

The June 18, 2014 Regular meeting was called to order at 7:00 pm by Supervisor Tollisen in the A. James Bold Meeting Room at the New Town Hall with the following members present:

Kevin J. Tollisen, Supervisor
Paul L. Hotaling, Councilman
John P. Wasielewski, Councilman
Cathy L. Drobny, Deputy Town Attorney
Lynda A. Bryan, Town Clerk

Walter F. Polak, Councilman - Excused
Daphne V. Jordan, Councilwoman - Excused
Lyn A. Murphy, Town Attorney - Excused

PLEDGE OF ALLEGIANCE and MOMENT OF SILENCE

Supervisor Tollisen: During our moment of silence tonight, I would like to think about our Councilman and friend Walt Polak in his recovery.

I am going to take the meeting a little bit out of order this evening. Our Town Attorney is on vacation and I would like to proceed with Resolution #5 on the agenda so we can appoint a Deputy for the meeting.

RESOLUTION NO. 205

Offered by Councilman Wasielewski, seconded by Councilman Hotaling: Approved by the vote of the Board: Ayes: Tollisen, Hotaling, & Wasielewski

RESOLVED, that the Town Board appoints Cathy L. Drobny as Deputy Town Attorney retroactive to June 16, 2014 at Grade 10 Base pay \$28,250 per year, prorated to the end of 2014, after all pre-employment testing.

POLL OF THE BOARD

Councilman Wasielewski –	Aye
Councilman Hotaling -	Aye
Supervisor Tollisen -	Aye

Supervisor Tollisen: Motion passed. Miss Drobny Congratulations. I appreciate Miss Drobny's interest in being Deputy Town Attorney. She is a Halfmoon resident and she has some experience working with the Town of Halfmoon. We look forward to working with you Cathy, and welcome aboard.

Supervisor Tollisen swore Miss Drobny in

PUBLIC HEARING: HALFMOON VILLAGE & YACHT CLUB PDD AMENDMENT

Supervisor Tollisen asked if anyone wanted the Public Hearing read. Hearing none, **Public Hearing Opened at 7:05 pm**

John Montagne Greenman and Pederson: Thank you very much Supervisor Tollisen and Councilman Hotaling and Wasielewski for having us again this evening. I am here representing Gail Krause of the Halfmoon Beach Properties.

The proposal before the Board this evening is an amendment to the approved 244 unit Halfmoon Village & Yacht Club Planned Development District. The requested modification is a modification in the allowance in the ownership structure for that project. It is still a residential development. The project is still the same as it had previously been. There are multiple buildings on this site that have parking underneath with units inside. The proposed change is to allow for ownership structure to also allow apartment ownership as well as condominium and that is

primarily because right now getting financing for condominiums has proven to be extremely difficult to the point of not being feasible, while there is a lot of interest on the other side for people who are interested in apartments.

I think a few things to point out, public benefits for this project were established as part of the original approval. There were three primary public benefits. The first was a Public Park. That park would be a 1.5 acre piece of land that would be deeded to the town on completion of construction of the project. It included eight parking spaces, a trail system down to the river, an area to launch canoes and kayaks and a small fishing pier associated with it. The completion date for that was predicated in PDD language as being completed and deeded to the town by our Certificate of Occupancy's issued for Phase II of the project.

The second public benefit that was discussed relates to sewer in the area. The project includes about a 3.5 mile sewer improvement, forced mains and other improvements along the way. It will go up Beach to Dunsbach and eventually to the Grooms Road pump station. As part of the review at the town, the applicant also agreed to include a section of gravity sewer from the intersection of Beach Road and Canal back to the lift station at the Halfmoon Beach Property. The sizing of the lift station chamber would be big enough so that in the future the town choose to do another extension of the sewer along Canal, they could then come and tie into that manhole at the intersection of Canal and Beach and then benefit from the force main that goes back up to Grooms Road. In addition to that there are a number of single family residential properties along that sewer route, and it was agreed that provisions would be made so that those people could tie into that forced main when it is in construction.

The last primary public benefit was roadway upgrades in the area. The project will have a number of years of construction. There are already sections of road along Canal and Dunsbach that have some potholes and dips and other things in it. As part of the construction phase of this project, those areas will be repaired and managed all the way through construction and then post construction. The full length of Canal back to Vischer Ferry and Dunsbach going back also to Vischer Ferry would be milled and a new top of asphalt would be put on that to give it a smooth finish.

In addition to that there are a few other public benefits that are not directly listed in the PDD language. There is existing natural gas service is just past the Mohawk Terrace Apartments on Beach. In order to bring natural gas to this site, we will be working with National Grid and paying the cost for them to extend down Beach, the intersection of Canal and into the property. National Grid has identified all the homes that are along that stretch will be allowed to get service.

Finally, it is important to know that the project is tax positive. While the town does not have a town tax, the taxes do go to the County and to the school district. At the end of calculations, the net plus under the condominium association project is roughly \$900,000 in excess tax. That included a 35% discount for condominiums. If the project goes to apartments, that 35% discount no longer applies and we are really looking at a \$1.2 million surplus in taxes to both the County and to the school district.

That is about all that I have for the presentation and I would be happy to answer any questions.

Supervisor Tollisen: I think that you have identified the public benefits. I just want to be clear for the record that the public benefits that you have delineated, have not changed from your original approvals, is that correct?

John Montagne: That is exactly correct. I should also reiterate, there really is no change in the design, the approvals, anything from the original approvals that were granted. This is just an ownership modification to allow for funding on the project.

Supervisor Tollisen: Any questions from the Board? Are there any questions from the public?

Cathy Ferrand, 37 Dunsbach Road: With all of the building that is going on in our area, traffic has become really bad. Dunsbach Road and Vischer Ferry on that corner and has become dangerous. There is only two ways out of the lower end of Halfmoon which happen to be the bridge and Route 9. They are backed up more often than not during the rush hour traffic. As a concerned citizen, I am wondering what is going to happen with this added traffic? The buildings on Stone Quarry aren't fully finished yet, but we are still seeing impact from it. To get to the Northway, you have to cut through Route 9 and Vischer Ferry. Dunsbach Road has become a throughway for the lower end. You can't even go to your mailbox without your hair being blown back. Nobody does 40 mph, nobody. Schools, this is going to bring a lot more children to our area. Can we handle this in our schools? Fire, Safety, Police, obviously with more people, more traffic, and more crime. Do we have enough to handle that? Do we have enough emergency people? Those are the only concerns that I have is the impact on that lower area of Halfmoon, Saratoga County.

John Montagne: As you know, this project has gone through of over ten years of environmental review and design review. During that process an entire full environmental impact statement was done that had a detailed traffic study and there were supplemental studies reviewed by the town's consulting engineers, Clough Harbour & Associates and prepared by Chazen Engineering. The Board had asked us to take a look at traffic and any changes that the ownership might do. Greenman and Pederson were hired to do that work. In that analysis it showed that there was absolutely no change to level of service associated with this change in ownership structure. The different land use categories increased a very minor amount in the daily trips but that amount is so very insignificant, that it is still well under 5% lower than what the DOT requires for any traffic analysis. This was almost an exercise in futility, there really is no impact. As far as any of the other things, school aged children, or any other impact, those are exactly the same. The use is still residential; there is nothing different from what was analyzed in the impact statement of the findings that the Town Board approved.

Councilman Wasielewski: Mr. Montagne, what do you anticipate, if this is approved, what the anticipated rents to be? Can you say that at this point?

John Montagne: Well, it is tough for me to say because it is not my prevue on the real estate side

Councilman Wasielewski: It would kind of determine who the likely tenants would be. Correct?

John Montagne: I understand that and you are right. You are probably looking at for a one bedroom, upscale apartment; I am going to say \$1,200 or more and probably over \$2,000 for a three bedroom. I think that some of the other ones across the river are going for even more. I would think that market value, market share, we would be very competitive with that. This is a luxury apartment. You see that in the trend. If you want to build new construction, in order to afford that construction these days, you have to charge the higher end of the rent scale in order to bring in the revenue that you need.

Councilman Wasielewski: That is why I am asking. To the uneducated realtor, such as myself, higher rents would less likely mean children

John Montagne: The demographics is going to be for the empty nesters, the ones that could afford the higher rents, not the young urban couple that got married

Councilman Wasielewski: You anticipate it to be marketed that way, to empty nesters?

John Montagne: Oh yes. That is how the other part of the project was always marketed. Same design so same revenue level you would have to bring in.

Councilman Wasielewski: Thank you.

Supervisor Tollisen: Anyone else?

Dave Duval, 37 Dunsbach Road: Good Evening. Gail filed five PDD's. During the 4th one, a gentleman from New Jersey that was offering financing, I brought up to the town that this was a toxic waste site across the street. Krause's property is an actual toxic waste site. I would just ask the town if that was ever investigated, if anything has been done. I know that there are new people on the board. I am very blunt in what I have to say. People who were on the Board before, whatever happened, happened. I live in this town and I see things get pushed through that shouldn't be pushed through. I just want to know if the town ever did investigate the toxic water site. It is on nytoxicwaste.com.

I also spoke with a fellow that lives on Dunsbach Road. His father worked for Bendix his entire career. His job was to bring 55 gallon drums of asbestos brake dust to the Krause property. I lived at Krause's. I have anger resentment. I am going to let the town know that. I don't think that this is a good project for the community or the town. You are putting in a multi-million dollar project, a river front project between two locks, how much traffic do you get? We don't need more parks in the town. What we need is better PDD's filed, smaller ones. We should probably change the name of Halfmoon to Full moon. It is getting to the point as Catherine said, going to the mailbox and there is 50 cars going by, none of them do the speed limit. The Police Department basically say film them, I am not going to sit out there with cameras.

When I lived at Krause's, I had a tree removed. When the stump of the tree had fallen, the space of the tree, 6 foot in diameter, from one end to the other, circumference. When the stump fell there was five openings on the lawn that opened up. There were 55 gallon drums that had rusted and the lids had fallen in. I lived there and filled them in. I didn't know it was a toxic waste site until after we were evicted from the property. I feel that the town should at least investigate before anything else is approved. It is a matter of concern for children and adults that will be living there, animals that live in the area.

There have been three investors so far, and they have all sued. The Army Corps of Engineers, they sued. Are all them lawsuits completed or are there open lawsuits on this property still? I don't think a PDD should be filed if there are open lawsuits.

I also brought it to the town's attention that the Krause's are barricading their road that goes from the beginning of their property into the parking lot with barrels. I asked the last Town Board Meeting, the fire chief was here, he mentioned that the Krause's were being vandalized and that he gave them permission to barricade the road. To this date we still plow it, it is a town road. You can't barricade a town road. Nothing has been done.

Supervisor Tollisen: Did you file a complaint with the Town?

David Duval: I shouldn't have to; I am at a Town Board meeting making a public statement.

Supervisor Tollisen: You said that you had previously done that so I am just wondering when you did that

David Duval: previously done what?

Supervisor Tollisen: that you had previously told the town about

David Duval: that was at a Town Board Meeting. I was also at, the day I noticed that, I went to

Supervisor Tollisen: Do you remember the date is what I am looking for, I am sorry.

David Duval: I was maybe two months before the PDD for the New Jersey investor got involved.

Supervisor Tollisen: Back when the initial approval, is that what you are saying?

David Duval: Correct. Before the approval.

Supervisor Tollisen: I was unclear as to when you filed because I was not aware that you had filed a complaint. Obviously, it was before my time, so , I was just clarifying. Thank you.

David Duval: I would like the Town Board to see through the clouds that the Kraus's don't follow the rules. You can't block a highway, a road. If my neighbor rakes my leaves and I wanted the leaves, can I block Dunsbach Road? I would never do that. It puts people lives in jeopardy. There is an older lady who still lives there on the property. If something happened to her and the ambulance pulled in and flipped over and hit one of them barrels, who's responsible? I brought it up to the town, the town would be responsible. Gail would be responsible.

Supervisor Tollisen: We can send Code Enforcement down to make sure that they are

David Duval: I went to Code Enforcement. I went to the Highway Department

Supervisor Tollisen: I am going to tell you that I am going to send somebody down there just to make sure that everything is in compliance and that there is no issues with respect of being able to access the town roads and things of that nature. I will make sure that we do that for you.

David Duval: I'd appreciate that sir. You are the first town official that's made me feel that something would be done.

Supervisor Tollisen: I will have that looked at OK?

David Duval: Thank you. I am not sure of the amount of camps that were down there, I never counted them, but I think that there were approximately 40. When all of those camps were removed, the town requires an asbestos abatement for any structure larger than 8X8. Before any structure is removed you need to file abatement with the town. It was never done. It was done through DOT, because I called DOT and turned them in. I tagged the property. The town still has an obligation to ask where these applications are and if not there are fines involved. These fines should be implicated on the Krause's. This is another example of Krause's not following the rules. The Army Corps of Engineers has an open lawsuit

with them. Has that been resolved? If not, who is going to dredge the water? Where are they going to get all of that fill from?

Supervisor Tollisen: With all due respect to any litigation going on, that really doesn't involve the town unless the town is named in the lawsuit. We would have no right to discuss that. It would have no relevance to the town, unfortunately with respect to whether this project gets approved or not. Again, if the town was named in the lawsuit, we would certainly have standing to discuss it, but if there is an appending lawsuit, that's between whoever the parties are. It is not going to be addressed by this Board.

David Duval: Right. I am not looking for you to look into the lawsuits; I am looking for you to look into the fact of the Army Corps going to dredge the front? Because that is where the Krause's were going to get the fill from and does that fill have toxic waste involved in it? I read in the newspaper last month, that Gail's quote in the newspaper, "I have property sitting there not making no money." I paid \$350 a month for 40 camps. That is \$14,000 per month. That is \$168,000 per year. To date that is \$1,680,000. I just want the town to know that because bad decisions end up with bad projects.

Again, I agree with Cathy. There is excessive traffic. I think that this project should require sidewalks, signal lights at that end of Dunsbach and at the end of Canal Road. That's it, thank you for your time.

Supervisor Tollisen: Thank you, sir.

John Montagne: As I said in the Environmental Analysis, it was a ten year process. In that analysis a full soils and water sampling testing analysis was done, distributed to laboratories, reviewed by the New York State DEC, who issued water quality certifications for it. There are no actions that are out there right now, with any agency. I do not know where that comment about the Army Corps came from. I have already addressed the issues of traffic, so I believe that is all I really have. Thank you.

Supervisor Tollisen: Thank you.

Pete Bardiunias, President of the Chamber of Commerce of Southern Saratoga County: We are based in Clifton Park but we cover all of Southern Saratoga County including Halfmoon so we are Halfmoon's local Chamber of Commerce. I am here in support of this project tonight as we were a year ago when we were in support of the original PDD. I have shared the concerns of many when we talk about the quality of life and the Chamber of Commerce stands ready to work any way that we can with the Town of Halfmoon to help make sure that the quality of life remains strong here because Halfmoon is a wonderful town to live in and you deserve to have a great place to live. At the same time, I think that this is going to help that because this project will help make Halfmoon distinctive in other ways. It already is, but this will make it even more so. It is also a realization that the world is changing. I grew up in a world where the American Dream was a big house with a lot of land and a white picket fence. The world is changing and the people want apartments, they want mobility, they want condominiums, they want those types of things and they want that type of flexibility. Because of that, this is what requires banks and things like that to require these types of stipulations in order to finance projects such as this. Gail is simply reacting to practicalities of what it is going to take to get this project done. Like many developers, they are simply trying to make their marketplace and do the things that are necessary in order to produce that.

The good news is that this project is going to appeal to an upscale clientele. It may be a lot of older people, it may also be people of means. Yes, they may have kids in the school system, but at the same time, they are the ones who are going to be

volunteering and helping out at the PTA and stuff like that. These are going to be store owners and perhaps as we have been working on the Business and Economic Development Committee, we are trying to get more good strong businesses into Halfmoon. These might be the employers of many of our children going forward. That is a good thing too. Maybe I am too optimistic, but my feeling is that I think this project will work out very well. I think that it is going to be something that we can be proud of, be very distinctive and very visible for the Town of Halfmoon. It really is no change in regard to the actual size or scope of the project, but simply a change of ownership of the units. We believe whole heartedly, that this is a worthwhile endeavor. We recommend any changes as requested by the applicant for the PDD. Thank you.

Supervisor Tollisen: Thank you

Lisa Ellis, 22 Beach Road: I just want to know, “Where do you live?” You live in Clifton Park. The difference is, you don’t live next door to where this is going to be happening. OK. I would like to read a letter from my neighbor who couldn’t make it here tonight. She was at the last meeting and this was very important to her.

Arlene Clements and John Russante, who recently passed away & they live at 22 Beach Road, right next to the property:

I will not be able to attend the meeting on Wed but would like to express my feelings. I live adjacent to the property in Halfmoon. My concerns are the following:

I am against the apartment proposal. As it is the condo density is too large for the allotted space.

The proposed pocket park for 8 cars for the Kayak drop off will not accommodate the amount of cars that may use it, when there is an overflow they will be parking on the 2 lane road and cause congestion.

Would the town consider putting in a dock next to the Fire Departments dock and enlarging the parking at that end. It would make much more sense and the road at that end can take the overflow.

I would like to know what kind of a fence/barrier will be constructed between Krauses property and 20 Beach Rd. How will canal and Beach Rd. handle the heavy construction trucks? The lower end of Canal is like a wash board.

Thank you for considering the above.

Arlene Clements
20 Beach Rd.

Last month I was here also, when Arlene got up, I was too chicken to get up, but afterwards, there was a comment made that not many people got up. Maybe it was because they were like me and didn’t want to voice their opinion. My one question was, “Why didn’t someone say, can everybody here just raise your hand if you are opposed to it?” I ask that everybody that is opposed to raise their hands so we can just see. (6 people raised their hands). My concerns are, I do live next door to Arlene, and when there are clambakes, the traffic is horrendous. I can’t imagine people living there and my big thing is: First, I have been living there for 14 years. When I heard about these 10 years ago and I heard it was going to be condos, I thought upscale, apartments, no. An apartment renter is different than a home owner, we all know that. It is just two different types of people. I am going to be living right next door there, you know, Mohawk Terrace Apartments, Hollandale

Apartments, we all think that they are going to open up and it's going to be beautiful. But, honestly, are the apartments going to look like the camps did? Were the camps taken care of all those years? I do not know, I didn't live there, I lived next door. It didn't look like they were taken care of to me. I do have to agree with the rules. Some people break the rules. OK, that is all that I have to say.

Councilman Wasielewski: John, particularly, I am interested in the parking issue when access for emergency vehicles for large events. Let me back up a minute, the 8 parking spots for the kayak launch. They seem to be sufficient for the park that is closer down to Route 9. This might be more actively used as far as parking in front of people's houses on a relatively narrow road

John Montagne: One of the main reasons why the park was discussed with the Town Board the last time, was the fact that there are cars that periodically park along the road and people fish along the lagoon and fish along the river. The desire was trying to get them to the other side away from the lagoon and to the actual river and also give them the opportunity at that end to get a canoe or a kayak into the river. The 8 spaces were really looked at and evaluated and it was based on how many cars on a regular basis you would see parked along there for that purpose. You have a project that has its own roadway that comes into it now. To be honest with you, I don't see that being any of the bigger issues. You now actually accommodated what has been common practice down there by getting them off the road. You fill it up with 8 cars and people will more than likely go to the other end if they want to get quick access to the river. That is why that was designed that way.

Is there room for additional parking there? Sure. It is a 1.5 acre spot. If the town decides in the future to add more once you own it, or if you decide before construction, you think that we should add a few more, there is plenty of room for it.

Councilman Wasielewski: I suppose time will tell as far as the parking situation, but my concern from my perspective, would be access for larger emergency response vehicles when there are cars parked on the road and not in designated parking spots.

John Montagne: I would think that from an enforcement standpoint that was one of the reasons why the park is there so that they could enforce no parking on the shoulders, because there are no shoulders on the road in that area. It's a two lane road; it's got 24 feet of width so it is ample width for passing cars. What people do now is they go up a little bit further where the shoulder does widen now and they pull off into the grass. It is still the town's right of way, but there is no shoulder in that area. I think that once you get a parking area in a park that is designated for that and you post on the road "No Parking", use the park, then you have an enforcement opportunity to get people educated and get them off of that.

Councilman Wasielewski: Thanks.

Deb Kwacz, 89 Old Canal Road: I was also at the previous meeting and I have been at other meetings and I also have submitted a letter. My main issue is traffic and safety. I live on Old Canal Road, a lot of the traffic studies talk about Dunsbach and Vischer Ferry. Old Canal is the main drag from that proposed property to Route 9. Currently we have loads of traffic going on now. If there is an event going at Krause's, the traffic is 2 and 3 times more that it usually is. I also live at the end when the other park is. That park for parking is filled now, there is no extra space. There is the bike and pedestrian way that we have built there now. There is a lot of children, a lot of animals, people walking, and bikers. The speed limit is 40 mph, however, I can tell you that the speed limit is more than 40; they go 50 and even more. I am concerned about the safety, the traffic. I am also concerned, again, from going from condos to apartments. I think that the density was too much before and that has been spoken to by the Town Planning Board and other areas before. I just

feel that the Town Planning Board denied the request, and I am just hoping that you as a Board will honor that request as well. For safety, for the traffic, the whole thing, I mean, I am just concerned about the whole project as a whole. Thank you.

John Montagne: One of the key things that we pointed out on the initial review of this project on the traffic analysis is that currently, the grove that has been in activity for 40 years now, on a regular basis has large events that with more than 1,000 to 1,500 people that come to it and often coming in with single cars. We have a project now that has 244 units, much smaller in scale than any one of those events. The traffic gets distributed just like you would through a regular residential neighborhood. It is modeled totally differently than a large scaled event. Those heavy flows of traffic and potential issues with parking on the road, totally will go away because that is not this type of use anymore. Other than that, the other comments, we have already addressed them this evening.

Deanna Stephenson, 7 Cindy Lane: I have come to this podium many times and I have talked against apartments and multi dwellings. In this case, I actually have to say, and I may not stand in the majority tonight, but I have to say that Mrs. Krause has been looking at this for ten years. And not through any fault of her own, but because of financing reasons this is how this has turned out for her, she has had to move this from condos to apartments. If anybody knows what I have talked about before, we look for public benefits and we want wonderful things for the Town of Halfmoon. Mrs. Krause was gracious enough to sit down with me and go through the whole project. Yes, I understand the traffic may be an issue. But, you also have to look at other projects and developments going on. The Town Board currently is holding the developers feet to the fire now regarding public benefits and are looking at these and make sure that they come to fruition. A lot of that does come down to traffic when you look at Linden Village and Stone Quarry Road. I do agree, we do need to look at that and need to be very vigilant on that. Going back to Mrs. Krause's project, sitting down with her, what I did say to her and she knows that I am not favorable about the apartments, but I know that there is no way out for her at this point. Because of the financing piece, she had to take out the Clubhouse and the pool. What was really great about the project, had to go because of the financing reason. I sat with her and I said, think about Albany, when you go to the State Capital in May and you see the carts pull up, that's great business for the capital. Why not? Why can't we have boats pull up? Why can't we make it something like the Lighthouse Park where we are bringing bands down there, we make it a commercial business. It really is a jewel. That place is a jewel for Halfmoon. I asked Mrs. Krause, would you live in one of these apartments? She said absolutely.

Again, am I favorable about apartment? Not so much. But I know that this project's finance reasons is why we are here talking about it. In this case, I am in favor of Mrs. Krause's project and I wish you the best of luck.

Karen Desnoyer, 69 Dunsbach Road: I echo the sentiments of the last lady that was up here. While I am not jumping for joy over the fact that they are turning to apartments, I would have much rather seen condos, however, I do think that there is a lot of good that will come out of the project as well. Number 1, being a resident of Dunsbach Road, I can tell you and I can't speak for anyone else who lives on Dunsbach, but my neighbor and I, our septic systems are failing. They are in catastrophic failure. We are in need of either redoing the entire thing, which according to the people we spoke to would cost between \$10,000 and \$15,000, or we can benefit from the sewer line that Gail is going to run up Dunsbach Road.

I know that not everyone benefits from that sewer line either, so I am speaking a little selfishly here, but that is one very big benefit for me anyway. One other thing that I will mention is the traffic. I know that a lot of people have voiced concerns about the traffic and believe me, living on Dunsbach Road, I agree, there is a lot of traffic on that road. However, for me the bigger issue is not so much the traffic and

as long as most people obey the speed limit and I believe they do. We do have people fly down the road and we have three small children, so I do not want people flying down the road. I hope that this project is being marketed to older folks, that they are not going to be heavy on the pedal down Dunsbach. Again, the bigger issue for me is not necessarily the traffic, but some form of light at the intersection of Dunsbach and Vischer Ferry. I did bring this up at the last meeting as well. I contacted Senator Marchione about that and she is having someone take a look at it right now. Whether you are in agreement or not to this project, everyone in here would agree that intersection is extremely dangerous and we need something done. The last Town Board meeting that I was at, they said that the Town could not place a traffic light there because Vischer Ferry is a state road. That is why I have gone to Senator Marchione. There is a concern there. Other than that, I am in support of the project. If it is done nicely and some as it is planned, I feel that it will be an improvement to Halfmoon. From my perspective, it is a positive thing. Thank you.

Supervisor Tollisen: I can tell you that Senator Marchione's Office did reach out to me with respect to that area as well. We are looking at that area in general. It obviously is a process that is going to take place but there is going to be a concerted effort by the Senator's office and our town government to have that reviewed by DOT. With what's going on in that area with the overall general traffic flow and the developments that are going in there, we are having it looked at. Thank you.

Matt Shea, Dunsbach Road: Regarding the boat launch, between Krause's and the Klamstream Tavern, the Town of Halfmoon put in a boat launch that you can launch boats and it has a lot of parking. I think it is a good project.

Cathy Ferrand: The DOT analysis, that was for this project done before the Stone Quarry Road project, before for the two new projects on Dunsbach Road north and south? If that is the case, this traffic is not combined with those three new projects and that adds to the traffic. Isn't that area a flood zone? If you raise that land to build houses on it, where is that water going to go besides around it on Canal?

John Montagne: The traffic analysis was done at a time when four other projects were being contemplated including Linden Village. Two of those projects are not going to happen. The analysis that we did included full trip generation out on those two projects and that still did not trip the warrants for DOT for that signal. Our project, however, really did not contribute to anything on that intersection that would warrant a traffic light. It is a state highway and when it backs up the road on the side streets, it is through traffic that they want to keep moving.

As far as the flood study, in the analysis for the impact statement, they did a very, very detailed analysis and flood way study was completed. It was fully reviewed again by Clough Harbour. The big thing about this section of the river is that it is regulated by the dams. There was comment about periodic flooding from ice jams by the bridge and since the bridge has been reconstructed, the flooding has been fully vented and there is no impact from this project on that.

Supervisor Tollisen: Just some clarification with respect to Linden Village. I believe the original Linden Village had apartments that were included in the project. The apartments were withdrawn recently. The Planning Board did vote to approve Linden Village for 48 residential units

John Pingelski, Town Highway Superintendent: Just for the record and clarification on the barricades. There are two empty, plastic drums with a 2X4 laying on them, on one side of the road. They are trying to defer people from going down the road because of the amount of vandalism that was happening down there. The lady down at the end of the street has never complained about them, snow plowing has never been an issue, they have been removed during snow storms and it is just the one side to kind of deter people from going there. If council and you think that they need

to be removed, we can remove them, it is not like it is concrete barriers, it is just two empty drums, they can be easily removed.

Supervisor Tollisen: Thank you for the clarification.

Joe Christopher, 96 Werner Road: I just have a question for Mr. Tollisen. Do you think it's fair to say that the town has been moving toward commercial development and away from the higher density residential type development?

Supervisor Tollisen: Is this related to this project?

Joe Christopher: Yes, the character of it in the projects, are they seeking town approval? I was wondering if

Supervisor Tollisen: I am not sure I understand your question. Basically, what this is coming before the Town Board, is an approved PDD, and there was an amendment to the PDD requested, an application was made and the only change that is being requested is one word; from condominiums to apartments. So, I am not sure what your question is. This was an approved project before I was here

Joe Christopher: But it is being changed from condominiums to apartments. Do you think it changes the character of the project?

Supervisor Tollisen: Are you asking me personally?

Joe Christopher: Yes, or the Board or anyone.

Supervisor Tollisen: I think that the request here is a change from one wording to another wording for financing purposes and I think that it is going to be up to the Town Board members to determine whether or not that change is material to approve or deny it. I will be one vote on that and the remaining members will vote as they see fit as well.

Joe Christopher: OK, and did they receive the negative recommendation from the Planning Board. I was just wondering if you could explain how that works and why we are here and where it would go from here. Thank you.

Supervisor Tollisen: Sure, with a PDD amendment, what happens is it starts with the Town Board and referred to the Planning Board. The Planning Board sent it back with a negative recommendation to the Town Board. This is the second time that the Planning Board has done that. The first time was before I was here. They sent it back with a negative recommendation and the Town Board at that point approved it. I do not know what the vote was but the Town Board did approve it. This was originally sent to us, it was referred to Planning. Planning sent it back with a negative recommendation. It came back to us, I scheduled a public hearing. There will be no action taken tonight as this matter needs to be responded to by the County Planning Board. They need to provide their input, and there would then be scheduled at the following meeting for a vote.

Joe Christopher: OK, thank you.

Supervisor Tollisen: You are welcome.

Cindy Altrock, 35 Dunsbach Road: I am just echoing concerns about the traffic on the road and the dangerous intersection of Vischer Ferry and Dunsbach and getting out onto that road. I was also wondering if we could receive a copy or if there is somewhere we could find a copy of the DOT analysis that was done for that intersection for the traffic.

Supervisor Tollisen: Sure. I believe that can be made available to you. You would just need to see the Town Clerk and she can make that available to you.

Cindy Altrock: OK, and the flood analysis

Supervisor Tollisen: I may have it here in my pile, but if you want to see the Town Clerk, she will make sure that you get a copy.

Cindy Altrock: OK, that is really all that I wanted to echo because we have two small children who live on that road also, and I will not let them ride their bikes on that road. I will not let them walk on that road by themselves because the traffic is way too dangerous and goes way too fast. I also did write a letter to the town transportation department and I never heard back from the town about the speed limit. I wanted it lowered and I never heard back on that.

Supervisor Tollisen: When did you submit that?

Cindy Altrock: Probably like two years ago.

Supervisor Tollisen: Alright, if you don't mind submitting that back to my office. I can make sure that we send that on for review for you.

Cindy Altrock: OK, thank you.

Supervisor Tollisen: You are welcome. Anyone else care to speak this evening? Hearing none, I will close the Public Hearing at 7:53 pm.

Like I said a few minutes ago, the County Planning Board is required to weigh in on this project before it moves forward or doesn't move forward. So before we can vote on it, we need to wait for the County Planning Board. The County Planning Board meets tomorrow and they will provide their recommendation to the town from there. We believe a vote will take place at the next Town Board meeting which is July 2nd. We will make sure, Ms. Bryan that will be posted on the website as well so that everyone is aware of when that is. Thank you.

PUBLIC INFORMATION HEARING: ZONING AND CODE AMENDMENTS

Supervisor Tollisen asked if anyone wanted the Public Hearing read. Hearing none,

Public Information Hearing Opened at 7:55 pm

Supervisor Tollisen: If it is OK with the Board, I am going to do the amendments one by one and we can ask for comments and questions with respect to what is before us and then decide if we want to vote.

Councilman Wasielewski: Yes, I would rather review them individually.

Summary of Zoning & Code Amendments

The following is a summary of the proposed zoning and code amendments and the two public workshops held by the Town Board on 4/15/2014 and 5/6/2014. You will note that the "Workshop Summary" is listed after each proposed amendment. Proposed revisions since the workshops indicated by "Proposed 6/18/14 Revision".

1. Require Project Approval Before Soil Disturbance

Purpose: Amend Sec. 165-42A to require final approval of a pending project under review by the Town Board and/or Planning Board before soil disturbance activities (grading, clear-cutting, etc.) related to the project may be authorized. Currently, projects under review by the Town Board and/or Planning Board, which may not ultimately be approved, may significantly change in design before final approval, or may be withdrawn by the applicant, may be granted a Soil Disturbance permit to grade, prepare or otherwise significantly alter the land and remove vegetation and buffers.

Workshop Summary: General consensus of the Town Board in support. (Discussed at 4/15/14 Workshop meeting).

Bruce Tanski: I have a question and this doesn't spell it out. What happens if somebody has a piece of property; 20, 30, 40 acres and they decide that they do not want to do anything with it, they just want to modify their property? Is there a mechanism where they can still go through and get a soil disturbance permit? This does not spell this out.

Supervisor Tollisen: Mr. Harris, what I am going to ask you to do is because we have several of these, it would be easier to have you come up and sit with us

Councilman Wasielewski: In the meantime, Bruce, what do mean by modify?

Bruce Tanski: Let's just say a guy has 25 acres and he wants to go in and cut trees and maybe he has some hills and slopes and he wants to level his property or just go in there and work on it. I do not see a mechanism in this amendment that allows him to do that. The only thing it spells out is if you are going to do a project. I know that there are people in town that have large pieces of property that may not want to do anything, build or sell to a developer or anything like that. They just want to modify their property, so what is the mechanism for that? Does it stay the same or do you have to have a project in order to work on your property?

Councilman Wasielewski: Thanks for that clarification.

Rich Harris, Director of Planning: The current steps that are in place for that scenario, if there is no application before the Planning Board or the Town Board, you would have to apply for a Soil Disturbance Permit to the Building Department. They would review it and eventually approve that permit. That simply creates an additional avenue for projects that have submitted an application for development. Subject to that application would not be held to a soil disturbance permit until it receives final approval. So basically, in the current situation if someone came in today for a permit to clear their land and they apply for a soil disturbance permit, if this is approved, that scenario would

Bruce Tanski: Does this also pertain to somebody that wants to log a site?

Rich Harris: This application under current rules, logging does not require site plan, so in this situation as it sits today, logging

Bruce Tanski: It is my understanding that the Town Board regulations says that you can't cut more than an acre of land. So how does that all fit in?

Rich Harris: No, the regulations don't say that you can't. It says that over an acre, you need to apply for a soil disturbance permit. Under an acre, you don't need to apply. That is under that Sec. 165-42A. So you can, you just need to apply for a soil disturbance permit.

Bruce Tanski: Thank you.

RESOLUTION NO. 206

Offered by Councilman Hotaling, seconded by Councilman Wasielewski: Approved by the vote of the Board: Ayes: Tollisen, Hotaling, & Wasielewski

RESOLVED, that the Town Board approves amending Sec. 165-42A of the Local Law that requires Project Approval before Soil Disturbance subject to the review and approval of the Town Attorney.

POLL OF THE BOARD

Councilman Wasielewski –	Aye
Councilman Hotaling -	Aye
Supervisor Tollisen -	Aye

2. Establish All Fees by Resolution of the Town Board

Purpose: Currently, the Town Board sets a majority of application fees (building permits, Town Board and Planning Board applications, etc.) by an annual resolution considered and voted upon by the Board at a public meeting. However, some fees are listed in the Town Code (e.g. telecommunications facilities/cell towers) and require an amendment to the Town Code in order to change them. This amendment would allow *all* fees to be set by resolution of the Town Board.

Workshop Summary: General consensus of the Town Board in support. L.Murphy advised that E-Codes needs to be notified of the removal of fee references in the Town Code, if this is enacted. (Discussed at 4/15/14 Workshop meeting).

RESOLUTION NO. 207

Offered by Councilman Hotaling, seconded by Councilman Wasielewski: Approved by the vote of the Board: Ayes: Tollisen, Hotaling, & Wasielewski

RESOLVED, that the Town Board approves amending the Local Law to Establish All Fees by Resolution of the Town Board subject to the review and approval of the Town Attorney.

POLL OF THE BOARD

Councilman Wasielewski –	Aye
Councilman Hotaling -	Aye
Supervisor Tollisen -	Aye

3. Allow the Town Board to Deny PDD and PDD amendments without Planning Board Referral

Purpose: Amend Sec. 165-54A to allow the Town Board, upon receipt of an application for a Planned Development District (PDD) and amendments to existing PDDs, discretion to *deny* such requests without referral to the Planning Board. It would remain a requirement of the Town Board to refer and receive a recommendation from the Planning Board in order to *approve* a PDD or PDD amendment.

Workshop Summary: General consensus of the Town Board in support. (Discussed at 4/15/14 Workshop meeting).

Bruce Tanski: My question here is, if the Planning Board gives a negative recommendation on a project, does the Town Board still have the right to override that negative recommendation and approve the project? Is that still going to stay in place?

Supervisor Tollisen: The mechanism does not change with respect to the process. If a project gets referred to the Planning Board and a negative recommendation is given by the Planning Board, the Town Board would still have the final decision on whether the legislation changes, because the PDD is an actual change to the zoning legislation. The Town Board would retain the ability to make the final determination. The only change that is being made with this is whether or not a project in its initial stage, if it is brought to the Town, whether or not it moves forward to Planning or not. If it is referred to Planning, it does not mean that the

project will be approved. The Town Board will still have the final decision, yes or no on that project.

Bruce Tanski: OK, thank you.

Councilman Wasielewski: Motion made as proposed.

RESOLUTION NO. 208

Offered by Councilman Wasielewski, seconded by Councilman Hotaling: Approved by the vote of the Board: Ayes: Tollisen, Hotaling, & Wasielewski

RESOLVED, that the Town Board approves amending the Local Law to allow the Town Board to Deny PDD and PDD amendments without Planning Board Referral subject to the review and approval of the Town Attorney.

POLL OF THE BOARD

Councilman Wasielewski –	Aye
Councilman Hotaling -	Aye
Supervisor Tollisen -	Aye

4. Clarify that PDD Density Shall be Calculated Based Upon Buildable Acreage

Purpose: Clarify language regarding the calculation of the maximum density of PDD projects to ensure “buildable” acreage is utilized. While the Town has historically used “buildable” acreage in calculating the proposed density of PDDs, as stated in Sec. 165-59E, language in Sec. 165-60B(2) conflicts with this section and needs to be amended to ensure future consistency. Sec. 165-60B(2) states “gross” acreage in reference to calculating the density of residential PDDs, and this needs to be amended to state “buildable” acreage.

Workshop Summary: General consensus of the Town Board in support. (Discussed at 4/15/14 Workshop meeting).

RESOLUTION NO. 209

Offered by Councilman Hotaling, seconded by Councilman Wasielewski: Approved by the vote of the Board: Ayes: Tollisen, Hotaling, & Wasielewski

RESOLVED, that the Town Board approves amending the Local Law to Clarify that PDD Density Shall be Calculated Based Upon Buildable Acreage, subject to the review and approval of the Town Attorney.

POLL OF THE BOARD

Councilman Wasielewski –	Aye
Councilman Hotaling -	Aye
Supervisor Tollisen -	Aye

5. Limit Construction-Related Noise Impacts on Neighboring Residences

Purpose: Establish allowable time and days for construction-related activities, such as the operation of tools or equipment used in construction, drilling, excavations or demolition work, for projects that received Site Plan and/or Subdivision approval of the Planning Board when located in or adjacent to residential zones and uses. The Town has typically stated that construction may be “sun up to sun down”, but that is not presently codified nor enforceable. The proposed allowable hours for such qualifying activities under this amendment would be 7:00 A.M. to 8:00 P.M. Monday through Saturday, with no qualifying activities allowed on Sunday. An exception is proposed for: (1) emergency construction, as determined by the Code Enforcement Officer; and (2) the Sunday prohibition shall not apply to a residential homeowner performing the construction-related work themselves on their own property. Also, this shall not apply to customary property maintenance (mowing, snow removal, leaf removal, and similar activities and repairs) and construction not subject to Site Plan or Subdivision approval.

Workshop Summary: General consensus of the Town Board that the Planning Board currently has the legal authority to set construction hours and no new language or zoning amendments are needed. (Discussed at 4/15/14 and 5/6/14 Workshop meetings).

PROPOSED 6/18/14 REVISION: Apply the above only to projects that received Site Plan approval or Major Subdivision approval (5 lots or more). This change would eliminate Minor Subdivisions (4 lots or less) from these restrictions.

Supervisor Tollisen: There were a number of different scenarios with respect to how the town should move forward. Some of the construction was from sun up to sun down, some was allowing putting times in with respect to times of construction, when it starts and when it stops on any given day qualifying if it is allowed on Sunday's. The consensus of the Board was that the Planning Board has the authority to set this.

Rich Harris: The general provision proposed, the allowable hours for construction that falls within the stipulations to adjacent residential neighborhoods, construction would be allowed from 7:00 am to 8:00 pm Monday through Saturday, with no activities allowed on Sunday. There was no proposed change over the original proposal in terms of time wise, just strictly taking out the smaller scaled developments from this restriction thereby allowing construction on Sunday. For example, minor subdivisions for 4 lots or less, there was no change in the hours.

Councilman Hotaling made a motion to approve, Councilman Wasielewski did not.

Supervisor Tollisen: This matter has been **TABLED** for further discussion by the Town Board

Bruce Tanski: I agree with everything that the Board is trying to do. My only problem is, nobody wants to work Sunday's but this particular year is a good example. Right now, myself and six other contractors are 2 to 2.5 weeks behind. Some guys have worked on Sunday's and some guys have worked later than 8:00. It is difficult to get caught up. I think that most people don't want to do it, but I think that the Town should be cognizant to the fact that there are certain situations when they should be allowed. Maybe it's a separate permit or something along those lines. I don't think that anybody wants to be told when they can work and when they can't work. That's all. Thank you.

Stephanie Nolet: 3 Cambridge, Just in response to that, I don't think that it is the resident's fault if the builders are behind, so that construction noise before 7:00 am or after 8:00 pm or on Sunday, it is nice for us to have a break.

Supervisor Tollisen: There may be others that do not move forward tonight, but this one will be further reviewed by the Town Board and will move forward whenever there is consensus.

6. Clarify Planning Board Authority to Approve Flag Lots

Purpose: To clarify that the Planning Board has the discretion to approve more than one flag lot per subdivision. Amendments to Sec. 165-5 in 2005 eliminated the restriction on the number of flag lots the Planning Board may approve. However, amendments to Sec. 143-22 are also necessary to ensure consistency and eliminate confusion.

Workshop Summary: General consensus of the Town Board in support. (Discussed at 4/15/14 Workshop meeting).

RESOLUTION NO. 210

Offered by Councilman Wasielewski, seconded by Councilman Hotaling: Approved by the vote of the Board: Ayes: Tollisen, Hotaling, & Wasielewski

RESOLVED, that the Town Board approves amending the Local Law to Clarify Planning Board Authority to Approve Flag Lots, subject to the review and approval of the Town Attorney.

POLL OF THE BOARD

Councilman Wasielewski –	Aye
Councilman Hotaling -	Aye
Supervisor Tollisen -	Aye

7. Allow Temporary Uses of Commercial Properties

Purpose: Amend Town Code (Secs. 165-23 and 165-27) to establish a permit process where temporary activities on commercial properties are allowed without requiring approval by the Planning Board. Land owners in the C-1 Zoning District and any other commercial venture would be eligible to apply to the Building/Code Enforcement Department for temporary commercial activities when the activity is reasonably related to the last approved use for the site. A “Temporary Event” permit would be authorized with the following parameters:

- Permit may be issued for a maximum of three consecutive calendar days and no more than four times per calendar year (12 days/year aggregate maximum);
- Submittal of a site plan or sketch of the location of any tents, tables, temporary parking, etc.
- Flat fee for the yearly permit = \$383 (consistent with existing Mass Gathering Permit fee)
- Permit would be issued by the Code Enforcement/Building Department, with approval from both the Director of Code Enforcement/Building and Director of Planning, who would review the application for:
 - o Consistency with the last approved use of the site; and
 - o Public safety; including, among other things, ingress and egress, internal traffic and pedestrian circulation and parking.

Workshop Summary: General consensus of the Town Board in support, with the following changes (Discussed at 5/6/14 Workshop meeting):

- The fee is recommended as \$60 per three-day event
- Planning and Code Enforcement/Building to develop additional language allowing non-profits or non-profit sponsored events (including school groups) to temporarily use commercial properties in cases when the product sold is not consistent with the last approved use.

PROPOSED 6/18/14 REVISION:

- 1) Proposed fee increased from \$60 to \$100, to better address actual/real staff administration costs;
- 1) Waive the fee for non-profit events and require certification from the non-profit that a percentage of fees were received from the event;
- 2) Event approval at the discretion of the Town Supervisor or his/her designee.

Bruce Tanski: If I could make a suggestion to the Town Board. Instead for it being just the C-1 zone, could we allow this for anyone in town? A perfect example is the golf course. That’s an allowable use in an AR zone, so then I wouldn’t be able to take advantage of these new rules. My suggestion is, if the Town Board would look at extending this to anyone who has any type of commercial venue in town, if possible.

Rich Harris: The reason it was proposed in the C-1 zone is really based on past history of where this has come up. At least on the staff level, there wasn’t significant discussion on anywhere but where the identifiable issues have happened in the past. They are almost primarily on Route 9 for events due to visibility and that is C-1 zoning. We kind of proposed it on the staff level on an experimental basis to see where the biggest problems or issues have come up and we grapple with it. There have been very important events that have come up by a pool company that benefit a Shen School program on a piece of property that doesn’t have anything to

do with the pool company or the Shen program. Our hands have been tied to do it in a timely manner. We are trying to create a process, the C-1 district, purely based upon issues in the past on an experimental basis

Supervisor Tollisen: Is there any issues with making it a C-1 zone and any other zoning with respect to business?

Rich Harris: We didn't have any other cause to have any objection on a staff level to any other zoning districts. I don't see why if there are commercial activities approved in other zones, which there are commercial, manufacturing, in the case of the golf course, that is an allowed use through the special permit process. I do not see any reason why we would have a conflict or a problem with that.

Councilman Wasielewski: Motion to approve as it is currently proposed.

Supervisor Tollisen: and any other commercial venture or

Councilman Wasielewski: and any other commercial venture, correct.

RESOLUTION NO. 211

Offered by Councilman Wasielewski, seconded by Councilman Hotaling: Approved by the vote of the Board: Ayes: Tollisen, Hotaling, & Wasielewski

RESOLVED, that the Town Board approves amending the Local Law to allow Temporary Uses of Commercial Properties, subject to the review and approval of the Town Attorney.

POLL OF THE BOARD

Councilman Wasielewski –	Aye
Councilman Hotaling -	Aye
Supervisor Tollisen -	Aye

8. Codify Change of Use and Change of Tenant Requirements

Purpose: Amend Section 165 to clarify that a Change of Use and/or Change of Tenant in non-residential zones and for non-residential uses require review and approval from the Planning Board.

Workshop Summary: General consensus of the Town Board in support. (Discussed at 5/6/14 Workshop meeting).

RESOLUTION NO. 212

Offered by Councilman Wasielewski, seconded by Councilman Hotaling: Approved by the vote of the Board: Ayes: Tollisen, Hotaling, & Wasielewski

RESOLVED, that the Town Board approves amending the Local Law to Codify Change of Use and Change of Tenant Requirements, subject to the review and approval of the Town Attorney.

POLL OF THE BOARD

Councilman Wasielewski –	Aye
Councilman Hotaling -	Aye
Supervisor Tollisen -	Aye

9. Allow Planning Board Discretion in Parking Space Requirements

Purpose: Amend Section 165 and Schedule B to allow the Planning Board greater flexibility to establish parking requirements for Site Plans, amendments to existing, approved Site Plans, and Change of Tenant/Change of Use requests. In granting a waiver of Schedule B requirements, the

Planning Board shall consider the following factors: unique site conditions, traffic patterns, known or anticipated parking demand and hours of operation of the tenant/tenants.

Workshop Summary: General consensus of the Town Board in support. (Discussed at 5/6/14 Workshop meeting).

RESOLUTION NO. 213

Offered by Councilman Hotaling, seconded by Councilman Wasielewski: Approved by the vote of the Board: Ayes: Tollisen, Hotaling, & Wasielewski

RESOLVED, that the Town Board approves amending the Local Law to allow Planning Board Discretion in Parking Space Requirements.

POLL OF THE BOARD

Councilman Wasielewski –	Aye
Councilman Hotaling -	Aye
Supervisor Tollisen -	Aye

10. Ensure Consistency in Penalties for Town Code Violations

Purpose: To amend all “penalties” sections in the Town Code to establish a uniform, progressive daily assessment of fees, similar to the language in Sec. 165-76. Currently, penalties for Town Code violations vary from progressive daily assessment to weekly assessment. This amendment would establish one, consistent method for assessing penalties (progressive daily assessment) and one which will have a greater deterrent effect and impact.

Workshop Summary: General consensus of the Town Board in support. (Discussed at 5/6/14 Workshop meeting).

RESOLUTION NO. 214

Offered by Councilman Hotaling, seconded by Councilman Wasielewski: Approved by the vote of the Board: Ayes: Tollisen, Hotaling, & Wasielewski

RESOLVED, that the Town Board approves amending the Local Law to ensure Consistency in Penalties for Town Code Violations, subject to the review and approval of the Town Attorney.

POLL OF THE BOARD

Councilman Wasielewski –	Aye
Councilman Hotaling -	Aye
Supervisor Tollisen -	Aye

11. Codify Existing Town Park Prohibitions for Enforcement Purposes

Purpose: To codify restrictions currently listed on signs in Town Parks and establish consistent rules for hours of operation, use, parking, etc., for enforcement purposes. The restrictions include:

- **Park Hours:** All parks and park areas within the Town of Halfmoon shall be open for public use from the hours of 5:30 a.m. until 9:00 p.m. or as otherwise posted. This limitation shall apply to all exterior areas and shall not be applicable to activities inside any buildings within any of the aforesaid areas.
- **Parking Limited to Park Use:** It shall be unlawful and constitute an offense under this article for any person to park any motor vehicle in a town park or public park within a park district at a time when the operator of the motor vehicle is not utilizing the park or park facilities for their lawful purpose(s).
- **Prohibited Acts Within Town Parks:** It shall be unlawful and constitute an offense for any person to:
 - A. Utilize or make use of any park within the Town except during the hours set forth hereinabove.
 - B. Use or utilize any park within the Town for any act or use which is prohibited by this article.

C. Vandalize, spray paint, break, or damage, any property, fixture, building, facility, improvement or structure, or any trees, shrubbery, landscaping materials, and the like in any park or park area within the Town.

D. Operate any motor vehicle of any sort on any field, court, trail, park or recreational facility other than for official purposes and other than in designated areas. This shall include motor vehicles, all-terrain motorized vehicles, snowmobiles, trail bikes, motorcycles, or any other motor-driven craft.

Alcohol Possession/Town Property: No person may drink, consume or possess alcoholic beverages in any town park or in any park within a park district or publicly owned nature preserve or in any other lands or property owned by the town, including but not limited to town buildings, highways, streets or rights-of-way, except events sanctioned by Town Board.

Workshop Summary: General consensus of the Town Board in support. (Discussed at 5/6/14 Workshop meeting).

RESOLUTION NO. 215

Offered by Councilman Hotaling, seconded by Councilman Wasielewski: Approved by the vote of the Board: Ayes: Tollisen, Hotaling, & Wasielewski

RESOLVED, that the Town Board approves amending the Local Law to Codify Existing Town Park Prohibitions for Enforcement Purposes, subject to the review and approval of the Town Attorney.

POLL OF THE BOARD

Councilman Wasielewski – Aye

Councilman Hotaling - Aye

Supervisor Tollisen - Aye

12. Add to the List of Structures and Installations that Require a Building Permit

Purpose: Amend Section 71-5 to require a building permit for the following items to ensure the safety of residents and their property and compliance with Zoning and other applicable provisions of the Town Code:

- (1) All items that are currently issued a permit, including lawn sprinklers, swimming pools, hot tubs, generators and furnaces.
- (2) Residential Storage Sheds: Amend Sec. 71-5(2)(c) to require all residential storage sheds to obtain a building permit. Currently, residential sheds under 140 SF are exempt from permitting but are required to follow all zoning requirements.
- (3) Agricultural Farm Buildings: Amend Sec. 71-5(2)(d) to require all nonresidential farm buildings (barns, sheds, poultry houses and other agricultural buildings) to obtain a building permit. Currently, such structures are exempt from permitting but are required to follow all zoning requirements.

Workshop Summary: General consensus of the Town Board in support (Discussed at 5/6/14 Workshop meeting) with the following changes:

- For items listed in (1), codify and require building permits;
- For items (2) and (3), a one page “Code Compliance” application shall be developed and utilized by the Code Enforcement/Building Department, and shall include a sketch of the location of the structure on the parcel; there shall be no fee for this application.

PROPOSED 6/18/14 REVISION: Require applicable building permit fee for all items (#1-3 listed above).

RESOLUTION NO. 216

Offered by Councilman Wasielewski, seconded by Councilman Hotaling: Approved by the vote of the Board: Ayes: Tollisen, Hotaling, & Wasielewski

RESOLVED, that the Town Board approves amending the Local Law to add to the List of Structures and Installations that Require a Building Permit subject to the review and approval of the Town Attorney.

POLL OF THE BOARD

Councilman Wasielewski – Aye
Councilman Hotaling - Aye
Supervisor Tollisen - Aye

13. Require Septic Permits to be Submitted to the Building/Code Enforcement Department instead of the Town Clerk

Purpose: Amend Sec. 134-2 to clarify that the Code Enforcement Official shall receive applications for waste disposal systems (septic systems), instead of the Town Clerk. The Building/Code Enforcement Department currently receives applications and issues permits for septic systems. This amendment would codify this current practice.

Workshop Summary: General consensus of the Town Board in support. (Discussed at 5/6/14 Workshop meeting).

RESOLUTION NO. 217

Offered by Councilman Hotaling, seconded by Councilman Wasielewski Hotaling:
Approved by the vote of the Board: Ayes: Tollisen, Hotaling, & Wasielewski

RESOLVED, that the Town Board approves amending the Local Law to require Septic Permits to be Submitted to the Building/Code Enforcement Department instead of the Town Clerk subject to the review and approval of the Town Attorney.

POLL OF THE BOARD

Councilman Wasielewski – Aye
Councilman Hotaling - Aye
Supervisor Tollisen - Aye

14. Codify Current New York State “Open Burning” Regulations into Town Code

Purpose: Amend Town Code to codify current New York State regulations restricting open burning for the purpose of local enforcement. New York State regulations currently prohibit open burning in the Town, but the lack of a local law/Town Code provision prohibits local enforcement. Specifically:

- Campfires less than 3 feet in height and 4 feet in length, width or diameter would be allowed.
- Fires cannot be left unattended and must be fully extinguished.
- Only charcoal or clean, dry, untreated or unpainted wood can be burned.
- Burning of leaves and brush are prohibited.
- Open Burning Permits for agricultural purposes may be obtained in accordance with NYS Department of Environmental Conservation regulations and permitting.

Workshop Summary: General consensus of the Town Board in support. (Discussed at 5/6/14 Workshop meeting).

RESOLUTION NO. 218

Offered by Councilman Hotaling, seconded by Councilman Wasielewski: Approved by the vote of the Board: Ayes: Tollisen, Hotaling, & Wasielewski

RESOLVED, that the Town Board approves amending the Local Law to codify Current New York State “Open Burning” Regulations into Town Code

POLL OF THE BOARD

Councilman Wasielewski – Aye
Councilman Hotaling - Aye
Supervisor Tollisen - Aye

15. Limit the Number of Recreational Vehicles (RVs) in Mobile Home Parks

Purpose: Amend Sec. 107 to add language clarifying that each lot in a mobile home park shall have no more than one RV, camper or travel trailer, which may not be used as the primary residence, and similar to the restriction for residential lots in Sec. 165-38.

Workshop Summary: General consensus of the Town Board in support. (Discussed at 5/6/14 Workshop meeting).

RESOLUTION NO. 219

Offered by Councilman Wasielewski, seconded by Councilman Hotaling: Approved by the vote of the Board: Ayes: Tollisen, Hotaling, & Wasielewski

RESOLVED, that the Town Board approves amending the Local Law to limit the Number of Recreational Vehicles (RVs) in Mobile Home Parks, pre the review and approval of the Town Attorney.

POLL OF THE BOARD

Councilman Wasielewski – Aye

Councilman Hotaling - Aye

Supervisor Tollisen - Aye

Supervisor Tollisen: I will close the Public Hearing at 8:24 pm.

PUBLIC HEARING: USING THE GENERAL FUND CAPITAL RESERVE FOR THE RECONSTRUCTION OF THE SALT SHED

Supervisor Tollisen: asked if anyone wanted the Public Hearing read. Hearing none, Public Hearing Opened at 8:25 pm

John Pingelski, Highway Superintendent: The current Salt Shed was built 27 years ago when we had approximately 60 center lane miles of road. Back then we mixed sand into the salt, not needing a usage for a large storage area. We currently have over a 114 center lane miles of road and no longer mix sand in with the salt, we use straight salt. So the current shed does not have enough storage. The new shed is 60 X 104 and holds 4,200 ton of salt. Any questions?

Councilman Wasielewski: What does the current shed hold?

John Pingelski: Well, it's a dome type and if you use the conveyor, you could probably get 800 ton in there. We don't have a conveyor, so we are holding 600 ton. We are probably using 100 ton just to go around once. If a couple of storms get back to back and it has gotten pretty close this year, I am actually ordering salt when the shed is full, anticipating it to get it ordered and in in time. It has come close a few times.

Councilman Wasielewski: Thank you.

Supervisor Tollisen: Any comments from the public or the Board? Hearing none.

Supervisor Tollisen: I will close the Public Hearing at 8:26 pm.

RESOLUTION NO. 220

Offered by Councilman Hotaling, seconded by Councilman Jordan: Approved by the vote of the Board: Ayes: Tollisen, Hotaling, & Wasielewski

RESOLVED, that the Town Board approves using the General Fund Capital Reserve for the reconstruction of the Town of Halfmoon Salt Shed in the not to exceed amount of \$320,000, subject to Permissive Referendum, and per the review and approval of the Town Attorney.

POLL OF THE BOARD

Councilman Wasielewski – Aye

Councilman Hotaling - Aye

Supervisor Tollisen - Aye

COMMUNITY EVENTS:

Movie Night: June 20th Shown at Dusk weather permitting at Town Park

6th Annual Thundervolts Pig Fly: June 21st at 9:00 am on Pryun Hill Rd
Fundraiser for Wounded Warriors

Bel-Aires with a Cruise-in: July 10th 6:30- 9:00 pm at Town Park

Character Counts Event: Neighborhood Basketball in the Park from 6:00 – 8:00 and
Movie Night: July 18th Shown at Dusk weather permitting at Town Park

50th Anniversary Mustang Car Show: July 19th 10:00 – 4:00 pm at Town Park (Rain date July 20th)

TOWN MEETINGS:

Town Board Meetings: 1st & 3rd Wednesday of month at 7:00 pm except May 7th at 2:00pm

Zoning Board of Appeals: 1st Monday of month at 7:00 pm.

Planning Board Meeting: 2nd & 4th Monday of month at 7:00 pm.

Board of Assessment Review: 4th Tuesday in May

Senior Center Business Meeting: 1st Wednesday of month at 1:00 pm

Halfmoon Historical Society: Last Tuesday of month at 7:00 pm

Zoning Review Committee: 3rd Thursday of month

Open Space & Trails Committee:

Resident Relations Committee:

Business & Economic Development Committee:

REPORTS OF BOARD MEMBERS AND TOWN ATTORNEY

Walter Polak; 1) Liaison to Planning Board, 2) Liaison to Zoning Board, 3) Chair of Zoning Review Committee, 4) Chair of Personnel

Paul Hotaling: 1) Chair of Parks & Recreation, Infrastructure (Water, Highway, Building & Maintenance), 2) Chair of Committee on Not for Profit Organizations and Character Counts, 3) Chair on Committee on Baseball/Athletic Organizations

John Wasielewski; 1) Chair of Ethics Committee, 2) Chair of Committee on Emergency Services and Public Safety (Emergency Corps, Fire Department, Police, Animal Control), 3) Chair of Committee on Resident Relations

Resident Relations: We are up over 80 families that will be visited shortly. Welcome to the Town of Halfmoon

Emergency Services: I have nothing to report on

Ethics Committee: Announcements were made back at the first Town Board meeting in January. We currently have four openings on that committee for two committee members and two alternates. Supervisor Tollisen and I met with three candidates last week and we agreed all three are qualified to serve on this committee. Supervisor Tollisen has requested that Town Board members Daphne Jordan and Paul Hotaling also interview these candidates. So, I have every bit of confidence that this committee will be formed and approved at the next Town Board meeting. Thank you.

Supervisor Tollisen: Mr. Wasielewski, just some clarification. The request that I said was OK, was a request by Town Board member Jordan for interviews and based upon her request, that is why I did allow the second

Councilman Wasielewski: I stand corrected.

Supervisor Tollisen: You are correct that we were ready to proceed tonight and based on that request, I will allow that to proceed forward.

Councilman Wasielewski: Thank you.

Supervisor Tollisen: I have two quick items. One is Friday, July 18th, is a Character Counts Event. Basically, this is going to be at the Town Park from 6-8. This is one of the first town sponsored Character Counts events that we have. We have partnered on a few items already. This is what we call the Neighborhood Basketball in the Park Night. The kids will be playing some neighborhood basketball and we are going to have a few basketball coaches there to give some skills and then we are going to have a great game. Anyone is welcome to attend and anyone is welcome to help out. We are going to be cooking some hotdogs and have some things for the kids after. We are teaming up with the Halfmoon Celebrations for a movie afterwards. It is going to be a good night in the park for anyone who wants to join us. We would love to have you help us too!

The second item is actually in response to Ms. Stephenson, who had emailed me with respect to the New York Oncology and Hematology, that's a Medical Facility in the Town of Clifton Park. It borders a number of Halfmoon areas in Colonial Green, Deer Run & Twin Lakes Developments. I do have an update report with respect to this. It is a 35,000 square foot Medical Facility on 5.1 acres at the northeast corner of Sitterly Road in The Crossing. It is expected to open spring of 2015. There was a traffic report study done by Creighton Manning. There is a packet up here if anyone is interested, I can certainly make a copy. It is a packet that we received from the Medical Park with respect to the update. I am sorry that I didn't get that to you earlier, but here it is. Ms. Stephenson, we will make sure that you get copy before you leave here tonight.

Deanna Stephenson: Thanks

Daphne Jordan: 1) Chair of Business and Economic Development, 2) Chair of Insurance (Liability and Medical), 3) Liaison to Open Space and Trails Committee

Lynda Bryan; 1) Chair of Senior Programs, 2) Chair of Committee on Historical Archives

PUBLIC COMMENT (for discussion of agenda topics) No one came forward

DEPARTMENT REPORTS – month of May

1. **Senior Express**

Total # Riders – 218 Total # Meals - 516

2. Town Clerk – Total Fees submitted to the Supervisor - \$8,240.51

CORRESPONDENCE

1. **Received** from the Town Planning Board Resolutions approving the following: Sign Application for Anna's Place, 95 Werner Road, for a Change of Use/Tenant and Sign Application for Fred's Tents, 420 Hudson River Road, Regarding a Positive Recommendation for the creation of the Linden Village PDD, Dunsbach Road and for AT&T/Cingular Wireless PCS, LLC for Site Plan Approval for co-location at the existing town-owned facility located at 204 Brookwood Road.

Received & Filed

2. **Received** from the Town Planning Board Resolutions denying the following: Denial of a Revised Site Plan Application for Effie's Boutique, 1 Birchwood Drive and Denial for Site Plan Application for Upstate New York Subway LLC, 1508 Route 9.

Received & Filed

3. **Received** from the Town Planning Board notification of Special Use Permits for Oakcliff B&B located on 78 Churchill Road and for Fairways of Halfmoon – Accessory Buildings, 2 Cemetery Road.

Received & Filed

4. **Received** from Richard M. Roveland, a letter stating that it is gratifying to live in a place with such a responsive local government and offering his thanks to the Town Supervisor. He is hoping for turning arrows on the new traffic light.

Received & Filed

5. **Received** from Chris Wheland from the Department of Public Utilities, Troy, NY, a letter to the Supervisor stating the water rate for May 1, 2014 to April 30, 2015.

Received & Filed

6. **Received** from the Town Supervisor, a Press Release stating that the Town of Halfmoon authorizes Refunding of Bonds to save Halfmoon Residents over \$600,000

Received & Filed

7. **Received** from Kristen & David Tranotti, a letter stating their opposition against the New Castle Asphalt, LLC plant on Liebich Lane.

Received & Filed

8. **Received** from John Pingelski, the Highway Superintendent a letter stating their summer construction schedule. They will be reconstructing Woodin Road this year and will make every effort to reduce the impact of this project on our town residents.

Received & Filed

9. **Received** from Philip Catchpole of LifeSong stating that the Daffodil Dash this year was a big success and thanking the Town of Halfmoon for their support and dedication to people with "Differing Abilities".

Received & Filed

10. **Received** from Deborah Kwacz, a letter stating her issues with the Halfmoon Village & Yacht Club PDD Amendments.

Received & Filed

11. **Received** from Kesavan & Susan Sampanthar, a letter stating their opposition against the New Castle Asphalt, LLC plant on Liebich Lane.

Received & Filed

OLD BUSINESS

RESOLUTION NO. 221

Offered by Councilman Hotaling, seconded by Councilman Wasielewski: Approved by the vote of the Board: Ayes: Tollisen, Hotaling, & Wasielewski

RESOLVED, that the Town Board awards Contract 1G to Utility Service Co. Inc, for the Rehabilitation of both Werner Road Storage Tanks Project at the low bid

price of \$1,128.131.00, per the review and approval of the Town Attorney and the Director of Water.

POLL OF THE BOARD

Councilman Wasielewski – Aye
Councilman Hotaling - Aye
Supervisor Tollisen - Aye

Supervisor Tollisen: The Director of Water is here, and Frank, you have reviewed this. Based upon your review with Clough Harbour & Associates, the low bidder is an adequate bidder and coming in under bid quite a bit? It is your recommendation for the Town Board to approve?

Frank Tironi, Director of Water: Yes

NEW BUSINESS

RESOLUTION NO. 222

Offered by Councilman Hotaling, seconded by Councilman Wasielewski: Approved by the vote of the Board: Ayes: Tollisen, Hotaling, & Wasielewski

RESOLVED, that the Town Board approves and orders paid Vouchers numbered 1087 - 1181 as detailed.

===== FUND TOTALS =====

10 GENERAL FUND	\$34,101.53
20 HIGHWAY FUND	\$11,672.45
25 SPECIAL REVENUE	\$11,362.86
30 CONSOLIDATED WATER	\$13,436.02
35 MISC. CAPITAL FUNDS	\$16,297.17
65 LIGHTING DIST	\$437.73

ABSTRACT TOTAL:	<hr/>	\$87,307.76
------------------------	-------	-------------

POLL OF THE BOARD

Councilman Wasielewski – Aye
Councilman Hotaling - Aye
Supervisor Tollisen - Aye

RESOLUTION NO. 223

Offered by Councilman Wasielewski, seconded by Councilman Hotaling: Approved by the vote of the Board: Ayes: Tollisen, Hotaling, & Wasielewski

RESOLVED, that the Town Board approves the minutes of Town Board meeting of, June 4, 2014, as presented.

POLL OF THE BOARD

Councilman Wasielewski – Aye
Councilman Hotaling - Aye
Supervisor Tollisen - Aye

RESOLUTION NO. 224

Offered by Councilman Wasielewski, seconded by Councilman Hotaling: Approved by the vote of the Board: Ayes: Tollisen, Hotaling, & Wasielewski

RESOLVED, that the Town Board accepts the changes to the Town Employee Policy Manual retroactive to June 1, 2014.

POLL OF THE BOARD

Councilman Wasielewski –	Aye
Councilman Hotaling -	Aye
Supervisor Tollisen -	Aye

RESOLUTION NO. 225

Offered by Councilman Hotaling, seconded by Councilman Wasielewski: Approved by the vote of the Board: Ayes: Tollisen, Hotaling, & Wasielewski

RESOLVED, that the Town Board to authorizes the Town Supervisor to enter into an agreement with the Town of Clifton Park and M.J. Engineering & Surveying, P.C. for the construction inspection of the Crescent Road Bike & Pedestrian Improvements, per the review and approval of the Town Attorney.

POLL OF THE BOARD

Councilman Wasielewski –	Aye
Councilman Hotaling -	Aye
Supervisor Tollisen -	Aye

RESOLUTION NO. 226

Offered by Councilman Wasielewski, seconded by Councilman Hotaling: Approved by the vote of the Board: Ayes: Tollisen, Hotaling, & Wasielewski

RESOLVED, that the Town Board approves the Supervisor’s Report for the month of May, 2014 as presented.

POLL OF THE BOARD

Councilman Wasielewski –	Aye
Councilman Hotaling -	Aye
Supervisor Tollisen -	Aye

RESOLUTION NO. 227

Offered by Councilman Hotaling, seconded by Councilman Wasielewski: Approved by the vote of the Board: Ayes: Tollisen, Hotaling, & Wasielewski

RESOLVED, that the Town Board authorizes using Rec funds for the installation of docks at 597 Hudson River Road, Lighthouse Park by Allerdice Crane Service LLC in the not to exceed amount of \$387.50, per review and approval of the Town Attorney.

POLL OF THE BOARD

Councilman Wasielewski –	Aye
Councilman Hotaling -	Aye
Supervisor Tollisen -	Aye

RESOLUTION NO. 228

Offered by Councilman Hotaling, seconded by Councilman Wasielewski: Approved by the vote of the Board: Ayes: Tollisen, Hotaling, & Wasielewski

RESOLVED, that the Town Board accepts for Road Dedication, Inglewood Drive, in Inglewood PDD, as it has satisfied the standards set by the Town of Halfmoon Roadway Dedication Procedure, subject to the review and final approval of the Town Highway Superintendent of the road improvements and the Town Attorney of the Deed descriptions, closing papers, title insurance, letters of credit and all related and required documents. The Town shall not maintain, plow or otherwise care for the roads until proof of recording of all necessary documents with County Clerk’s office is received.

POLL OF THE BOARD

Councilman Wasielewski – Aye
Councilman Hotaling - Aye
Supervisor Tollisen - Aye

Supervisor Tollisen: This matter came on late in the day for Inglewood Drive. According to our Director of Planning, it has met our Road Dedication standards. Our Town Attorney is on vacation and I want to make sure that she reviews this prior to final approval by our Town Attorney and Highway Superintendent.

RESOLUTION NO. 229

Offered by Councilman Hotaling, seconded by Councilman Wasielewski: Approved by the vote of the Board: Ayes: Tollisen, Hotaling, & Wasielewski

RESOLVED, that the Town Board authorizes the Supervisor to make the attached Creation of Appropriations.

POLL OF THE BOARD

Councilman Wasielewski – Aye
Councilman Hotaling - Aye
Supervisor Tollisen - Aye

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 \$11,362.86
 Subsidiary: 25-4-2189 Home &
 Community Services \$11,362.86

Credit: Appropriations 25-960 \$11,362.86
 Subsidiary: 25-5-1440.40 Engineering
 Contractors Inspections \$11,362.86

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

NAME	AMOUNT
Windsor Woods	\$11,132.86
Sandy Rock Dahoda Subdiv	230.00
Total	\$11,362.86

A resolution is necessary to setup the Lighthouse Park Improvements for the installation of the docks, from Recreation Fees held in the Town of Halfmoon Special Revenue Fund in the amount of \$387.50 for accounting purposes as follows:

Debit:	Appropriated Fund Balance	25-599	\$387.50
Credit:	Appropriations	25-960	\$387.50
	Subsidiary:	25-5-9901.90	\$387.50
	Interfund Transfers		

A resolution is necessary to create the following appropriations within General Fund from Recreation Fees held in the Town of Halfmoon Special Revenue Fund for the Lighthouse Park Improvements for the installation of the docks in the amount of \$387.50.

Debit:	Appropriations	10-960	\$387.50
	Subsidiary:	10-5-7150.40	\$387.50
	Special Recreation Facilities—Contractual		
Credit:	Estimated Revenues	10-510	\$387.50
	Subsidiary:	10-4-5031	\$387.50
	Interfund Transfers		

PUBLIC COMMENT (for discussion of non-agenda items) No one came forward

There being no further business to discuss or resolve, on a motion by Councilman Hotaling and seconded by Councilman Wasielewski, the meeting was adjourned at 8:38 pm.

Respectfully Submitted,

Lynda A. Bryan, Town Clerk