

The February 3, 2009 regular meeting of the Town Board of the Town of Halfmoon was called to order by Supervisor Wormuth at 7:00 pm in the A. James Bold Meeting Room at the New Town Hall, 2 Halfmoon Town Plaza with the following members present:

Melinda A. Wormuth, 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.

At 7:00 pm the Supervisor opened the public hearing for the amendment to Town Code-Chapter 165-14, C-1 to allow a school in a Commercial District.

The Clerk read the notice of public hearing as follows:

Please Take Notice that a public hearing will be held by the Town Board of the Town of Halfmoon at the Town Hall, 2 Halfmoon Town Plaza, in the Town of Halfmoon on the 3rd day of February 2009 at 7:00 pm or as soon thereafter as the matter may be heard to discuss the proposed amendment to Town Code, Chapter 165-14, C-1 Commercial District to allow educational uses.

Please take further notice that at such public hearing any and all interested persons will be heard.

Supervisor Wormuth asked if anyone had questions or comments on this matter.

Dr. Lewis Morrison, 7 Bear Brook Court, Clifton Park, stated he developed Halfmoon Executive Park 15 years ago and, quite a few years ago NYACK College approached them to rent space in the Park. He stated back then they were not allowed in a C-1 District but, it would have been nice for the Town had they been able to be here. He stated the Saratoga Academy of Arts and Science is now looking to rent space in his building in the Park and he would love to see this changed. He stated having a school in a commercial district is not a problem and there are a lot of nursery schools. He stated “Pals” Daycare is here and he would love to see the school grow and prosper and thinks it would be a good thing for the town to allow this.

There being no further questions or comments the Supervisor closed the hearing at 7:02 pm.

The Supervisor stated that this proposed zoning amendment changes the allowable uses in the commercial district and is only a zoning change and, each project would need to go before the Planning Board who would have full discretion on if the proposal fits.

RESOLUTION NO. 32

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

RESOLVED, that the Town Board authorizes the following Zoning amendment changing the allowable uses in the Commercial District as follows:

Section 165-5

School – A building or part thereof utilized for training, instruction and learning including but not limited to a school, seminary, college, university, or other educational establishment regardless of whether operated for profit, whether or not licensed through the New York State Education Department.

Section 165-14

(23) Schools

REPORTS OF BOARD MEMBERS AND TOWN ATTORNEY

Councilman Polak reported that he is having the Town Attorney look into the possibility of making it unlawful to throw telephone books in the ditches, driveways and lawns. He stated with all the storms recently people are actually getting them caught in their snow blowers. He stated there is no number to call and complain and recently another township made it a town law where that couldn't happen. He stated every year it gets worse and worse and we get 3 or 4 books every time. He stated the Attorney would look into this to help residents out.

Supervisor Wormuth stated in another town they were allowed so many feet from a front door so they couldn't be thrown on the lawn.

Councilman Hayner reported that next Thursday at 7 pm there is an Open Space meeting at Town Hall and, also on March 12th and April 9th and, also there is a PDF format of the Town of Halfmoon land conservation open space draft and there is a website to go to and is a very large document. He stated at the public meetings they are taking comments on the plan.

Supervisor Wormuth suggested they link this site to our web site.
Councilman Hayner stated over the last few months they have done interviews for Open Space Committee members and is pleased to announce that some people have stepped forward to fill the vacancies and would make a motion to have them approved by the Board tonight and ready for the March 12th meeting.

RESOLUTION NO. 33

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 appoints the following individuals as members of the Town Open Space Committee, effective immediately: Bob Beck; Michelle Tompkins; Ray Beaudoin; Kathy Suchocki; Jim Bold; Heather Fischer; Chris Abele; Lindsay Zepko and Craig Hayner as Chairman.

Supervisor Wormuth opened public privilege for discussion of agenda topics.

Henrietta O'Grady, Church Hill Road, asked if a report will be given on the Exit 9 land use study and would they be able to ask questions. Also, she asked if there would be a presentation on the project received for 2 Beach Road.

The Supervisor stated that Mrs. Zepko will provide an overview of the Exit 9 Land use study and a presentation on the proposal for the Krause property on Beach Road will be at a future meeting.

DEPARTMENT REPORTS – month of January

1. Building		
Total permits – 16	Total fees remitted to the Supervisor -	\$5,582.00
Filed.		
2. Fire Code		
Total permits – 12	Total fees remitted to the Supervisor -	\$ 504.00
Filed.		
3. Town Justice Wormuth		
Total Cases – 398	Total fees remitted to the Supervisor -	\$ 42,110
Filed.		

2008 Year End Report submitted from: Town Justice Tollisen; Town Clerk
Filed.

Exit 9 Land Use and Transportation Study:

Mrs. Lindsay Zepko, Town Planner, reported they have finalized the year and a half grant project call the Exit 9 Land Use and Transportation study. She stated it was a joint project they had with the Town of Clifton Park and was funded through a grant received from the Capital District Transportation Committee for \$49,000 and, each Town contributed \$8,000 toward the project. She stated they went through a selection process and chose BFJ Planning out of New York City to do the study for them. She stated they have done similar studies in the County. She

stated the committee has 20 individuals and they started in November 2007 and consists of representatives from each Town including planners, elected officials, developers, realtors, and representatives from CDTC and DOT. She stated they had a public workshop at the senior center and had a large attendance and the consultant did a presentation on the study area. She stated they split into groups to brainstorm on their ideas and got a jump-start for the study and a list of results was compiled from the workshop and they are reviewing that. She stated the list of potential improvement strategies for both short and long term strategies. She stated they want to improve the linkage with interconnectivity between parcels in certain developments and encourage traffic flow and safety looking at signal synchronization, a concept of complete streets which would add sidewalks, boulevards, to Route 146 and Route 9 and increase the aesthetics quality of that area and the possibility of connector streets to relieve the congestion with the 146/Route 9 intersection. She stated this plan also encourages the use of all modes of transportation with the complete street concept and possibly public transit to the service area and gateway type entrances, mixed land uses, reducing parking and enhance the aesthetics. She stated the final version was released in January and includes short-medium and long-term improvement strategies for transportation and linkage of the area around the Exit 9/Route 146 areas. She stated some of those include transportation, land use and economic vitality of the study area. She stated some of the goals include managing and optimizing the performance of the transportation system for that area and consists of improves for all kinds of transportation and improve the connectivity. She stated one way is to improve the connectivity between the existing commercial parking areas and consolidate driveways and interconnect the parking areas so people can transverse without going back out to Route 9 and 146. She stated they also looked at trying to improve traffic flow and came up with strategies and suggestions and DOT would be very involved because they are State roads. She stated they looked at signals synchronization to keep traffic moving, raised medians and pedestrian crosswalks being added. She stated they also looked at the concept of roundabouts and looked at possibly five throughout the area of Route 9 and 146, the exits to the Northway, Clifton County Road and 146 and Maxwell Road and 146. She stated they would require feasibility studies and engineering studies by DOT. She stated they looked at crating new connections to commercial businesses concept and also a concept called complete streets. She stated that would consist of making Route 9 and 146 more of a pedestrian and bicycle friendly route as well as vehicular and add sidewalks, landscape medians and better signal technology. She stated they looked at increasing public transit service area and they found the Park & Ride at The Crossings is under utilized and they are looking at better spots. She stated they are looking to secure the economic viability of the area and improve community character and one suggestion was mixed use development. She stated they also looked at developing compact development and increases the density in the study area by purchasing development rights and density in another area and would be done strictly on a voluntary basis and nobody would be required to do so. She stated they also looked at reducing our parking area that is underutilized 90% of the time and share parking between lots. She stated they also touched on enhancing the aesthetics of the study area by minimizing paved surfaces creating boulevards and streetscapes along Route 146 and Route 9 and developing gateways with landmarks and welcoming signs.

Supervisor Wormuth thanked Lindsey and asked if the Board has any questions and stated they are receiving this document as final from the study but it is not mandated and will be a tool they can look at utilizing. She stated there is a menu of recommendations.

Henrietta O'Grady, Church Hill Road, stated she had participated in the workshops of this study and is very interested and asked if copies will be available to the public. The Supervisor stated they will be available through the Planning office. Mrs. O'Grady stated a number of recommendations have been made and some are duplications of the suggestions in the Master Plan and she is excited they are being repeated by the public. She stated with some emphasis on the possibility of some stimulus money from the Federal government coming down to the States she is hoping some of these recommendations may be possible in the future and urges the Town to take a close look at the recommendations and monies that might be available in the future. She stated she is urging the increase of public transportation as it is very difficult to get around Town and it is difficult to walk to a store or market.

She stated she is concerned about Sitterly Road and there were a number of suggestions about how to use Sitterly Road as an alternative to Route 146 and she would urge serious consideration of that and it is a critical consideration for the people of both Towns. She stated she is also very concerned about the aspect of aesthetics, which was mentioned in the Master

Plan and the Town Comprehensive Plan and would add a great deal to the impression of the Town

CORRESPONDENCE

- 1. Received from State of New York Department of State notification of receipt and filing of Local Law #9-2008, Dog Ordinance Amendment.
- 2. Received, January 27, Project Narrative, Site Plan and EAF for Halfmoon Village and Yacht Club, 2 Beach Road for 244 residential units.
- 3. Received from State of New York Department of Transportation Notice of Order restricting parking on both sides of Route 146 between southern edge lines of Vosburgh Road/Covington Drive (in the vicinity of the Stewarts Shop).
- 4. Received letter from resident at 147 Stone Quarry Road, Halfmoon to Town of Colonie Landfill regarding the extreme odor levels that escape their landfill and continue to grow in intensity.

NEW BUSINESS

RESOLUTION NO. 34

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 and orders paid all vouchers for all funds listed on Abstract dated February 3, 2009, totaling: \$1,532,121.03.

RESOLUTION NO. 35

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 the Supervisor to make the following Transfer between Appropriations:

Transfers for 2008:

From Account	To Account	Amount	Reason
20-5-5110.40 Highway General Repairs Contractual	20-5-5140.40 Highway Miscellaneous Contractual	\$1,000	Transfer of appropriations within own budget to cover expenses for 2008
10-5-5132.40 Garage Contractual	10-5-8160.40 Transfer Station Contractual	\$8,000	Transfer of appropriations to cover year-end expenses for 2008

Transfers for 2009:

From Account	To Account	Amount	Reason
10-5-3610.40 Code Enforcement Contractual	10-5-1220.40 Supervisor Contractual	\$2,879.70	Transfer of appropriations needed for lease payment of 2007 Jeep Liberty

RESOLUTION NO. 36

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 approves minutes of Town Board meetings of December 2 and December 30th, 2008 and January 6, 2009 as presented by the Town Clerk.

RESOLUTION NO. 37

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 proposal from Bollan, Sheedy, Torani & Co., LLP to provide annual audit and consulting services to the Town in the not to exceed amount of

\$25,300 for auditing financial statements; and the not to exceed amount of \$3,200 for Justice Court report; hourly rates for accounting and consultations, subject to review and approval of the Town Attorney and authorize the Supervisor to execute.

RESOLUTION NO. 38

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 approves \$800.00 stipend for the Clifton Park-Halfmoon Memorial VFW Post 1498, for the year 2009.

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

Neil Parker, 15 Stage Run, stated it is heartening to see that Mr. Polak has addressed the issue of the many telephone books being dropped off. He stated where he lives he has 6 mailboxes including his own between his property and the highway. He stated a couple of years ago all these phone books got dropped off at the same time and it made for a pretty good mess. He stated to support this action he does have some contact information he will leave and thanked the Town for addressing this issue.

The Supervisor stated they will look into the possibility of legislation as well as working with these companies to ensure they are left in a more responsible manner so as not to be a burden to our residents.

Supervisor Wormuth stated the next regular Town Board meeting date will be Thursday, February 19th at 7 pm. at the Town Hall.

There being no further business the meeting was adjourned at 7:25 pm on motion by Councilwoman Parker, seconded by Councilman Hayner.

Respectfully submitted,

Mary J. Pearson
Town Clerk

