

The October 20, 2009 regular meeting of the Town Board of the Town of Halfmoon was called to order at 7:00 pm by Supervisor Wormuth 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
Craig A. Hayner, Councilman
Mary J. Pearson, Town Clerk
Lyn A. Murphy, Town Attorney
Matthew J. Chauvin, Deputy Town Attorney

Not present- Councilman Hotaling

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.

REPORTS OF BOARD MEMBERS AND TOWN ATTORNEY

Councilman Hayner reported on the update for the Riverfront Park on Route 4 & 32 and there has been two meetings so far and it is in the design phase and pretty exciting plans are being put together and is a great project being talked about. He stated it is 2 ½ acres that the Town owns and a committee is working on this project. He stated last night there was a Trails committee meeting and he wants to inform the Board and the public that they are moving to a bi- monthly meeting instead of a monthly meeting; he stated also Open Space is taking comments from the committee and they are still working on that information and, as they gather the comments together they will be putting something out to bring before the Town Board perhaps by the end of this year or early next year.

Councilwoman Parker reported she thanks Henrietta O’Grady and her committee for the seventh annual Duathlon, which was held this past Sunday and thanks all the sponsors and all those who ran and rode their bicycles. She stated the most exciting thing she has to announce is that we are opening our new park on October 31st at 10 am to noon and hopes a lot of people will come and there will be treats for the children and cider & donuts. She stated it has been ten years and it is a dream come true for our community; on November 15th the Celebrations Committee is having the holiday parade at 2 pm and more information can be provided; November 21st is the Senior Bazaar at 9am at the Town complex; November 22nd the Character Counts Thanksgiving drive will be held and collection boxes are in the lobby for a lot of families who need food.

Councilman Polak reported on Fall Clean Up program that was successful again this year and began on Sept. 15th and ran through Sept 26th . He stated the employees received a lot of positive comments from our residents and it was set up so there were no lines and everybody was expeditiously moved through and helped to unload their vehicles and thanks John and his staff for organizing this and being such a host to the Town public.

The cost for this program is as follows.			
<u>Accounts Payable:</u>	87.09/ton of C&D @ \$60.00/ton -	\$ 5225.40	
	12.42/ton of Household trash @ \$60.00/ton -	\$ 745.20	
	1 /ton Co-mingled recycling @ \$50.00/ton -	\$ 50.00	
	(24) Highway Employees Overtime for Fridays and Saturdays -	\$ 4,874.17	
	Trucking of Garbage and recyclables -	\$4,295.98	
	(2) Transfer Station staff 2hrs. extra each Saturday -	\$ 114.24	
<u>Accounts Receivable:</u>	County Waste steel – 20.67/ton @ \$ 60.00.Ton--	\$ 1240.20	
	Sierra Fibers 5.94/ton recycled news paper @ \$10.00/ton -	\$59.40	
	Sierra Fibers 2.08/ton corrugated cardboard @ \$50.00/ton -	\$104.00	
Sub Totals:			
Accounts Payable -	\$	15,304.99	
Accounts Receivable-	\$	1,403.60	
		Total Cost for Program	\$ 13,901.39

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

DEPARTMENT REPORTS – month of September

1. Senior Express Dispatch
Total # of Riders - 273 Total # of Meals - 286
Filed.

2. Town Clerk
Total fees remitted to the Supervisor - \$3,828.11
Filed.

CORRESPONDENCE

1. Received from Town of Halfmoon Zoning Board of Appeals notification of decision to approve application for area variance made by Mr. Pat Pellerin, AKA, Upstate Home Builders, 114 Staniak Road, Halfmoon.

Received and Filed.

2. Received from Andrea's Pub, 1436 Vischers Ferry Road, Halfmoon, notification of intent to renew their liquor license.

Received and Filed.

3. Received from Town Senior Planner notification of Town of Halfmoon Planning Board decision to pass a positive recommendation for the Falcon Trace multi-family Planned Development District. *Lead Agency approval 3/3/09 –*

Received and Filed and Presentation by applicant

Supervisor Wormuth stated the applicant wishes to bring this to the Board to express changes that were made during the Planning Board review and update the Board and have a public hearing set when the Board is comfortable doing that.

Scott Lansing, Lansing Engineering, PC stated with him is Bruce Tanski, the applicant for the Falcon Trace of Halfmoon project. He stated it has been modified since the last time and will go through the existing conditions. He stated the site location is west of the Route 146 and Fellows Road intersection and includes approximately 1,144 linear feet of frontage along Fellows Road and approximately 1,490 linear feet of frontage on Route 236 and the zoning is C-1.

He stated they are proposing a mixed use residential and commercial PDD and will focus on affordable senior housing with three different uses to include senior housing, 143 luxury apartments and two commercial lots for future use. He stated the applicant has taken a look at the community needs and the attributes of both parcels and there is a need for affordable senior housing and this PDD focus primarily on affordable senior housing. He described the commercial lots, one in the southern parcel with frontage on Route 236 and one in the northern portion with frontage on Fellows Road. He stated the northern parcel is approximately 3.57 acres and southern 5.535 acres and will be per the C-1 requirements with no immediate plans to develop the commercial lots right now. He stated the luxury apartments would be located in the southern parcel and they are proposing 143 luxury apartment units similar to the Halfmoon Heritage apartments and see a need and demand for these types of units. He stated the primary focus is the senior housing, located in the northern parcel and there are 153 total units. He stated one would be a congregate living arrangement and the other would be three detached units. He stated the congregate living unit would be 4 wings and each one would be three floors, 10 units per floor, 30 units per wing for a total of 120 units total. He stated the center area would be a community center for all the residents within the congregate living area and the senior apartments to the northeast. He stated they are proposing a central entrance reception room, several gathering rooms, kitchenette, recreation room, library, exercise room, mailboxes, restrooms and administrative offices.

He stated the second part of the senior housing complex would be three detached senior apartment units and all the units would be restricted to senior's ages 55 and older. He stated outdoor amenities will be opened to all the senior residents and will include a bus stop at the entrance/reception area, shuffleboard, walking trails, several outdoor gathering areas with benches and tables, putting green and garden area.

He stated there would be two points of access to the project one for Fellow's Road and the other from Route 236.

He stated the parking for the senior congregate living area they are proposing is 1.25 spaces per unit and works out to 150 total spaces and they will bank spaces for potential future use. He stated for both the senior detached and the luxury apartments they are proposing the standard town requirement of 2 spaces per unit; 66 spaces and 286 spaces for the area on the south.

He stated water will be an extension from Upper Newtown Road to service the project, for sanitary sewer there is a large force main that goes up Route 236 and there is an existing pump station near the Town park and they most likely will tie in, they have conceptual locations for storm water management areas scattered throughout the site. He stated they have preserved 82% of the site as Open Space and a lot of the wetlands on the parcel have created very nice buffers from Route 236 to Fellows Road.

Mr. Lansing stated the applicant feels there is a need for luxury apartment housing and the addition of additional luxury apartment units would be a benefit, also they understand there is a Master Plan for a trail linkage from the Upper Newtown Road corridor to the Town Park and the applicant is proposing a trail from Upper Newtown Road along Fellows Road and in through the project and connect to the Town Park. He stated there was a comment that Fellows Road needed improvements stating it was a substandard roadway and the intersection requires some improvements. He stated the applicant's goal has been to provide affordable senior housing and keep the prices as low as possible. He stated the applicant is proposing improvements to Fellows Road from the intersection of Route 236 to the entrance

of the project and would most likely include widening of the roadway and intersection improvements that a future traffic study may dictate. He stated both congregate living and the detached senior apartment units the applicant is proposing would be \$250-300 less per month than typical market rate and is trying to keep this as affordable as possible for seniors 55 and older. He stated they feel it promotes lifelong residents a housing option that may prevent them from being forced to move to other communities to find housing such as this.

Councilwoman Parker asked if the connecting road between the two is big enough to service emergency vehicles; Mr. Lansing replied it is.

Councilwoman Parker asked how far in the southern project are they from the town park -directly across the street or closer to the Church; Mr. Lansing indicated on the map where the Town Park entrance is and they are proposing off-set and they will be coordinately that intersection with DOT and the Town engineer.

Councilman Hayner stated they are estimating the monthly cost would be about \$2-\$300 less than standard pricing for the senior housing and asked how they came up with that figure asking if it is subsidized; Mr. Tanski stated it is a non subsidized figure and part of the reason he can do this is basically because of the construction of the apartments on the south and there is a lot of commonality between the two and he can off set a lot of the costs of the senior housing through the construction of the high-end units.

Supervisor Wormuth stated, for clarification, is it correct that he said \$2 or \$300 less than the rates for the luxury apartments not the current senior housing in Town; Mr. Tanski stated that is correct and the one bedroom apartments are 800 square feet, the two bedrooms are 1200 square feet and the three bedrooms are 1500 square feet and the one's and three's all have garages.

Councilman Polak stated the had asked the applicant about connecting the intersection with the Town Park road intersection but doesn't know if that was viable; Mr. Tanski stated that it was originally designed that way but Clough Harbour said they did not want it directly across and that is the reason it shows like it is now; Councilman Polak stated with the Betts Lane property being developed not to far away he didn't want to see three major intersections so close and he will talk to the engineers about that.

Supervisor Wormuth asked with the trail that was proposed along the edge of the property heading toward the Town Park was it the construction of a trail or an easement for a trail and if it was the construction what type of trail are they talking; Mr. Tanski stated it was the construction of the trail from Upper Newtown Road at the entrance of the apartments and most trails are stone and fiber but they will do whatever the Board wants; the Supervisor stated they need to clarify whether it will be stone or paved and to what specification and asked if they will turn over and dedicate to town and dedicate to the Town for maintenance or would he maintain it as part of his project; Mr. Tanski stated he would have no problem maintaining it himself and would prefer it that way, he stated it would be open for the entire public not just the residents of the development.

The Supervisor asked Mr. Lansing when he talked about 82% green space on the project is that after removing the two commercial pieces; Mr. Lansing stated he would need to check but believes it was subtracting out the commercial lots and stated he will have that finalized for the public hearing.

Councilman Polak asked if the two properties are going to remain commercial; Mr. Lansing stated one is zoned commercial right now and will remain commercial and the parcel to the south would go from AR to commercial.

Supervisor Wormuth asked, if the public hearing is set and they come back, if they could identify the trail using the terms in the Trails Master Plan whether it will be a stone dust trail or a paved trail, they will all be talking the same language.

Bruce Tanski stated in addition one of the public benefits he would like to offer to the Town is the Harris property on Harris Road he recently purchased and took great pains to take the house down and get clearance from asbestos and would be a viable option if the Town wants it. He stated it was appraised for \$175,000, he paid \$195,000 and is definitely an offer on the table and he is working with the Director of Water to do additional work on the water line and take it farther than it needs to

Councilwoman Parker reiterated her concern that they have generators and not have to worry about evacuating people because of lack of electricity; Bruce Tanski stated his plan is to have generators in that building.

Councilman Hayner questioned, at the northern end, it was mentioned there would be a trail system but he thinks it was separate from the one that was going to connect Upper Newtown to the Town Park and asked if he was correct; Mr. Lansing stated the way the trail is proposed right now is that it would from Upper Newtown down Fellows Road and meander through the project and come out to the Town Park

Councilman Hayner stated on the southern end there is a good amount of trees in front of the project toward 236 and asked if those trees are there now or are they ones they will planting; Mr. Lansing

stated the trees shown in that area exist right now and there is a depression in the area and does rise up and they don't believe they will see much of the area from 236.

Councilwoman Parker asked if the projects trail going to connect, if approved, with Swatling Falls if that moves forward as well; Mr. Lansing stated there is a proposed trail in close proximity to Swatling Falls and he feels if the Betts parcel is developed a corridor could be extended through McDonald Creek; Supervisor Wormuth stated there is a piece of property between those two but they have expressed that they would like to see that connection made and if that property doesn't develop at the same time there would be a gap in between.

RESOLUTION NO. 220

Offered by Councilman Polak seconded by Councilwoman Parker, Approved by vote of the Board: Wormuth, Polak, Parker, Hayner

RESOLVED, that the Town Board sets a public hearing for the Falcon Trace of Halfmoon Mixed Use Planned Development District for November 5, 2009 at 7:00 pm.

OLD BUSINESS

RESOLUTION NO. 221

Offered by Councilwoman Parker, seconded by Councilman Hayner, Approved by vote of the Board: Wormuth, Polak, Parker, Hayner

RESOLVED, that the Town Board accepts the 2010 Town of Halfmoon Tentative Budget as the 2010 Preliminary Budget and, further

RESOLVED, that the Town Board sets the public hearing for the Preliminary Budget for Thursday, November 5, 2009 at 7:05 pm.

2. Swatling Falls Residential Planned Development District – *Lead Agency Approval 2/21/08 -Public Hearing 7/21/09, Revised Plan 9/15/09*

Supervisor Wormuth stated the applicant is present to provide an update and answers to some questions and clarifications the Board had.

Scott Lansing, Lansing Engineering, stated he is here with the applicant for Swatling Falls, Mr. Lou Lecce. He stated at the last meeting there were two questions the Board has one was relative to the trail system and the other to the highway and sign off from the Highway Superintendent on the proposed roadways for the project. He stated they met with the planning staff, the town engineer and the Highway Superintendent on the project to review the trails. He stated the previous plan had a trail system going back to eh proposed waterfalls and meandering through the project in different areas connecting out on Lower Newtown Road and the adjacent Glen Meadows project. He stated they felt that trail system was too expansive and they wanted the trail to focus along the McDonald Creek area and they have modified the trail system on the project to focus primarily on McDonald Creek to the end reaches along the creek to the roadway to connect up to the Glen Meadows project. He stated it would provide a potential future extension along McDonald Creek and provide a connection to the residents in the project and to the Glen Meadows project. He stated they have shown the area where a trailhead is proposed and is a paved area for parking with access to the trail and the waterfall. He stated the Highway Superintendent was at the meeting to look at the plan and was in agreement with points of access and roadways. He stated those were the primary items that were requested from the Town Board and they have also added a revision block on the map so they have all the dates for tracking changes.

Supervisor Wormuth asked what the public benefit for the project is other than the trail; Mr. Lansing stated there are a number of very nice natural features on the parcel: open space provided approximately 43 acres or 45% of the parcel, a very large nice specimen tree on the southwest portion of the parcel that has been preserved and also the trail will be hinged around the tree, waterfall and creek access is a unique natural feature in the back portion of the parcel, trails systems and trailhead area and access to that is proposed as the primary public benefit for the project. He stated from a density standpoint the project is very similar in density to what conventional subdivisions would permit and they have reviewed that extensively with the Town engineer's variances

Supervisor Wormuth asked who would have ownership of the acreage and green space; Mr. Lansing stated they went through that extensively with the Town Board and the Planning Board and initially they had all the open space going to the Town and it was desired by the Town to reduce that for liability and

maintenance sake. He stated they have an area approximately 27.93 acres along McDonald Creek and is proposed for dedication to the Town and the balance of the open space areas, indicated on the map, would be Homeowner Association and not dedicated to the Town. Mr. Lansing stated it would be construction of the trail and the specification is 8' wide paved multi use pathway.

Councilman Polak asked about the traffic mitigation and if he is involved with meeting with the State; Mr. Lansing stated this project was included in that as a contributor to the 146/236 corridor and has been included in Clough Harbour's study and the applicant is participating in that; Supervisor Wormuth asked if the applicant is willing if they should move forward with the PDD at this point and agree to go along with the recommendations of that corridor study and participate in whatever level the Board feels is reasonable; Mr. Lansing stated yes.

Councilman Polak stated he is not sure where they go from here because they don't know the outcome of the overall traffic situation; Supervisor Wormuth stated they have approved the Glen Meadows PDD with having them state on the record that they would do it and the option would be to approve it tonight and ask the Attorney's to draft the PDD and review it between now and a future meeting to approve in the future. or ask the applicant to go back and make any necessary changes and/or provide more information, or deny the project; Councilman Polak stated he wants to make sure they are going to be a participant so that it's an equal value to all the builders involved. Supervisor Wormuth stated if the applicant is not willing to do that it would come back to his Board for modification or an amendment to the PDD and it wouldn't exist if they didn't follow through with that portion.

Town Attorney Murphy stated she could prepare the language to do that as long as the applicant doesn't have any objection to that.

Councilman Hayner asked, for clarification, it was said the trail would be an 8' wide paved trail; Mr. Lansing stated he will check with the planning staff but as he recalls that is what they discussed at the meeting and will be Town owned; Supervisor Wormuth stated it will have to be constructed exactly to the specifications in the Master Plan.

RESOLUTION NO. 222

Offered by Councilman Polak, seconded by Councilman Hayner, Approved by vote of the Board: Wormuth, Polak, Parker, Hayner

WHEREAS, the Town Board has determined that the proposed Swatling Falls Residential Planned Development District will result in no significant environmental impacts, now therefore be it

RESOLVED, that a Negative Declaration be prepared and filed in accordance with all applicable SEQRA requirements.

RESOLUTION NO. 223

Offered by Councilman Polak, seconded by Councilman Hayner, Approved by vote of the Board: Wormuth, Polak, Parker, Hayner

RESOLVED, that the Town Board approves the Swatling Falls Residential Planned Development District with the stipulation that the Town Attorney review the document relative to the traffic study.

NEW BUSINESS

RESOLUTION NO. 224

Offered by Councilman Polak, seconded by Councilwoman Parker, Approved by vote of the Board: Wormuth, Polak, Parker, Hayner

RESOLVED, that the Town Board approves and orders paid all vouchers for all funds listed on Abstract dated October 20th, 2009, totaling: \$768,981.83.

RESOLUTION NO. 225

Offered by Councilman Hayner, seconded by Councilman Polak, Approved by vote of the Board: Wormuth, Polak, Parker, Hayner

RESOLVED, that the Town Board approves the Supervisor’s Report for month of September 2009 as presented.

RESOLUTION NO. 226

Offered by Councilman Hayner, seconded by Councilwoman Parker, Approved by vote of the Board: Wormuth, Polak, Parker, Hayner

RESOLVED, that the Town Board sets a public hearing for Thursday, November 5, 2009 at 7:15 pm for the Button Road Water District Extension.

RESOLUTION NO. 227

Offered by Councilman Polak, seconded by Councilman Hayner, Approved by vote of the Board: Wormuth, Polak, Parker, Hayner

RESOLVED, that the Town Board accepts the Water Report for October billing as submitted by the Director of Water.

RESOLUTION NO. 228

Offered by Councilman Hayner, seconded by Councilwoman Parker, Approved by vote of the Board: Wormuth, Polak, Parker, Hayner

WHEREAS, the New York State Office of Parks, Recreation and Historic Preservation has awarded a \$200,000 Recreational Trails Program grant to the Town of Halfmoon for construction of the Champlain Canal Trail, now

THEREFORE BE IT RESOLVED, that the Town Board authorizes the Supervisor to solicit Requests for Qualifications from engineering firms for design and engineering services for the Champlain Canal Trail to be received by 2:00 pm on November 12, 2009.

RESOLUTION NO. 229

Offered by Councilman Polak, seconded by Councilman Hayner, Approved by vote of the Board: Wormuth, Polak, Parker, 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 \$17,732.81
Subsidiary: 25-4-2189 Home & Community Services \$17,732.81
Credit: Appropriations 25-960 \$17,732.81 Subsidiary: 25-5-1440.40 Engineering Contractors Inspections \$17,732.81

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

NAME	AMOUNT
Parkford Dev Mixed Use	132.00
Glen Meadow PDD	134.00
Glen Meadow PDD	268.00
Parkford Square II	921.50
Parkford Square II	602.00
Halfmoon Heritage Apartments	12,337.64
Brookfield Place	375.00
Linden Village PDD	804.00
Swatling Falls PDD	2,158.67
TOTAL	17,732.81

A resolution is necessary to close out the Increases in Facilities Phase II Water Source Improvement Project. All monies have been received and expended.

Debit: 60 – 960 Appropriations \$14,336,400
60-5-8340.22 – Transmission & Distribution Capital Outlay - \$14,336,400

Credit 60 – 510 Estimated Revenues \$14,336,400
60-4-5710.00 – Serial Bonds- \$14,336,400
A resolution is necessary to close out the Feasibility Study for extension of the Crescent Trail along the Mohawk River. This creation was established on May 6, 2008. A new creation was established on July 21, 2009 as a duplicate. There will only be one Feasibility Study.
Debit: 35-960 Appropriations \$50,750
Subsidiary: 35-5-7180.21 – Special Recreational (Trails) - \$50,750
Credit: 35-510 Estimated Revenues \$50,750
Subsidiary: 35-4-4889 – Cultural & Recreation Capital Grant-Federal Trails - \$25,750
35-4-5031 – Interfund Transfers - \$25,000

A resolution is needed to reduce the creation of appropriations for the construction of trailhead parking on the Historic Champlain Canal Trail. The original creation was for \$25,000 grant funding which was reduced to \$5,000 with matching funds from the Town of Halfmoon General Fund.
DEBIT: 35 – 960 Appropriations \$37,500
35 -5-7150.20 – Special Recreational(Trails) - \$37,500
CREDIT: 35 – 510 Estimated Revenues \$37,500
35 -4-3897 – Cultural & RecreationCapital Grant – State(Trails) - \$20,000
35-4-5031 – Interfund Transfers \$12,500

Transfers from Appropriations:

From Account	To Account	Amount	Reason
10-5-1990.40 Contingency	10-5-9950.90 Transfer to Capital Projects	\$55,000	Transfer of appropriations needed to cover matching funds for the Hudson River Park Phase I project.
10-5-1990.40 Contingency	10-5-9950.90 Transfer to Capital Projects	\$25,000	Transfer of appropriations needed to cover matching funds for the Crescent Trail Feasibility Study
10-5-1990.40 Contingency	10-5-7140.40 Recreation Contractual	\$10,000	Transfer of appropriations needed to cover expenses thru year end
10-5-1990.40 Contingency	10-5-1420.40 Attorney Contractual	\$500	Transfer of appropriations needed to cover expenses thru year end
30-5-9950.93 Transfer to Cap. Reserve-Zone 3	30-5-8310.20 Administration Equipment	\$55,000	Transfer of appropriations needed within own budget to purchase a Dodge 4500 4x4 pickup dump truck for the water department
30-5-9710.70 Serial Bonds Interest	30-5-9710.71 Debt Service Interest-Zone 1	\$71,600	Transfer of appropriations needed within own budget to cover debt pymts for Zone 1

The Supervisor opened public privilege for discussion of non-agenda items; no one had comments.

On motion by Councilwoman Parker, seconded by Councilman Polak the meeting was adjourned at 7:45 pm.

Respectfully submitted,

Mary J. Pearson
Town Clerk

10-20-2009

