

The January 16, 2007 meeting of the Town Board of the Town of Halfmoon was called to order by Supervisor DeCerce at 7:00 pm at the Town Hall on Harris Road with the following members present:

Kenneth J. DeCerce, Supervisor
Walter F. Polak, Councilman
A James Bold, Councilman
Regina C. Parker, Councilwoman
Melinda A. Wormuth, Councilwoman
Mary J. Pearson, Town Clerk
Lyn A. Murphy, Town Attorney

Also present: Steve Watts, Building and Development Administrator; John Pingelski, Highway Working Supervisor; Laurie Sullivan, Deputy Town Clerk; Rodney Smallwood, Highway; Lisa Perry, Secretary to Supervisor

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. The Supervisor expressed condolences for Deputy Attorney Bob Chauvin whose mother passed away this week.

The Supervisor opened the Public Hearing for the Pino Planned Development District. He invited Scott Lansing to do the presentation for Clemente.

Mr. Lansing, Lansing engineering stated he is here for the Pino Commercial Light Industrial PDD, which has been before the Planning Board and referred from the Planning Board to the Town Board with a positive recommendation. He stated the overall project is approximately 63.84 acres and the current zoning is Agricultural/Residential and the applicant is proposing Commercial & Light Industrial planned development district. He stated at this time the applicant is proposing 5 lots on the project and the smallest lot size would be 4 acres and the largest lot size would be 26.46 acres. He stated the parcel would be subdivided as individual lots are sold. He stated the one roadway coming in with a cul-de-sac would be designed and built to Town standards. He stated water service will extend public water from the water main to be constructed as part of the Clemente PDD; sanitary sewer will be provided by the gravity sanitary sewer along the Route 146 corridor and storm water will be collected and treated on-site. He stated there is a large sanitary sewer truck main that goes down to the waste water treatment plant. He stated they will probably do grinder pumps pumping from the low spot up to the gravity main. He stated with regard to traffic, this project was reviewed along with the project across the street and they are similar type uses and share a common access point on Route 146. He indicated where a self storage lot is proposed, which would not trigger mitigation to Route 146. He stated beyond that the first 100,000 square feet of space from this project and the project across the way, or a combination of the two, once it is met turning lanes would need to be constructed on Route 146. He stated DOT has requested that regardless of which side or a combination of trips the turning lanes should be constructed at the same time for the least amount of disturbance to Route 146. He stated beyond that another 100,000 square feet from one project or another or a combination will trigger an evaluation to determine if a traffic signal is warranted. He stated they feel the project is in compliance with the GEIS and the Comprehensive Plan and the applicant is willing to donate the outside recreation lighting and an unrestricted gift of funds in the amount of \$70,000 to the Town of Halfmoon. He stated the parcel currently includes six recreational light poles that are 20 to 25 feet high and includes light fixtures and provides high intensity lighting and suitable for recreational fields. He stated the applicants are offering to deliver the complete poles, light brackets, fixtures and wiring to the ground level junction boxes from the site to the Town's location. He stated the delivery of the poles would be within 30 days pending final approval of the PDD or at the discretion of the Town of Halfmoon. He stated the funds are not designated for any specific purpose or project but to be utilized in the manner the Town Board deems appropriate. He stated the applicant is proposing donating the funds in three parts, the Pino PDD currently includes five lots and the funds are proposing to offer the funds in thirds, \$24,000 upon the issuance of the first building permit; \$23,000 upon issuance of the third permit and \$23,000 upon the issuance of the last building permit.

Supervisor DeCerce stated there were questions about these lights being offered at the last meeting which were asked for by town staff and there was some question as to the age and usefulness of the lights.

Councilman Bold stated he has not seen a traffic study and is unsure if one has been supplied.

Mr. Lansing stated it was submitted and reviewed by the Town engineers.

Mr. Bold asked how many square feet of building is on the plan.

Mr. Lansing stated 364,000 which is what the traffic study was based on.

Councilman Bold asked if the water line was keyed into the other project across the street and the plans are in the process of being stamped and approved. He asked if the Pino project is dependent upon the installation of that line. He stated he doesn't know what we would do with the lights if we had them but thanks them for the offer.

Councilman Polak stated maybe between the two ball fields, highway department and if we build a salt shed unit we may be able to use them and, he would hate to see them get thrown out.

Councilman Bold asked the status of the trail.

Mr. Lansing stated there is a corridor that was earmarked for the back portion of the parcel and was requested to assist in the plan conforming to the GEIS. He stated they are building a corridor but the trail is not proposed at this time.

Councilman Bold stated he was surprised since they spoke about it.

Mr. Lansing stated that the applicants would probably be willing to construct it. He stated the Town engineers and the Planning Board seemed to feel the corridor was acceptable.

Councilman Bold stated we don't currently have funds available to construct a trail through there.

Supervisor DeCerce asked if they could consider this.

Mr. Lansing replied they could.

Councilman Bold stated, relative to the cash money he referred to as a very open ended thing and, could be used at the discretion of the Board for whatever useful purpose community purpose we might determine, for the Board members consideration we may be interested in earmarking this to go toward the recreation part. He stated it may be for lighting, the extension of the youth's shelter, additional parking area or any number of items.

Attorney Murphy stated, just so the Board is aware, Mr. Lansing is reading language that she has used in prior PDD's and he is not trying to be evasive but has seen it in the past coming from her.

Councilman Polak stated, relative to traffic, there were considerations made because of the site distances. He stated they wanted to line up both developments. He asked if he is correct that the build outs that will warrant the turn lanes and a possible light is the combination of square footage for both projects and they don't have to wait for one.

Mr. Lansing stated that was correct.

Councilman Bold asked how that will work if the two projects have different owners and how do they work through who pays for what.

Attorney Murphy stated the language for the PDD's will make each of them separately viable for the placement of the traffic light and then becomes an issue between the two civil applicants as to who is going to pay for it. She stated, as far as the Town is concerned, as long as the traffic light is installed and the public safety and health is taken care either/or person can be responsible for it. She stated the legislation will require that either/or person pay for it. She stated we are on firm standing and if for some reason the project is sold then those two property owners may end up in litigation with regard to it but the Town would be able to go after either person for the money. She stated they have been very upfront and very willing to include that language and to provide the light when it is warranted.

Supervisor DeCerce asked if he heard that when one side was further along and triggered the light or the turn lanes that is when it would go in.

Mr. Lansing stated that is correct and the threshold is 100,000 square feet and 100,000 square feet for the other left turn lane. He stated DOT has indicated that if one turn lane goes in they want both in because they don't want a disruption on Route 146 two times. He stated it can be triggered by one side rather than both sides.

Councilman Bold questioned if the two left turning lanes require 200,000 square feet to trigger.

It was stated by Mark from Creighton Manning that it is required that 100,000 square feet of development on one side and, as soon as one side gets 100,000 square feet they would be required to put in a left turn lane and, when that happens, then the other left turn lane would also be required. He stated 100,000 square feet will trigger both. He state there was an issue with site distance looking left from the development, in order to left and right turn and it was critically limited due to an embankment and also some vegetation. He stated the proposed mitigation for that is reducing the embankment within the right of way and clearing the vegetation and, they also took a look to make sure the signal would also be visible for traffic approaching from each direction. He stated there is also some coordination with the telephone company because there are some underground wires at this location. He stated the vegetation that is impacting this are actually trees and if they are taken out hopefully they won't come back but could be cut back if necessary. He stated, at this location, there is a right "climbing lane" for trucks and, at this location the two lanes will carry past the site and then merge past the site and, at the eventual signal there will be two lanes in the west bound direction and then merge after the signal.

Councilman Polak stated this is a project on both sides of the road that will lead to some development and will be a great tax base for us. He stated with all the housing it will bring students and students increase our school taxes. He stated it will bring jobs here and bring businesses but yet won't really have an impact on schools except to help offset some of the tax cost. He stated with the Abele and the NYSEG there are just two lots not developed at that site. He stated we really need that within our Town and when they looked at the Master Plan again this was an area that wasn't developed and wasn't going to impact a lot of homes because there were very few homes there and will be a credit to our community as far as tax base and bringing some jobs.

Councilman Bold stated, if they put the trails in, he feels ready to move this
Mr. Lansing stated the trail will go in.

Attorney Murphy stated, for the record, the applicant has acknowledged that they are aware at this time that the site does not have water and until and unless they receive an extension from DEC to provide water to the site they would not be able to go forward with the plan as set forth by the Board.

Councilman Polak questioned if he is clear that the other site can develop the first building with a well.

Attorney Murphy stated that he is correct.

RESOLUTION NO. 24

Offered by Councilman Polak, seconded by: Councilman Bold; Adopted by vote of the Board:
Ayes: DeCerce, Polak, Bold, Parker

LOCAL LAW NO. 1 OF THE YEAR 2007

A local law amending Local Law #2, 1995 of the Town of Halfmoon entitled "Local Law Relating to Zoning for the Town of Halfmoon" as previously amended and supplemented by the local laws and an Ordinance relating to zoning of the Town of Halfmoon.

Be it enacted by the Town Board of the Town of Halfmoon as follows:

Section 1. Title. This Local Law shall be known and may be cited as Local Law No 1 of 2007, a local law amending Local Law #2, of 1995 the Town of Halfmoon entitled "Local Law Relating to Zoning for the Town of Halfmoon" as previously amended and supplemented by the local laws and Ordinances relating to zoning of the Town of Halfmoon, providing for the creation of a Planned Development District to be known as the Pino Planned Development District.

Section 2. Establishment of District. Local Law #2, 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 #2, 1995, as previously amended and supplemented by the zoning ordinances of the Town of Halfmoon, as adopted, be and the same hereby are amended by creating the "Pino Planned Development District".

Section 3. Boundaries. The area of said Pino Planned Development District is bounded and described as set forth in Exhibit A attached hereto and made a part hereof and as shown on a certain Site Plan map thereof, prepared by Lansing Engineering, PC dated 1/16/06 as revised 6/19/06, entitled "Pino Parcel Commercial/Light Industrial Park" consisting of approximately 64.8 acres located on the north side of NYS Route 146 approximately seven hundred sixty (760) feet east of the NYS Route 146 and County Route 109 intersection, west of US Route 4/NYS Route 32 further described as tax map number 267.00-2-11.1.

Section 4. Development. There shall be developed within the area of said Pino Planned Development District the subdivision of the parcel into a maximum of five (5) lots. The area to be developed comprises approximately 64.8 acres of land. The area will not have public water unless and until the Clemente Planned Development District

provides public water to the site. There will be no development at this site until public water is available. There will be no outside storage whatsoever. There will be no trailer or tractor trailer storage.

A storm water management system will be installed to assure that adjacent and downstream properties, both public and private, will not suffer increased flooding or runoff. An approved storm water management plan designed in accordance with current New York State Department of Environmental Conservation Regulations, will be submitted with appropriate easements, bonds, letters of credit, title insurance, maps, and a storm water management district may be created if the Town Board so directs to encompass the PDD as required all to be acceptable to the Town attorney.

No facilities which require exhaust stacks for manufacturing processes or process emissions will be permitted. Minor exhaust stacks may be allowed for maintenance and repair activities which are incidental to the primary use of the lots.

Visual impacts will be minimized through the use of buffer areas, setbacks, architectural design and screening, such as berms, fences and plant materials for the District area as a whole and for each developed site as shown on and approved by the Planning Board during final site plan and subdivision review. There will be a two hundred foot buffer along the front of NYS Route 146.

Approval of the Town of Halfmoon for the water distribution system when connected to a municipal source will be obtained. The execution of the Water District Extension Agreement is a condition precedent to the subdivision approval and any construction, building permits, or development within the subdivision site. As a part of the agreement for extension of water to the site the applicant will be required to extend water lines from the current Town of Halfmoon system to the project site and loop those lines in accordance with the requirements of the Town of Halfmoon Water Superintendent, which requirement and agreement will be a part of the Water District Extension Agreement.

Before construction of Pino Planned Development District is started or any building permit is issued relating thereto, final plans and specifications shall be submitted to the Planning Board of the Town of Halfmoon and filed with the Town Clerk of the Town of Halfmoon. Planning Board approval is required prior to subdivision and for site plan, and prior to construction on any lot.

During the construction of Pino Planned Development District, there shall be constructed, as set forth as part of the plans and specifications to be approved by the Planning Board of the Town of Halfmoon, parking areas providing sufficient parking for all plants or buildings with required handicap areas, curbs and walks, landscape, buffer etc. as required by the Planning Board.

Buffers required will be installed per Planning Board direction.

A 25 foot trail shall be constructed at the expense of the applicant extending from the northwest corner of the property to a cul-de-sac proposed in the center of the parcel across the remainder of the property toward eventually connecting with a path along the old canal. The trail shall be constructed in compliance with the standards as set forth by the Halfmoon Trails Committee.

A traffic study has been conducted regarding the impacts of this project and the Clemente Planned Development District. The Report concludes that the development of an additional 100,000 square feet in either park will warrant the addition of a left hand turn lane from Route 146. The development of a second 100,000 square feet in either park will warrant the installation of a traffic signal on Route 146 at the entrance to the park. Depending on the timing of these improvements, it may be necessary for the applicant to improve the sight distance at the driveway with NYS Route 146. This will also need to be coordinated with NYSDOT as part of the access permit prior to final stamping of plans. All off-site traffic improvements will be at the Applicant's sole cost and expense. Failure of either applicant to provide the required improvements shall result in an automatic termination of the Planned Development District, a return of the property to its original zoning and a termination of the uses on both sites that are not in conformance with the original zoning.

Because the proposed project is located within the Northern Halfmoon GEIS study area, the applicant is required to pay mitigation fees to offset the cost of capital improvement projects made necessary by development in the study area. These improvements are identified in the GEIS. The improvements to Route 146 recommended in the Traffic Study are related to, and made necessary by, the proposed project, and were not identified in the GEIS. The costs for these improvements are not included in the mitigation costs that the developer is required to pay. The costs of these project specific improvements must be borne by the developer.

The proposed project is consistent with the goals established by both the Comprehensive Master Plan and the Statement of Findings of the Northern Halfmoon GEIS. As outlined in the GEIS, no additional SEQRA review is required for projects which are consistent with the GEIS Findings. As such, the Town Board, as Lead Agency, pursuant to SEQRA and based upon recommendations from the Planning Board, issue a Negative Declaration indicating that this project should not have a significant impact on the environment.

Turning lanes and traffic signals become necessary based on the traffic volumes, which do not necessarily relate directly to building square footages. To try to ensure that monies are available to make these improvements when they are needed, we suggest that an estimate be prepared to determine the cost of the work. Based upon information available in the Traffic Impact Study, the developer shall be required to provide a schedule that ties the anticipated costs of all future improvements (turning lanes and traffic signal) to the traffic generated by the various businesses that build in the proposed development. The construction estimate, combined with this schedule, shall be used to develop a "per trip" cost for the anticipated improvements. As each contributing site plan is submitted for approval, a traffic study would be required to determine what percentage of the traffic required to reach the various thresholds is generated by that particular proposal. If approved, the developer would be required to provide a bond in an amount equal to his share of the estimated construction costs, based on the percentage of traffic generated by his project and the "per trip" cost. In this manner, when the thresholds are reached, and the improvements are needed, if the developers are unwilling to contribute to the improvements, the bonds will be used to fund the work needed at that time.

The Applicant shall be responsible for the payment of seventy five thousand dollars (\$75,000) to the Town of Halfmoon to be utilized by the Town of Halfmoon for the public benefit and shall deliver, at the cost of the applicant and only at the request of the Town of Halfmoon, the lighting fixtures from the previous use of the facility.

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 5. Construction Regulations.

All improvements shall be designed and constructed pursuant to plans and specifications approved by a duly licensed architect and/or engineer and in strict compliance with the New York State Building Code. The Planning Board shall not give approval as referred to in said Local Law Relating to Zoning, Section 1002, paragraph 8, unless and until all approvals required by each and every other government or governmental entity have been obtained. The architect or engineer performing the work herein described shall be employed by and at the expense of the developer. All construction during performance thereof and upon completion shall be subject to the inspection and approval of the Enforcement Officer of the Town of Halfmoon. All roads and/or streets to be constructed within the project limits pursuant to this Local Law shall be constructed pursuant to specifications at the time in effect for the construction of Town Highways in the Town of Halfmoon. Any water distribution system must and shall be connected to public or municipal facilities and constructed and inspected according to Town Standards.

Section 6. Construction Inspection Escrow As per Town Rules and Regulations.

Section 7. Storm Water Management Facilities; Dedication. Upon satisfactory completion in accordance with the approved drawings of all storm water management facilities within the limits of dedicated streets, they shall be offered to the Town of Halfmoon with duly executed deeds, easements and bills of sale as appropriate at no cost to the Town of Halfmoon which the Town, in its sole discretion, may accept for dedication at any time it determines. The Town may require the developer to create a Storm Water Management District.

Section 8. Storm Water Management Facilities; Easements. For all those portions of the storm water management facilities, including pipes, catch basins, manholes and retention areas, which lie outside the limits of dedicated streets, easements for the maintenance, repair and replacement of the system shall be conveyed to the Town of Halfmoon at no cost to the Town of Halfmoon if and when requested by the Town of Halfmoon at any time.

Section 9. This Amendment shall be deemed automatically revoked and void, and the previous regulations and laws shall obtain, if within one (1) year from the approval of the Planning Board of the Town of Halfmoon for the construction of the project, commencement of the construction of the Pino Planned Development District has not begun, or if after construction has begun unless substantial progress continues without undue interruption thereafter, or if the development is not complete within four (4) years of such approval. As to the area within which a building or buildings have been constructed pursuant to this Local Law there shall be no voiding of the Amendment and as to said area and building or buildings, this amending Local Law shall continue in full force and effect and the area zoned by this Local Law shall be the area within which said building or buildings was or were constructed pursuant to this amending Local Law. For proper cause shown, the Town Board of the Town of Halfmoon may, upon such terms and conditions as it deems proper, extend either the one (1) year period or the four (4) year period or both and/or may waive the requirement that substantial progress shall continue without undue interruption. Any such extension of time or waiver may be made by the Town Board without a public hearing. In the event no application is made to the Planning Board for final site plan approval within one (1) year of this local law, or substantial progress is not made on said application within two (2) years thereafter, this local law shall be deemed automatically revoked and the previous zoning shall apply.

Section 10. Said Local Law 5-1995, Zoning Map is hereby amended by providing that the Pino PDD be set forth on a supplementary map which is hereby made a part of this Local Law as Exhibit "B". The property set forth on such map is the real property described in the description annexed hereto, made by Lansing Engineering, P.C., which is hereby made a part of this Local Law as Exhibit "B".

Section 11. Effective Date. This Local Law shall take effect upon being filed in the Office of the Secretary of State and the Office of the Comptroller as provided in the Municipal Home Rule Law.

Attorney Murphy stated, upon reviewing the Pino PDD she saw that when the Planning Board referred the project to the Town Board they recommended that the Town Board act as lead agency, which they have already sent out notices and, passed a Negative Declaration for SEQRA purposes with regard to the project.

RESOLUTION NO. 25

Offered by Councilwoman Parker, seconded by Councilman Polak: Adopted by vote of the Board: Ayes: DeCerce, Polak, Bold, Parker

WHEREAS, the Town Board intends to adopt the Plan for the Pino Planned Development District in accordance with Town Law § 272-a; and

WHEREAS, the adoption of a land use plan is a Type I action pursuant to the State Environmental Quality Review Act (SEQR) and therefore subject to the regulations of that law (6 NYCRR 617); and

WHEREAS, the Town Board is the only involved agency;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board is Lead Agency pursuant to 6 NYCRR 617.6.

REPORTS OF BOARD MEMBERS AND TOWN ATTORNEY

Councilwoman Parker reported that she would like to commend our Highway department and our fire services for the wonderful job they did during the past few days with the terrible ice. She stated they came through her neighborhood at least four times with salt so the community would be safe. She stated, as far as the fire families, the four departments really out themselves in harms way for the community and they did a wonderful job. In addition, she thanked the Town Board but especially our Town Supervisor for adding the Halfmoon Town Hall to the “Warming Stations” in Saratoga County. She stated it will be used in case of emergency for warming station only, along with nine others in the County and, there are still people in the northern end of the County who have no power.

Supervisor DeCerce stated he will request Ken Hassett’s cell phone number to add to the list he will forward back to the County. He stated we are very fortunate in Halfmoon not to have to provide this but we are ready to provide this. He stated Councilwoman Parker and Ken Hassett have done very well in making sure this happens.

Councilman Bold stated this building is currently serviced by an emergency standby generator and we have money in the 2007 Budget to provide the same service to the Senior Center.

Supervisor DeCerce stated we received a call from Bishop Hubbard, which is private, and some inquiry from Marina Woods. He stated it was suggested by Councilwoman Parker that maybe in any new project like that we ought to make sure there is a generator. He stated he feels that is important, however, at this stage, they will be asking for some help from Senator Bruno or Assemblyman Reilly to provide generation for either or both of those facilities. He stated before he asks for money he needs to know what size and the ballpark figure of the cost.

He stated if anyone knows of anyone with a problem to please let him know and call his office. He stated the Highway department did a great job making sure things were taken care of during the recent ice storm.

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

DEPARTMENT REPORTS- month of December

1. Town Clerk

Total fees remitted to the Supervisor - \$ 6,233.69
Filed

2. Town Justice Tollisen

Total cases - 198 Total fees remitted to the Supervisor -\$22,190.00
Filed.

2006 Year End Report submitted by: Town Justice Tollisen

Filed.

CORRESPONDENCE

Councilman Polak stated, relative to the next item, that they should have the applicant come in to provide a presentation at the next meeting, because there have been a lot of changes.

1. Received from Town Planner notification of Planning Board decision to pass a positive recommendation for the Inglewood Planned Development District, Cemetery Road for 27 town houses.

2. Received letter of resignation from Court Officer Matthew Gundrum, effective January 19, 2007.

3. Received from New York State Department of Transportation notification of speed limit study for Cary Road with determination that a reduction is warranted and will be reduced to 40 mph on Cary Road; in addition they have determined that a speed reduction is warranted and will be reduced to 30 mph for the Dater Woods subdivision and, will include Enterprise Drive, Timberwick II, Cemetery Road and Anthony Road..

The Town Board expressed their pleasure with this decision by the Department of Transportation.

Councilwoman Wormuth is now present.

OLD BUSINESS

Hudson Ridge Planned Development District – update from January 2 meeting

Bill Hoblock, Capital District Properties, LLC, stated the Board requested information on three points and will provide that information, the first being the walking trail; the second are the improvements to Stone Quarry Road at the intersection with Route 9 and, the third being sewer service to the Vandenburg Park on Woodin Road in lieu of the \$1,000 per unit cash contribution. He stated they asked not only for information but to bring their engineers to answer any questions. He asked if everyone received the submission that they submitted last week. He stated they went through the issues and submitted a site plan that added the walking trail extension, a memorandum and the road plan profile prepared by Creighton Manning engineering regarding the proposed improvements to the Woodin Road/Route 9 intersection and they had EDP do a brief sewer study and explanation of the proposed sewer service to Vandenburg Park on Woodin Road.

He stated regarding the walking trail they show the extension from the clubhouse to Route 9 and it has been added to the site plan that was proposed. He stated the Board also asked for design of the walking trail and will be six feet in width with a three to six inch base and a lot of hard packed surface throughout the parking trail except for the part that goes through wetlands where they will use wood chips.

He stated the second issue was the improvement to Stone Quarry Road at the intersection of Route 9. He stated the improvement eliminates the hazardous “hump” in Stone Quarry Road just before the intersection with Route 9. He stated they will re-grade the road which is known as vertical realignment. He stated they were asked to show a profile of the existing grade and what the grade will look like after its shaved down. He stated they submitted a road profile and Tom Baird is here from Creighton Manning the engineering firm.

Mr. Hoblock stated Travis Mitchell is here from EDP to discuss the sewer.

Mr. Hoblock stated a question was asked, once it is graded how does it improve the stopping site distance of the intersection, what it is now and what it will be. He stated today it goes from 130’ to 275’ and is about a 75% improvement, which is very substantial. He stated the last question was how, if at all, can they improve the site distance eastbound on Stone Quarry Road and come to the intersection. He stated they are not proposing to improve any site distance because that would involve grading a four lane DOT highway. He stated one of the solutions would be a light there but that is not an option through DOT.

Mr. Hoblock stated Tom Baird from Creighton Manning has been involved with this project since the beginning and has involved in the redesign of the Route 9 – Stone Quarry intersection but also in the massive redesign of the other end of Stone Quarry at Woodin Road.

Mr. Baird stated he would go over the plan and comment on the constraints and issues. He stated as you approach the intersection there is a limited amount of site distance which varies about 130 feet. He stated the primary constraint is the existing residential driveway and an environmental issue with the trees and also right of way issues. He outlined the area on the site map and stated they are proposing a maximum cut of approximately two feet between the driveway and Route 9 and would extend for a total length of about 275 feet of reconstruction. He stated the existing stopping site distance is 130 feet and they will improve it to 226 feet. He stated one issue is the driveway that is pitched down toward her house and they will be dropping the road about one foot in front of her driveway and will level it out for her and help with the water in her driveway. He stated the water sitting in her driveway is deteriorating her concrete and will be one benefit. He stated the resident is very concerned about her trees. He stated they brought their work limit right up to the limit of where the root balls would be which is 9 feet from the edge of the existing lane. He stated they accommodated the trees, stayed within the right of way and have not created a situation with the driveway. He stated they are fixing a bid situation she has right now and created the best profile they could. He stated, just past her driveway about 100 feet back they will gradually take the road down from nothing for a maximum of two feet and match Route 9 for approximately a 70% increase. He stated the speed limit is 40 to 46 mph but, as you approach the intersection people are slowing down. He stated it is a very simple fix.

Councilman Polak stated he envisioned they could take a little more of the hill out but he didn’t want to impact the residents any more than they had to.

Mr. Baird stated they did look at other alternatives but it would move back beyond the right of way and in past the trees and the impact would have been significant.

Councilwoman Parker asked where the trees are.

Mr. Baird stated they are large maple trees that are between the driveway and Route 9 on the left hand side as you approach Route 9. He stated when they drop the road they have to

grade the slope back and, if it is cut too deep the trees will have to come down. He stated they will assume a mow-able slope and the grass will be able to be maintained right up to the road. He stated balancing all the constraints they came up with a very good solution.

Councilman Bold asked, when at the white line at the stop sign and if you are in a sedan what is the site distance looking up Route 9. He asked what the required site distance there based on the average speed on 9 and what the actual site distance is.

Mr. Baird stated, looking left, he could see cars from the intersection of Route 236 just past the nursery and see their front bumpers and the top of the hood all the way from the intersection but he is not sure what the distance is exactly and is a fuzzy area. He stated it wouldn't be a standard but a guideline to shoot for and, would be between 700 and 710 feet at 60 mph in a stop position looking left. He stated to make a right turn you would want to look left 575 feet because people are more apt to pull out in front of you. He stated it is a very involved process because there is a slight crest on Route 9 and, to do it you have to go out with a tripod in the middle of traffic measure then move it. He stated he doesn't have the answer because they didn't do that.

Councilman Bold stated he is trying to understand if it is a proper intersection or not because we are talking about a whole new housing project and we already have way more traffic than what we should have going out of there. He stated he was very surprised when he looked at the traffic report and found that the turning movements only went from 21 to 26 during peak hour. He stated when he went back and looked at that he wondered where they are putting all the traffic and then understood they were heading them to Exit 8 and, he realized there is another hump there too. He stated he doesn't see any analysis of that at all in the report and is surprised they are not addressed.

Mr. Baird stated what they could do if he wanted to know, at the public hearing before this Board they could have an answer as far as the site distance looking north and south on Route 9 and, will have to check the grade of the shoulder. He stated the survey group could knock down a few of the branches to get out on the shoulder at the end of the pavement.

Councilman Bold stated he is assuming that at the public hearing there will be a lot of people with concerns and they need to be able to address these and be able to answer the questions.

Supervisor DeCerce asked if they could also address the traffic heading to Exit 8 on Crescent Road.

Discussion followed relative to the traffic concerns.

Mr. Hoblock stated the last item they were asked to look into is the sewer service to Vandenburg Park in lieu of \$1,000 per unit cash contribution to the Town. He stated as discussed sewer service to Vandenburg Park was a public benefit geared more to the neighborhood. He stated Travis from EDP is doing their entire off site utility work and is intimately familiar with the project. Travis stated they are proposing the installation of a grinder pump at the ball fields with a low pressure force main. He stated the sanitary sewer flow from the existing bathroom and extend a service lateral out to Woodin Road and, then runs a common force main about 2500 feet north on Woodin Road to Ponderosa Drive, which is the nearest gravity collector. He stated it is a Saratoga County Sewer District gravity system that flows into the Birchwood pump station which is the same station the project will eventually flow into. He stated as part of the Hudson Ridge project they will be upgrading that station to take additional flows and to provide the sewer district with a modern station. He stated as they move forward they will take a survey of the homes along the route and the force main sizing from the park will be based on the number of homes that are interested in connecting. He stated they anticipate the range from a 2" to 3" line depending on where the connections are.

Councilman Bold asked if they would install that line per the County's recommendations and then dedicated to the County.

Mr. Hoblock stated that is correct the line would be dedicated to the County and the only thing the Town would own would be the grinder pump and the lateral.

Councilwoman Parker stated she questioned the size of the piping and 2 to 3" doesn't seem adequate.

Travis stated when working with a force main it is different than a gravity main where the minimum size used is 8" line but with a force main the size has to be based on the number of connections they have in order to maintain sufficient flow in the line to prevent maintenance issues. He stated the County requires a 2 feet per second cleaning velocity in the line and certain formulas are used. He stated they will size the line as large as they can to maintain the 2 feet per second to give the most flexibility in the future for connections. He stated it will be important to

get some idea of the homes that would like to connect as they initiate the design. He stated most likely it will be on the opposite side from the water line and they will perform full root survey and determine exactly where it goes as the project proceeds forward.

Supervisor DeCerce stated it is exciting because approximately a dozen homes can connect into it. He stated he understands the question about the size of the pipe he would want a bigger pipe too but with a force main there can't be a bigger pipe because it would not be forcible.

Councilman Bold stated the rest room facilities that are there now are less than adequate and it would have to be designed for something more adequate.

Discussion followed regarding setting the date for the hearing. Mr. Hoblock stated they can provide the site distance information within a week.

Councilman Polak stated he feels it will be good for all of them to get the public input and they wouldn't have to take action at that time. He stated they would be able to digest what the public comments are before the Board takes action.

RESOLUTION NO. 26

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

RESOLVED, that the Town Board sets a public hearing for the Hudson Ridge Planned Development District, Stone Quarry Road for February 6, 2007 at 7:10 pm.

NEW BUSINESS

RESOLUTION NO. 27

Offered by Councilwoman Parker, seconded by Councilwoman Wormuth: Adopted by vote of the Board: Ayes: DeCerce, Polak, Bold, Parker, Wormuth

RESOLVED, that the Town Board approves and orders paid all vouchers for all funds listed on Abstract dated January 16, 2007, totaling: \$3,354,153.70

RESOLUTION NO. 28

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

RESOLVED, that the Town Board appoints Meg Bearce part-time Clerk for the Senior Express to be paid \$11.50 per hour worked retroactive to January 1 through December 31, 2007.

Councilwoman Wormuth reported on the next item, stating this was money that was budgeted when they did the 2006 Budget and was for their Reach Out for Youth campaign and the program they run called "Saturday Night Live" which serves the youth in our community and gives them a place to go. She stated they also use some of the money for scholarships and different programs that they run and available to our residents.

RESOLUTION NO. 29

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

RESOLVED, that the Town Board authorizes the Supervisor to enter into agreement between the Town and Capital District YMCA in the amount of \$5,000 to provide support for their Saturday Night Live Program for teens.

AGREEMENT BETWEEN THE TOWN OF HALFMOON AND CAPITAL DISTRICT YMCA

THIS AGREEMENT, entered into on the 16th day of January 2007, between the TOWN OF HALFMOON, a municipal corporation having principal offices at 111 Route 236, Halfmoon, New York hereinafter referred to as the TOWN OF HALFMOON, and the CAPITAL DISTRICT YMCA, with offices at 1 Wall Street, Clifton Park, New York, hereinafter referred to as the YMCA.

WHEREAS, the Town of Halfmoon has received a request from the YMCA to financially support their Saturday Night Live Program for the 2006-2007 school year to serve the different teens throughout the school year; and

WHEREAS, the YMCA has represented that 40% of those teens reside in the Town of Halfmoon; and

WHEREAS, the YMCA has represented that it is the largest teen program at the YMCA and accounts for 80% of the teen attendance in structured programs; and

WHEREAS, the Town of Halfmoon is willing to authorize Five Thousand (\$5,000.00) Dollars for said services for serving the Town of Halfmoon residents and particularly the teens of the Town of Halfmoon;

NOW THEREFORE, BE IT AGREED AS FOLLOWS:

1. That the Town of Halfmoon shall provide to the YMCA the sum of Five Thousand (\$5,000.00) for the Saturday Night Live for Teens and those programs designed to aid teens and to afford teens a proper social environment to be used by the teen residents from the Town of Halfmoon.
2. That the monies shall be used for the Saturday Night Live Program and the Reach Out for Youth Program in order to support the YMCA's mission to provide the teens a safe and healthy environment, to build strong kids, strong families and strong communities.
3. That the YMCA will agree to indemnify and hold harmless the Town of Halfmoon to the fullest extent permitted by law, from any claim, arising out of the YMCA Saturday Night Live acts or omissions and from any and all losses whatsoever, whether for personal injuries or property damage, civil or criminal sanctions or penalties, including but not limited to the cost of litigation, attorney's fees, filing fees and expenses of each and every nature caused, contributed to or occasioned by the YMCA, its employees, agent, servants or assigns.

RESOLUTION NO. 30

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

RESOLVED, that the Town Board approves the Water report for January 2007 billing, as submitted by the Director of Water.

RESOLUTION NO. 31

Offered by Councilman Bold, seconded by Councilman Polak: Adopted by vote of the Board: Ayes: DeCerce, Polak, Bold, Parker, Wormuth

RESOLVED, that the Town Board sets a public hearing for February 6, 2007 at 7:05 pm for a proposed amendment to the fee schedule for the GEIS and Recreation fees for the Town of Halfmoon

RESOLUTION NO. 32

Offered by Councilwoman Wormuth, seconded by Councilman Polak: Adopted by vote of Board: Ayes: DeCerce, Polak, Bold, Parker, Wormuth

RESOLVED, that the Town Board sets a public hearing for February 6, 2007 at 7:05 pm for a proposed Zoning Ordinance and Subdivision Ordinance of the Town to implement new fees for commercial and residential building permit fees and Planning Board fee schedule.

Supervisor DeCerce stated, relative to the next resolution, that Mr. Williams couldn't be here tonight because he lives quite a bit north where they were hammered with water and ice. He stated Jeffrey's been with us as our original Planner and does a very nice job and was excited to hear he passed the exam.

RESOLUTION NO. 33

Offered by Councilman Bold, seconded by Councilman Polak: Adopted by vote of the Board: Ayes: DeCerce, Polak, Bold, Parker, Wormuth

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

RESOLVED, that the Town Board appoints Jeffrey Williams as permanent full time Senior Planner effective immediately to be paid current annual salary.

Supervisor DeCerce stated the next item is the same scenario and he was very excited to hear this.

Councilman Polak stated he commends Jeff and Steve and these tests are very difficult and they do a great job and they are the backbone of Planning and Zoning.

RESOLUTION NO. 34

Offered by Councilman Bold, seconded by Councilman Polak: Adopted by vote of the Board:
Ayes: DeCerce, Polak, Bold, Parker, Wormuth

WHEREAS, the County of Saratoga has advised that Stephen Watts, Jr. has acquired civil service status, it is therefore

RESOLVED, that the Town Board appoints Stephen Watts, Jr. as permanent part time Building and Development Administrator effective immediately to be paid current annual salary.

The Supervisor stated, relative to the next item, that the reason for changing is that two Board members are going to attend the Association of Towns meeting as well as the Clerk in New York City.

RESOLUTION NO. 35

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

WHEREAS, it is necessary to reschedule the February 20th Town Board meeting to ensure a quorum of the Board is present, it is therefore

RESOLVED, that the Town Board authorizes rescheduling the February 20 Town Board meeting date to Thursday, February 22 at 7:00 pm to be held at the Halfmoon Senior Center.

Councilwoman Parker stated, relative to the next resolution, that this is very exciting because it adds top our open space.

Supervisor DeCerce stated the property is diagonally across Harris Road. He stated the Town purchased the old Harris Brothers John Deere shop along with two old barns that were recently taken down and this property is adjacent and is also part of the Harris property. He stated it adds to the Open Space and Park area we have across the road.

Attorney Murphy stated it is not subject to a public hearing but is subject to permissive referendum. She stated there are environmental constraints in the contract, which is why she is requesting it be subject to review and approval of the Town Attorney.

Councilman Bold stated this is a very exciting purchase and they do connect in the back with additional frontage on Harris Road and is a great piece of open land. He asked about the conditions in the contract.

Attorney Murphy stated there are a lot of conditions with regards to the environment.

RESOLUTION NO. 36

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

RESOLVED, that the Town Board authorizes the Town to purchase approximately 17.63 acres at 174 Harris Road in the Town of Halfmoon in the amount of \$200,000 subject to permissive referendum., and further

RESOLVED, that said approval is subject to the review and approval of the Town Attorney.

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

John Gorsky, Upper Newtown Road, stated the water line was run up his road and asked why they are being charged for a full year on his property taxes when the water isn't available to hook up to until the spring. He asked if it should be a partial year whenever the water becomes available.

Councilman Bold stated it is an excellent question and, at the time the district extension was prepared the plan was that the water line would be available by this time, however that did not occur. He stated the water will not be available for hook up until probably May.

Attorney Murphy stated it will require further research and she can look at the issue for the Board.

Mr. Gorsky stated he is listed as a two-family house and, technically it is and has a small in-law apartment but the water runs throughout the whole house and there wouldn't be two separate water meters and is not like a duplex. He stated if he ever hooked up there would only be one meter and asked why he is being charged double and his taxes went up \$656 and over the next thirty years that is a lot of money. He stated he can't hook up because he is almost 700 feet off the road and will cost him about \$7,000 to run the line and he doesn't feel it is fair that he should have to pay for something he can't use.

Councilman Bold stated at the time they were receiving the various parcels along that route he spotted this and knows Mr. Gorsky was asking questions about it. He stated he did research this in the Assessors office and the water plant and found that the facilities that exist in the home is what qualifies that. He stated he was not successful in making a change because of the additional kitchen and living facilities and that is what triggered the second unit.

Supervisor DeCerce stated they can address the additional five months and will try to have an answer at the next meeting.

There being no further business to discuss or resolve the meeting was adjourned at 8:20 pm.

Respectfully submitted,

Mary J. Pearson
Town Clerk

