing services relating to particular diseases, injuries, conditions or deformities. The term general hospital shall not include a residential health care facility, public health center, diagnostic center, treatment center, out-patient lodge, dispensary and laboratory or central service facility serving more than one institution. It is understood that the applicant shall obtain a Certificate of Need prior to any construction at the site and that a parking garage will be constructed in conjunction with the construction of the general hospital. At the completion of Phase I, the applicant may proceed with Phase II which will consist of approximately two hundred forty thousand nine hundred (240,900) square feet of Office/Medical Buildings. The applicant will also construct the necessary infrastructure and improvements in general conformity with the Site Plan dated December 18, 2007, last revised February 29, 2008, attached hereto as **Exhibit "B"** and in general conformity with the zoning ordinance of the Town of Halfmoon with relation to Planned Development Districts and in accordance with the negative declaration hereby approved by the Town Board of the Town of Halfmoon attached hereto and made a part hereof as **Exhibit "C"**.

**Section 5.** Before application is made for any building permit, preliminary and final site plan approval shall be obtained from the Planning Board of the Town of Halfmoon and the final plan shall be signed by all governmental entities having jurisdiction thereof including but not limited to the Halfmoon Water Department, Halfmoon Planning Department, New York State Department of Transportation and Saratoga County Sewer District #1. The final plan shall be filed either in total, or in phases, as approved by the Planning Board of the Town of Halfmoon, in the Saratoga County Clerk's Office. The exact location and specifications of roadways, buffers, green space and other related matters may be changed, altered or amended during the Town of Halfmoon Planning Board review process in a manner generally consistent with the Site Plan dated December 18, 2007, last revised February 29, 2008. The development shall proceed in accordance with the traffic study dated December 18, 2006, as updated October 10, 2007, prepared by Creighton Manning Engineering. The applicant agrees to be financial responsible for the traffic improvements. If, after completion of Phase I, the traffic impact is determined to have a negative impact on the surrounding area, the Planning Board retains the right to decrease the amount of development at the site in accordance

with the Zoning Laws of the Town of Halfmoon, the Laws of the State of New York and the public safety and welfare and to make any future development contingent upon the applicant completing road improvements identified by the Town and or its engineers as being in the best interests of public health, safety and well being.

**Section 6.** Sanitary sewer service shall be provided in general conformance with the plans as approved. All sewer mains and appurtenants will be installed and improved/ upgraded by the Applicant to the Saratoga County Sewer District No. 1 standards and offered for dedication to the Saratoga County Sewer District No. 1 at no cost to the Saratoga County Sewer District No.1 or the Town of Halfmoon, with delivery to the Saratoga County Sewer District No. 1 of duly executed deeds, easements and bills of sale as appropriate.

**Section 7.** Potable water service for the Halfmoon Healthcare and Biomedical Research Planned Development District will be provided by the extension of existing water mains in the vicinity of the parcel and as approved by the Town Engineer and Water Department.

**Section 8.** Approval of the New York State Department of Health, New York Department of Environmental Conservation and Town Engineer will be obtained for the potable water system and the sanitary sewer system, as appropriate.

**Section 9.** A storm water management plan will be developed during the site plan review process. The applicant shall offer to the Town of Halfmoon the stormwater management area for dedication to the Town of Halfmoon upon request by the Town and shall post a one-year maintenance bond or letter of credit upon making the dedication. In the event that the dedication of the stormwater management area and any other areas proposed for dedication are not accepted by the Town of Halfmoon, the applicant shall be responsible for the periodic maintenance and/or repair of the system to the Town of Halfmoon at no cost to the Town of Halfmoon.

**Section 10.** All utilities, roads and/or streets within the Halfmoon Healthcare and Biomedical Research Campus Planned Development District shall be constructed by the Applicant in accordance with the specifications approved during site plan review. The roadway shall be constructed in conformance with the roadway specifications as set forth by the Town Highway Department and the Town engineers with the applicant being responsible for any and all costs associated with the proper inspection of the road. The roadway shall be dedicated to the Town at the Town's discretion with appropriate proof of ownership, maintenance and/or construction bonds or letter of credit, and title insurance in an amount approved by the Town Attorney and in accordance with the Town of Halfmoon Road Dedication Policy.

In an effort to provide a direct positive impact on the immediate area, the applicant shall provide the Town of Halfmoon the sum of one million, one hundred twenty seven thousand, seven hundred dollars (\$1,127,700.00). The applicant shall also preserve existing vegetation as a buffer along both residential and commercial adjacent lands and shall provide additional screening plantings.

Based upon the studies conducted by the Town including but not limited to the Town wide survey, Trail Study, Recreation Study, the open space work conducted on behalf of the Town, the Comprehensive Plan, and the studies conducted and reports prepared for the new Town Park, it is clear that although a proper case exists for requiring a park or parks suitably located for playgrounds or other recreational purposes, this parcel is not suitable for the location of a park of adequate size to meet the needs of the Town of Halfmoon, therefore the applicant shall be responsible for recreation fees as assessed by the Planning Board at the time of the subdivision and prior to the granting of Certificates of Occupancy.

**Section 11.** All buildings and improvements shall be designed and constructed pursuant to plans and specifications approved by a duly licensed architect or engineer and in strict compliance with established construction standards, regulations and codes (including the New York State Uniform Fire Prevention and Building and Construction Code). All construction, during the performance thereof and upon completion, shall be subject to the inspection and approval of the Town of Halfmoon Code Enforcement Officer, Engineer and Superintendent of Highways, and Fire Marshall.

**Section 12.** The Town of Halfmoon Planning Board shall not give final site plan approval unless and until all approvals required by each and every other government or governmental entity have been obtained. The Planning Board may, in its discretion, give approval conditioned upon the Applicant obtaining such approvals.

**Section 13.** Signs within the Halfmoon Healthcare and Biomedical Research Campus Planned Development District shall comply with the requirements established by the town of Halfmoon Planning Board during site plan review. The architect or engineer performing the work herein described shall be employed by and at the expense of the developer.

**Section 14.** This Local Law shall take effect upon being filed in the Office of the Secretary of State as provided in the Town Law and/or Municipal Home Rule Law.

**Section 15.** The Town of Halfmoon Town Board may, upon the request of the then owner of the Halfmoon Healthcare and Biomedical Research Campus Planned Development District, modify any of the provisions of this Local Law upon such terms as the Town Board shall determine to be reasonable.

**Section 16.** This Local Law shall be deemed automatically revoked and void, and the previous regulations shall apply, if within three (3) years from the effective date of this Local Law, or within such additional period as the Town Board may subsequently provide without a further public hearing, commencement of the construction of the Inglewood Planned Development District has not begun, or if, after construction has begun, substantial progress, weather permitting, is not continued without interruption.

The Supervisor thanked everyone who came out this evening and share their views as they appreciate hearing everyone's point of view on this and concerns and issues that were raised.

Following a brief break, at 8:30 pm the Supervisor re-opened the meeting to open bids for the Parks department Hydro seeder. One bid was received from:

Wolbert & Master, Inc., 1307 Business Center Way, Maryland, - total bid amount of \$22,953.60



Supervisor Wormuth stated this is a combined bid for use by Parks and Highway and will be referred to Councilwoman Parker, Mr. Pingelski and Mr. Maiello for their review and recommendation.

### **REPORTS OF BOARD MEMBERS AND TOWN ATTORNEY**

Councilman Hayner, stated he wanted to comment Paul Maiello and the parks department crew for doing a spectacular job keeping up with the mowing and trimming that needs to be done with the amount of land they have to take care of including cemeteries.

Councilwoman Parker reported that the Hazardous Waste Day is September 20<sup>th</sup> applications can be obtained from the Town Clerk or on-line and there will be no charge; the Fall clean up at the Transfer Station will begin on 9/16; she stated 100% of the grading has been finished in the New Town Park and by mid-September they expect to finish all the sodding and seeding will be done; footings re in for the new recreational center, walls and foundation are next and the contractors are doing a great job and are on target.

Councilman Hotaling reported there is a movie this week and the movie screen with be out front and start at dusk.

Supervisor Wormuth stated tickets would be available in the Clerk's office for the United States Army Field Band and Soldiers Chorus, which will be held at SPAC, compliments of the County Board of Supervisors, admission is free and will be held September 20<sup>th</sup> at 7 pm.

The Supervisor opened public privilege for discussion of agenda topics; no one had comments.

### **DEPARTMENT REPORTS – month of July**

1. Building

Total Permits - 57 -Total fees remitted to the Supervisor - \$11,361.  
Filed.

2. Fire Code

Total Permits - 20 -Total fees remitted to the Supervisor - \$768.00

3. Town Clerk

Total fees remitted to the Supervisor - \$9,074.

4. Senior Express Dispatch

Total # of Riders - 318 Total # of Meals - 469

### **CORRESPONDENCE**

1. Received notification from Crescent Boat Club, Inc. of their intent to lease a dispensing trailer for August 29<sup>th</sup> thru 31<sup>st</sup> in accordance with the NY State Liquor Authority.

2. Received the following letter from Alan J. Steinberg, Regional Director of the United States Environmental Protection Agency regarding Alternate Water Supply to Halfmoon and Waterford, New York Hudson River PCB's Superfund Site:

3. Received letter from resident of Gauthier Drive requesting that the Town Board request that sewer be installed on Gauthier Drive by the developer of the Fellows Road PDD.  
Mw Oreds shre expressed interest

4. Received from Trick Shot Billiards & Sports Pub, 1602 Route 9, Halfmoon, notification of their intent to renew their liquor license.

### **OLD BUSINESS**

1. Brookfield Place PDD, Harris Road and Guideboard Road – presentation

The Supervisor stated this is presentation for a PDD that has been before the Board previously and referred to the Planning Board and has received a positive recommendation from the Planning Board and is back for an updated presentation and the applicant is requesting consideration by this Board to set a public hearing at a future meeting. She stated the project has not changed significantly since the last time the Board has seen this.

Ivan Zdrahal, Associates stated he would inform the Board of the status of this project from Landmark Development. He stated the application was made to the Board in 2007 then it went to the Planning Board for a complete review and a public information meeting and concluded with a positive recommendation. He stated it is for a 81 lot planned development district on approximately 73 acres of land fronting on Guideboard Road and Harris Road. He stated the minimum lot size would be 15,000 square feet with the market being for the empty nester market and there will common open space and land preservation areas. He stated the applicant is proposing for public benefit for this project to provide cash contribution on a per lot basis for the Town to use on any Town project and will be \$2,500 per lot, which will be paid at each building permit. He stated he is present to ask for consideration of scheduling a public hearing

Councilwoman Parker asked if all the concerns for the sewer and the traffic have been addressed.

Supervisor Wormuth stated at the Planning Board level it was reviewed and did receive a positive recommendation for the Planning Board. She stated they could ask the applicant at the public hearing to do a more in depth review.

Councilman Polak stated the internal sewer was reviewed by the Planning Board and our engineers and accepted.

Supervisor Wormuth stated prior to setting the public hearing she would like to recommend that the Board increase the notification area for this project. She stated instead of notifying just adjoining and adjacent property owners that they increase the distance to 500' of anything surrounding this property. She stated feedback from the public in the past that increasing that and allowing for more public input on any of our developments would be a good idea. She stated the Board has not formally adopted a change but asks on this one and any other ones they make prior to making a determination that they use the 500' notification.

#### RESOLUTION NO. 192

Offered by Councilwoman Parker, seconded by Councilman Hotaling: Adopted by vote of the Board: Ayes: Wormuth, Polak, Parker, Hotaling, Hayner

RESOLVED, that the Town Board authorizes setting a public hearing for the Brookfield Place Planned Development District for September 2<sup>nd</sup>, 2008 at 7:00 pm, and further

RESOLVED, that the Town Board authorizes that property owners within a distance of 500' of the proposed project, receive notification by mail of this Public Hearing.

#### 2. Howland Park, Johnson and McBride Road PDD - presentation

The Supervisor stated the next item is the presentation for the Howland Park residential Planed Development District, which is in the same phase as the Brookfield Place Planned Development District.

Ivan Zdrahal, Associates, stated this is an application for a Planned Development District and the applicant is Leyland Development, LLC. He stated the site is approximately 150 acres and located along Johnson and McBride Roads and the proposal is for 96 residential lots. He stated the application was made in April 2006 and referred for Planning Board in 2007 and public information was held and a positive recommendation was made. He stated there was discussion with the Town Board on the public benefit and they are proposing the vertical realignment of a section of Johnson Road to remove the vertical curb and the construction cost of the re-alignment is \$183,000. He stated there are 70 lots that are in two categories with a minimum 15,000 square feet or larger and 46 lots at a minimum of 20,000 square feet or larger. He stated there is a substantial area left as preservation in the form of common open space. He stated he is here to present this project to the Board and for consideration to schedule a public hearing for this project.

Supervisor Wormuth questioned the project map where it shows the Adams Pointe PDD is there is a trail proposal or easement for a trail.

Mr. Zdrahal stated it is a right of way for a potential future trail, which will be designed but not constructed.

RESOLUTION NO. 193

Offered by Councilman Polak, seconded by Councilman Hotaling: Adopted by vote of the Board: Ayes: Wormuth, Polak, Parker, Hotaling, Hayner

RESOLVED, that the Town Board authorizes setting a public hearing for the Howland Park Planned Development District for September 16<sup>th</sup>, 2008 at 7:00 pm, and further

RESOLVED, that the Town Board authorizes that property owners within a distance of 500’ of the proposed project, receive notification by mail of this Public Hearing.

NEW BUSINESS

RESOLUTION NO. 194

Offered by Councilwoman Parker, seconded by Councilman Hayner, Adopted by vote of the Board: Ayes: Wormuth, Polak, Parker, Hotaling, Hayner

RESOLVED, that the Town Board approves the Supervisor’s Report for month of August 2008 as presented.

RESOLUTION NO. 195

Offered by Councilwoman Parker, seconded by Councilman Polak: Adopted by vote of the Board: Ayes: Wormuth, Polak, Parker, Hotaling, Hayner

RESOLVED, that the Town Board approves and orders paid all vouchers for all funds listed on Abstract dated August 19<sup>th</sup>, 2008, totaling: \$192,174.87

RESOLUTION NO. 196

Offered by Councilwoman Parker, seconded by Councilman Polak: Adopted by vote of the Board: Ayes: Wormuth, Polak, Parker, Hotaling, Hayner

RESOLVED, that the Town Board authorizes the Supervisor to make the following Transfer between Appropriations and Creation of Appropriations:

A resolution is needed to create the following budget amendment of appropriations and revenues in the Special Revenue Fund for engineering fees for on site quality inspections. These funds are developer’s monies held in escrow by the Town in a regular checking account and used for the payment of costs for that particular project. This resolution is necessary to comply with proper accounting procedures as set forth by NYS Department of Audit and Control.

Debit: Estimated Revenues 25-510 \$6,461.83  
Subsidiary: 25-4-2189 Home & Community Services \$6,461.83  
Credit: Appropriations 25-960 \$6,461.83  
Subsidiary: 25-5-1440.40 Engineering Contractors Inspections \$6,461.83

Information Only: The above was derived from the following breakdown of charges to be paid on the August Abstract for engineering and related fees:

NAME	AMOUNT
Omnipoint Monopole Cell Tower	\$1,100.00
Brookfield Place	128.00
Klersy Major Residential Subd	395.25
Swatling Falls PDD	260.00
Loomis Minor Subd	384.00
John Deere/Casale	653.25
Pointe West-Insp	130.00
Pointe West-Insp	305.00
Pointe West-Insp	1,489.58
Boni PDD	772.00
Howland PDD	260.00
Stone Crest Preserve	584.75
TOTAL	\$6,461.83

The following creation of appropriations is needed in the General Fund based on the STAR Funds for Local Governments received from the State of NY. A total of \$11,892.18 was previously created. This creation of appropriations is for the receipt of \$3,995.25 received in August, 2008. These funds will be used in compliance with STAR regulations for spending both by the Town Assessment Department and Receiver of Taxes Department.

DEBIT: Estimated Revenues 10-510 \$3,995.25  
Subsidiary: 10-4-3089 \$3,995.25 STAR Program – NYS Real Property  
CREDIT: Appropriations 10-960 \$3,995.25

Subsidiary: 10-5-1355.42 – Contractual \$3,995.25

A resolution is needed to appropriate the contribution from ticket sales to Enchanted Forest made to the Character Counts Program for the summer recreation program for youths to attend the summer camp as follows:

DEBIT: Estimated Revenues 10-510 \$60

Subsidiary: Community Gift Contributions 10-4-2705 - \$60

CREDIT: Appropriations 10-960 \$60

Subsidiary: Character Counts – Contractual 10-5-7989.4 - \$60

A resolution is necessary to increase the Colonial Green subdivision drainage system capital project to cover Phase I and beginnings of Phase II. Funding will be from a Public Serial Bond. All legal notices and appropriate resolutions have been filed.

Debit: Estimated Revenues 35-510 \$1,500,000

Subsidiary: Serial Bonds 35-5-5710 - \$1,500,000

Credit: Appropriations 35-960 \$1,500,000

Subsidiary: Drainage Improvement 35-5-8540.20 - \$1,500,000

Transfers between Appropriations:

From Account	To Account	Amount	Reason
10-5-1990.40 Contingency	10-5-3650.40 Demolition of Unsafe Bldgs. Contractual	\$61,250	Transfer of appropriations needed to cover expense to repay Saratoga County for building
10-5-1990.40 Contingency	10-5-6772.41 Programs for the Aging Contractual	\$600	Transfer of appropriations needed to cover expenses thru year end
10-5-1990.40 Contingency	10-5-1320.40 Auditing & Accounting Contractual	\$2,500	Transfer of appropriations needed to cover expenses thru year end

RESOLUTION NO. 197

Offered by Councilman Parker, seconded by Councilman Polak: Adopted by vote of the Board:  
Ayes: Wormuth, Polak, Parker, Hotaling, Hayner

RESOLVED, that the Town Board authorizes the Town to enter into a municipal cooperation agreement with the Town of Clifton Park for the purpose of participating in a Household Hazardous Waste Disposal Day to be held September 20<sup>th</sup> (7am to 4pm) at Vischer Ferry Road in Clifton Park for fee of \$17.00 per registrant.

RESOLUTION NO. 198

Offered by Councilwoman Parker, seconded by Councilman Hayner: Adopted by vote of the Board: Ayes: Wormuth, Polak, Parker, Hotaling, Hayner

WHEREAS, the Town entered into a contract with Tyler Technologies Inc. for financial software on October 3, 2006, it is therefore

RESOLVED, that the Town Board authorizes an addendum to the contract for purchase order application software in the not to exceed amount of \$6,175 and the annual maintenance costs in the amount of \$1,169 and authorize the Supervisor to execute said Addendum, subject to the review and approval of the Town Attorney.

RESOLUTION NO. 199

Offered by Councilman Hotaling, seconded by Councilman Hotaling: Adopted by vote of the Board: Ayes: Wormuth, Polak, Parker, Hotaling, Hayner

REQUEST FOR GREENWAY TRAIL DESIGNATION OF THE HISTORIC CHAMPLAIN CANAL TRAIL BY THE TOWN OF HALFMOON

WHEREAS, Article 44 of the Environmental Conservation Law (ECL) directs the Greenway Conservancy for the Hudson River Valley, Inc. to designate a Hudson River Greenway Trail, and

WHEREAS, the Town of Halfmoon manages, owns or holds an easement for a community trail which will enhance the opportunity the public has to appreciate and support the preservation of the historic, scenic, cultural, recreational and natural resources along the Greenway Trail, and

WHEREAS, the Town of Halfmoon requests that 9 miles of the Historic Champlain Canal Trail be designated as a connector trail as part of the Hudson River Greenway Trail System.

**NOW THEREFORE BE IT RESOLVED AS FOLLOWS:**

The Town Board of the Town of Halfmoon requests designation of the Historic Champlain Canal Trail as part of the Hudson River Greenway Trail System.

**RESOLUTION NO. 200**

Offered by Councilman Polak, seconded by Councilman Hayner: Adopted by vote of the Board: Ayes: Wormuth, Polak, Parker, Hotaling, Hayner

RESOLVED, that the Town Board authorizes the Town Supervisor to apply for a grant from the Justice Court Assistance Program for a State Grant in the not exceed amount of \$30,000.

**RESOLUTION NO. 201**

Offered by Councilman Polak, seconded by Councilwoman Parker: Adopted by vote of the Board: Ayes: Wormuth, Polak, Parker, Hotaling, Hayner

WHEREAS, the County of Saratoga has advised that Steffan Buck has acquired civil service status, it is therefore

RESOLVED, that the Town Board appoints Steffan Buck as permanent full time Code Enforcement Officer effective immediately to be paid current hourly rate of pay.

**RESOLUTION NO. 202**

Offered by Councilwoman Parker, seconded by Councilman Hotaling: Adopted by vote of the Board: Ayes: Wormuth, Polak, Parker, Hotaling, Hayner

RESOLVED, that the Town Board approves Change Order No. 1 for Rifenburg Construction Inc. for project and contract closeout of the Brookwood Road project in the deduct amount of \$56,737.06

**RESOLUTION NO. 203**

Offered by Councilman Hayner, seconded by Councilman Hotaling, Adopted by vote of the Board: Ayes: Wormuth, Polak, Parker, Hotaling, Hayner

RESOLVED, that the Town Board authorizes the Town Supervisor to apply for a grant from the Greenway Conservancy Program under a 2008 Small Grant Program in the not to exceed amount of \$5,000.

**RESOLUTION NO. 204**

Offered by Councilman Polak, seconded by Councilman Hayner: Adopted by vote of the Board: Ayes: Wormuth, Polak, Parker, Hotaling, Hayner

RESOLVED, that the Town Board authorizes the Town Supervisor to apply for a grant from the Bicycle and Pedestrian Spot Improvement Grant Program for a Federal Grant in the not to exceed amount of \$50,000.

## RESOLUTION NO. 205

Offered by Councilman Hayner, seconded by Councilman Hayner: Adopted by vote of the Board: Ayes: Wormuth, Polak, Parker, Hotaling, Hayner

### **Supplemental Agreement #2 and Resolution with the State of New York Department of Transportation for Canal Road Bike Path from Route 9 to the Twin Bridges, Town of Halfmoon to increase construction phase costs by \$153,000, which is a 100% local share.**

The Supervisor thanked the Town's grant team of Nelson and Kim to work diligently with many of the other staff in the Town to bring forward these last several resolutions. She stated we are not always successful in getting the grants awarded but they have been very aggressive in applying for them and appreciate all the hard work they put into them. She stated they would provide a report and update at the next meeting.

The Supervisor opened public privilege for discussion of non-agenda items.

Tom Koval, Button Road, stated he apologizes for his energy at the last meeting but he is very passionate about this issue. He stated at the last meeting it was said Mr. Valente was given a deadline of today to tell them what he is up to at the mine site. He stated in the past they have been told by R.J. Valente at the Zoning meetings that he received no fines or had no knowledge of fines and today he FOILED 600 pages of documents from DEC regarding that pit and his fines and one of the items he received was a receipt for a fine Mr. Valente paid on March 28<sup>th</sup> for \$6,000 for pollution on the site, all things he says he hasn't been doing. He stated he has been in contact with higher ups and, at the last meeting Ms. Murphy said she wasn't familiar with Mark Miglouire, DEC head of Region 5; he stated he contacted his boss and has verbal confirmation that that building is considered a secondary operation not part of the mine. He stated another document he secured today was within Mr. Valente's SCWIPS application. He stated one of their big concerns is the water and the dust and in the document he presented to DEC as part of the storm water management he says, and this is right off the sheet, potential storm water management contaminants, the following contaminants associated with the construction and operation of the facility are capable of potentially impacting storm water, oil, grease, lubricants, coolants and other miscellaneous fluids used in the operation and maintenance of heavy construction equipment. He stated that is what he is drinking and anyone who doesn't think this project is an issue feel free to use his documents or spend money to FOIL these papers. He stated it goes on about erosion as well as about six different fines he received in February for the erosion discharging silt and sediment into a class 3 fish stream, for building an illegal dam across that stream, for not controlling the runoff on the streets, no erosion protection, did not even file for a building permit for that site with DEC until June 2 more than a year and two months after he first made a call to the Town about this. He stated the Town's permit was issued a few months after he started building. He stated the Town should have been on top of this and known if DEC had a permit or if they are issuing a permit. He stated the point he is trying to make is that Mr. Valente has deceived the Town and DEC and has put up a building without any permits and totally done and occupied before he even received a permit from DEC. He stated the Town is suppose to be on top of this and he made these calls a week and a half ago to get this information, the Town has had a year and a half to get this information. He stated he wants to have someone accountable for why this information hasn't been receive, why our Town Attorney and Town Planning Board or building department have not made these simple calls that he was able to make and receive this information regarding the pollution. He asked why the town hasn't contacted DEC in Albany to get the same answers he got and at the last meeting he was told they are being told a different thing today on the phone and nothing is new it's the same run around he has been getting for a year and a half and thinks its sad the Town hasn't made a greater effort. He stated he knows Mindy has made an effort but feels as though no one really cares about this project and the Town feels its going to cost them money to take responsibility for issuing him a permit and feels he is being stonewalled from both ends. He stated the guy in charge isn't sure and hasn't made the call to his superior. He stated he fully intents to contact the Attorney General on this matter.

Motion by Councilwoman Parker, seconded by Councilman Hotaling the meeting was adjourned at 9:05 pm.

Respectfully submitted,

Mary J. Pearson  
Town Clerk

8/19/2008