

**The July 5, 2012 regular meeting of the Town Board of the Town of Halfmoon was called to order by Supervisor Wormuth at 7:00 pm in the A. James Bold Meeting Room at the New Town Hall with the following members present:**

Melinda A. Wormuth, Supervisor  
Walter F. Polak, Councilman  
Paul L. Hotaling, Councilman  
Craig A. Hayner, Councilman  
John P. Wasielewski, Councilman  
Lyn A. Murphy, Town Attorney  
Laurie A. Sullivan, Deputy Town Clerk

Excused: Matthew J. Chauvin, Deputy Attorney  
Lynda A. Bryan, Town Clerk

**The Town Board Workshop was held in the Board Room at 6:30 pm; no action was taken. Supervisor Wormuth led the Pledge of Allegiance.**

#### **PRESENTATION: OUTLOOK RIDGE RESIDENTIAL PDD**

**Supervisor Wormuth:** Mr. Scott Lansing is here representing the developer who is doing that. This has been submitted to the Board and in their mailboxes. This is the first time that the Board has had the opportunity to see or hear about the project and ask questions. Being a PDD, this is something that the Board would look at, the process would then be to ask questions, interpret information, get information back and forth, when the Board is comfortable with it, at some point, it must then be referred to the Planning Department who would look at it and then make a recommendation back to the Town Board as to the viability of the PDD. When it comes back from the Planning Board, there would be a Public Hearing held at the Town Board level in order to change any of the zoning necessary to approve the PDD. Actually at the Planning Board level, there are public informational meetings, so there will be several times for people from the public to comment on this as it moves through the process. There will probably be 5 or 6 different meetings that this project will come up at, a minimum. So just to let people know, this is the very beginning stages of this project and it is just the first time the Board has seen the it.

**Scott Lansing:** Good Evening, my name is Scott Lansing from Lansing Engineers and we are here tonight to talk about the Outlook Ridge of Halfmoon. It is a Residential Planned Development District. I would like to apologize for the applicant Mr. Lecce, he is away on a family vacation right now which he scheduled before the date of this meeting.

Basically, what I would like to do is introduce the project as the Supervisor has mentioned. This is the first meeting in the process or the project. I will go through the existing conditions, the proposed conditions, and then summarize the project and hopefully I will outline some next steps for the project.

Basically, the project is located on the north side of Cary Road, at the northern most end of the Town. It is actually two parcels that total approximately 27.9 acres. It is zoned M1 Industrial. The existing conditions for the parcel, the aerial photos are a great representation of the vegetation on the parcel. So basically, it is a large open field area, wooded areas surrounding the parcel. The M1 zone, I would like to outline the uses for that zone; manufacturing, compounding, assembling, tool or dye manufacturing, agricultural product packaging, truck terminals, saw mill, cider plant, cold storage, agricultural processing, auto wrecking including junk yard, equipment sales, rental service, maintenance and storage, warehouses, automobile service station, public utilities structures use, hardware supplies, building material sales yard, lumber yards, marina and boat sales, both wholesale and resale sales, newspaper and job printing, self-service storage facilities and laboratories. I bring

that up because I feel that it is relevant to what the application does include. Soils and topography for the site, we do have a mix of silt loam and fine sand. Proposed conditions, and again it is a Residential PDD, we are proposing is an apartment use for the project. The apartment use would include 12 buildings with 12 units per building, for a total of 144 units. There would be a mix of bedrooms within the units, three bedroom, two bedroom and one bedroom units. They are modeled after the Reserve at Glenville Complex which is off of Saranofsky Drive in Glenville.

What we did before we performed the layout for the project, we took a look at the town's zoning, what is permissible as far as density for the project. What we did was take the overall parcels, subtracted out the State Wetlands and slopes greater than 15% and roadways and right ways, and came up with a net acreage of 20.31 acres out of the 27.9 acres. According to the zoning, the zoning does outline a maximum of 10 units per gross acre, so 10 units per overall acre or 279 units. Our proposal of 144 is obviously less than what the maximum would be. We would like to note that we did have a layout with a few more units on it, we had 180 units on it. We did have an informal meeting with the town to discuss the project in general and there was a recommendation to try to reduce the density on the project, so we have reduced the density. The density is per gross acre is 5.19 units per acre, roughly half of what the recommended maximum per acre permitted is and our density per net acre is 7.09 units per acre.

Proposed infrastructure for the project, we are proposing a curb cut on Cary Road. We show it as somewhat of a single access point but in essence it is a two access, both of these access points could take two vehicles and we have a boulevard in the middle to dress up the access point.

We are proposing approximately 3,350 linear feet of roadway within the project that would be proposed to be owned, operated and maintained by the project owner. Parking for the project, we do provide two spaces per unit through a combination of garage spaces and spaces outside of the structure.

Water and wastewater; water would be provided by an extension of a main down by Tabor Road up to service the project approximately one mile away to serve residents of the project with both fire flow and domestic use. For sanitary sewer, there is actually sanitary sewer trunk line on the northern portion of the project, a 42 inch trunk line. Storm water will be managed on site in accordance with the new storm water regulations run off and the project is required to have a full storm water plan put in place and those facilities would be owned, operated and maintained by the owner of the project.

I would like to mention that as a part of the project, we do have a small Army Corps of Engineers Wetlands in this area and another one in this area and down toward the railroad tracts.

As far as the Community Benefits, the community benefits for PDD's in my opinion are usually based off of what the departure is from the underling zoning. With the existing zoning being M1, we are asking for a zoning of basically for a Residential Planned Development District. In our opinion, we feel that the use is a lower intensity use compared to a lot of the uses that we had outlined. We are proposing a 75% green space for the project, approximately 3.21 acres out in the front portion of the property trying to provide extensive buffer to the Cary Road area. We have spoken with the applicant and we have outlined what we are proposing for the community benefits for the project. First would be the sanitary sewer extension. There is the trunk line in the northern portion of the project. Extending the sewer into our project would require approximately an 8 inch main. DEC standards would require a minimum of an 8 inch main, but there is a much broader area that could be serviced by a sewer extension on Cary Road area. So we will work with the town

engineer to identify a larger size line and whatever size that would be necessary to service a broader area. That is one community benefit that we are proposing. The second community benefit would be the water extension, and again I mentioned that water would be extended from the Tabor Road intersection approximately a mile away. Again, on the surface on that, an 8 inch line would more than adequately serve the domestic and fire flow needs. For the project, we have spoken with Mr. Tironi the Water Superintendent; we have outlined a 12 inch line, to serve not only the existing residents within the area, but also help serve the future water loop for the project.

Another community benefit would be the Zim Smith Trail, constructing a length of the Zim Smith Trail. I have spoken to Jason Kemper of the County, and this is a very important trail system for the County and we cooperated with the County to identify an area for the trail and the construction of the trail along the backside of the property.

And last but not least, we are proposing some sort of highway improvement to the Cary Road area. The Highway Superintendent has identified areas that need improvement, and we will work with him.

As far as the town's Comprehensive Plan, in conformance with the plan, we have looked at the close proximity to water and sanitary sewer facilities as I have mentioned. Sanitary sewer on the northern end and water is a bit of an extension away, but we would extend it up to provide a community benefit.

Proximity to commercial and retail services, I did fail to mention that on Cary Road, with the proximity is approximately one half of a mile from Route 67, which is a great connector to Mechanicville, Malta, Halfmoon, Clifton Park, a very close proximity to what I feel is a major roadway, a very close proximity to retail and commercial services.

The project has a step down, or a transitional zone that is outlined in that comprehensive plan. We do feel with the railroad to the north, the railroad yard which is off to the west and the residential area that is to the south of this, we feel that this is an appropriate step down the appropriate transitional buffer between the two zones. Location to the existing transportation network with the arterials, again, with being approximately a half mile away to the highway on Route 67, we feel it is a prime location to a major roadway.

Adding the addition of facilities or pedestrian non-vehicular pathways, again, with the Zim Smith Trail that we are proposing in the neighborhood linkage from this community to the trail, would meet that requirement.

Last but not least, the pre-existing developments with similar density, we looked at the corridor, again, railroad to the north, and railroad yard to the west and as we move toward the east for the other residential developments.

That is essentially it. Again, we are here tonight for the introduction of the project and questions and comments from the Board.

**Councilman Hotaling:** Scott, you had mentioned 2 parking spots per unit. Looking at the map, are you counting the garage in front of the building as well?

**Scott Lansing:** Correct, yes

**Councilman Hotaling:** To look at it, it doesn't look like there is going to be a lot of visitor parking.

**Scott Lansing:** OK we will take a look at that.

**Councilman Hotaling:** Would a roundabout work or something a little bit different in the entry way to widen it out a little bit for emergency services to get in and out of there? I think that would be something that would need to be looked at. Thank you.

**Councilman Polak:** On the Zim Smith Trail, you are just identifying it right for part of the project?

**Scott Lansing:** Correct, we are proposing to construct that trail length and coordinating with the County

**Supervisor Wormuth:** constructed to County standards for the rest of the Zim Smith Trail?

**Scott Lansing:** This portion of it will be constructed to County standards, yes, basically from property line to property line.

**Supervisor Wormuth:** Who would maintain that?

**Scott Lansing:** That would be The Park's Department

**Supervisor Wormuth:** Dedicated to the Town?

**Scott Lansing:** No, we pictured it as more of just a linkage and we would more than likely dedicate it to the County

**Supervisor Wormuth:** OK

**Councilman Wasielewski:** Mr. Lansing, can you explain to me the rational for apartments rather than town homes or owner occupied units?

**Scott Lansing:** Proximity to the railroad tracks with something that we felt would be appropriate

**Councilman Wasielewski:** So people would rather rent an apartment next to the railroad than buy a town home next to the railroad?

**Scott Lansing:** That is correct.

**Councilman Wasielewski:** I have strong reservations about any apartment developments within the town, my own personal feelings at this time.

**Scott Lansing:** OK

**Councilman Hayner:** Scott, would you mind giving a bit more detail on the Public Benefits as the sewer and the water. Is it going to affect the residents that are living along Cary Road with opportunities to hook up and things like that?

**Supervisor Wormuth:** Not just the sewer and water needed for the project but along the way, who would it benefit?

**Scott Lansing:** There is the inlay of the one map down in the southern portion; the water connection would come up to the project with the 12 inch lines. It would serve residents along that way. It is my understanding it is part of a loop in the towns system and connects to 67. It will provide water service to the residents along Tabor Road, I am sorry, along Cary Road, up to the intersection of Staniak and Cary Road to the project and also serve a potential future connection to the town residents.

Sanitary sewer, sewer is on the north side of the tracks, there is a trunk line there. My knowledge is that there is no sanitary sewer service in the immediate area. We propose a water line that would serve a much broader area than originally proposed.

**Supervisor Wormuth:** Scott, when you say provide or make available, does that mean the project would actually do the work that would allow the people for the edge of the road into their property to just be responsible for that or

**Scott Lansing:** The water line, yes, the water line would go along Cary Road and the residents could connect to that line at the right away. Sanitary sewer wise, would be just the upgrading and provide up to Cary Road, from there it would have to be another extension of the sewer lines. We would at least bring the linkage to increase the size of the sewer line for that potential future connection.

**Councilman Hayner:** Does that affect any residents now if that was built. Would that go by some of the residents and would they have the opportunity to hook in to that?

**Scott Lansing:** The sanitary sewer would not. The sanitary sewer would basically, there is a manhole in this proximity

**Supervisor Wormuth :** It is the railroad

**Attorney Murphy:** Scott, Is that Sewer District #1, or is that still in

**Scott Lansing:** It is connecting directly to the Saratoga County Sewer District Main, so it would be Saratoga County Sewer District all of the way up, that is my understanding.

**Attorney Murphy:** The way it works legally, is whoever has the service for the mapped area, regardless of whose line it is, is the service provider, so if you could check on that. We are very very opposed to turning that system over to the County; all of the easements have been obtained, so it is just a matter of them accepting it at this point of time, we are trying not to add to the system

**Scott Lansing:** Sure, I understand I will check into that, I was not aware of that

**Councilan Polak:** Are you still going to extend the line up to the 17 residents on Tabor Road?

**Scott Lansing:** It is proposed to go up Cary Road right now

**Supervisor Wormuth:** That would be a no Walt, under the current proposal.

**Supervisor Wormuth:** Based on your very thorough, but quick presentation this evening, it gave us a lot of information in a very short amount of time, I would like to see a little bit of time to go through some of these internal map inlays that you have referred to and come up with perhaps some more questions for the Board and look at the sewer route as well as the water route before it gets referred to planning, unless anybody is opposed to that.

**Scott Lansing:** If it pleases the Board, we could provide maps of the sewer and water routes.

## **RESOLUTION NO. 149**

Offered by Supervisor Wormuth, seconded by Councilman Hayner: Approved by the vote of the Board: Ayes: Wormuth, Polak, Hotaling, Wasielewski & Hayner

**RESOLVED**, that the Town Board approves taking time to review the information and the maps of the sewer and water routes for Outlook Ridge Residential PDD before referring to the Planning Board.

**Supervisor Wormuth:** We will bring this back to the Board at a future time after we have had the opportunity to look at those additional maps and to interpolate the information that you have given us this evening.

**Scott Lansing:** OK, than you very much.

## **PRESENTATION: CGM CONSTRUCTION EQUIPMENT STORAGE GARAGE PDD**

**Chris Marchand:** Good evening. My name is Chris Marchand from CGM Construction and I am here to discuss our PDD application for 87 Button Road. The project is very simple and very straight forward in nature. We are just looking to put up an equipment garage to store our trucks for our business; CGM Construction.

We feel that the project has a lot of things going for it; it makes a lot of sense. The location of it is Button Road, which is a road that is predominantly commercial and industrial in nature. There are multiple gravel pits on that road; there is a diesel shop, 2 other construction companies located on this road. The fortunate thing is the piece of property that we have is zoned residential; our use is commercial in nature, so therefore we are applying and requesting the town to hopefully work with us in the PDD process to try to make this come to fruition. We had a piece of property that is 1.815 acres in size, and we are looking to put a proposed building of approximately 7500 square feet in size up, with a gravel area. The site is very flat as it stands right now. We are looking to put the building up with the driveway and the proposed disturbance will be less than an acre, so it is not a big project, the disturbance will be minimal. As I said, I think that I feel it fits in a spot that is not at all desirable for residential use. The spot has been vacant for quite a few years. I just don't see anybody that would want to build a new house there. There are significant truck traffic uses that I mentioned with the Valenti Gravel pit up the road, you have in the opposite direction Meat Enterprise has a construction company, Riberdy Diesel up the road, Carver has a gravel bank, Constintine has a gravel bank, Riberdy has a gravel bank, so it is consistent with the character, we've spoke to all of the neighbors in the fall when we were working through the subdivision process. Some of the neighbors came to the meeting and expressed that they were pleased that something was going in there. They had no problems with the project, no qualms or concerns about it. So, we feel like it's a positive project, we just have to get through the hurdle of the zoning.

**Supervisor Wormuth:** Thank you. Again, this is the first time that this project is before the Board. It is a request for a PDD which is a zone change. The Board has just had the opportunity to review this project through the narrative and the site plan that was provided in their mailboxes. I know that many of you are familiar with this site based on the fact that it had originally been here for a special use permit and the Attorney has determined that the best way to develop the project

under these standards would be to look at a PDD, so that is why we are here this evening. So, we will take questions and comments from the Board.

**Councilman Polak:** I just want to reiterate that everything that Chris has said about this site is the truth. I know the area well; I actually took a ride down there the other day to look at it again. There was an undesirable residence there. There was a lot of junk that has all been cleaned up. For this site to be transformed to the PDD and for the use that it is intended is ideal for that lot in that area, It is consistent with the mining and the other trucking operations and businesses that are right next door. The residents in the residential area actually start on the other side of the creek from this project so, I sort of think that it fits nicely in that area. It sort of keeps all of those operations in that one specific area. It is certainly good to see all of it cleaned up down there, and something of value and something on our tax base to go in there.

**Councilman Hotaling:** I have also visited the site and I have to agree with that and it fits in with the zoning, where it is construction mining on that side of the road. It's not going to impact with noise or traffic or anything.

You were going to store everything in the garage correct?

**Chris Marchand:** Correct. We do not plan on having anything on the outside of the building. There is no construction activity that will be taking place in the building; it is just a place to park our trucks

**Councilman Hotaling:** Keep the stuff inside

**Chris Marchand:** Keep everything dry and out of the elements, but there will be no noised generated from there. No construction will be taking place, it is simply a garage.

**Councilman Hotaling:** OK. Thank you.

**Councilman Polak:** With everything that you have done has been first class, so I do not see this being anything different.

**Chris Marchand:** I appreciate that.

**Councilman Hayner:** How large is the building?

**Chris Marchand:** Approximately 7500 square feet

**Councilman Hayner:** OK and how much equipment do you have, a fleet of trucks?

**Chris Marchand:** We've got probably 4 trucks that we are looking to keep there. We've got roll off dumpster truck and we've got some smaller trucks and dump trucks. There is not going to be like 20 trucks there. It may not even be used every day. There are days when we will have guys come there in the morning and leave their personal vehicle, take one of the company trucks and bring it back at the end of the day, but they are not getting used every single day, so the traffic really will be minimal.

**Councilman Hayner:** You have already had support from your neighbors. We would not have to go to a public hearing.

**Chris Marchand:** Yes, the Planning Board meeting back in September or October, several of the neighbors came out and said that they would like to see something go there. As was mentioned, there was an undesirable residence there years ago, but I know and spoke with everyone first hand down there and they seem to be all on board, they have no issues with the project, so we feel it is a good spot for it.

**Councilman Polak:** Craig, I did call his neighbor, Mr. Schramek, because I know him personally, and asked him if he had any qualms or anything about the project. He was all in favor of it and did not have any issues at all with it and his neighbor too.

**Supervisor Wormuth:** Just to explain this for the public, the reason why this was denied by the Planning Board, it was not a use allowed under the current zoning, so this is the process that would have to be allowed in order for this type of use to go through and the applicant would be required and I know that he has mentioned that it might not be used every day, but would be required to provide a site plan and with hours of operation and with the number of units to be stored there as well as a public benefit in order to allow the zone change. All of that can be worked out as this moves through the public hearing process and goes to the Planning Board, but for those of you from the public that are here and are questioning, "Well how do we get from A to B?" I am hoping to be able to tie that together for everybody.

The next step would be to ask the applicant for more information, to have more time to digest the information, or refer it to the Planning Board, or a combination of either of those things. What the applicant is seeking this evening is referral to the Planning Board.

**Councilman Polak:** I just have one question for Lyn as far as the PDD changes, where is that in the process

**Attorney Murphy:** The first step, because it is less than 10 acres, would be a referral to the Planning Board, and then the Planning Board to send most likely a letter to the Town Board to say that although this is less than 10 acres, it either is or is not in accordance with the surrounding neighborhood.

**Councilman Polak:** I just did not want to miss a step.

**Supervisor Wormuth:** So again, the Planning Board will determine the nature of the PDD and how it fits in with the neighborhood and then the Town Board will work out if appropriate at that point what the public benefit would be and what the zone change would be. So those would be the next steps. There would be a public informational meeting that would be held at the Planning Board level and a public hearing at the Town Board level prior to any kind of local law changing before that. Just again for anybody not familiar with our process, is how this works.

## **RESOLUTION NO. 150**

Offered by Councilman Hotaling, seconded by Councilman Polak: Approved by the vote of the Board: Ayes: Wormuth, Polak, Hotaling, Wasielewski & Hayner

**RESOLVED**, that the Town Board approves referring the CGM Construction Planned Development District to the Planning Board.

**Chris Marchand:** Thank you for your time.

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

**Councilman Hotaling:** I just wanted to remind everybody that the summer camp is going on and they are using several of the town's properties and to please be careful and watch out for the kids and the busses.



On July 11<sup>th</sup>, Halfmoon Celebrations will be having a concert in the park with the Rouge's, it is a Classic Rock Band and a Car Cruisin at 6:30 pm. At our Town Park. Thank you.

#### **PUBLIC PRIVLEDGE (for discussion of agenda topics)**

**Deanna Stephenson:** 7 Cindy Lane, I have just 3 questions. Outlook Ridge, who owns the land?

**Supervisor Wormuth:** The registered owner is not the same as the applicant. I don't know if we have the application in front of us, but I do know that we have an owner authorization signed by the owner in order to allow Mr. Lecce to present the project. We will look for that if you want while you go to your next question and try to provide that.

**Deanna Stephenson:** Question #2 is item #6 of the agenda. You are talking about Local Law # 3-2008, obviously the Boni project, is that the first extension or is that the second?

**Supervisor Wormuth:** This is definitely the second. We extended it for a year this time last year. Originally they are approved for a three year period and the Board can choose to extend it for any period of time that it likes and last year we choose only one year. That's why it is due up again.

**Deanna Stephenson:** Not that I have any issue with a garage going up, and I don't know much about that project at all, however it is the PDD legislation and all at the end of the day, and my questions are, when he first came with this, was there any code issues with it, did it go in front of the ZBA, I mean was that all presented already?

**Supervisor Wormuth:** When he first presented the project to the Planning Board, it was denied based on the fact that it didn't meet current zoning. It went to the ZBA and there are only certain prongs of the law that they are allowed to approve zoning changes under if it is not a PDD. So it did not meet the prongs there, there were no code violations at the time. Previous to this application, there were code violations. There was a residence there that was run down, there were several junk cars and the property collected a lot of junk. I do not know if Mr. Marchand was involved in the cleanup or if it was the previous owner. But the property was in a very negative state and very unsightly, and was cleaned up prior to this project being presented.

**Deanna Stephenson:** OK, so the public benefit, at the end of the day, it might be the cleaning up the area and made it look nice, we haven't acknowledged it yet.

**Supervisor Wormuth:** It would have to be more than that because that would have to happen before any property could be developed, be in code so in order to approve a PDD, I would assume the Board would again have discretion on what the public benefit would be but, I would assume it would be more than a property meeting

**Deanna Stephenson:** OK, alright

**Supervisor Wormuth:** The owner who signed that property is Terry Mazula, on Cary Road so that is the listed owner of that other piece of property that you questioned

**Deanna Stephenson:** Perfect, thank you.

**Supervisor Wormuth:** You are very welcome

**Hannah Cristopher:** 96 Werner Road, I have a quick question about the Outlook Ridge. I was wondering about public transportation goes out there?

**Supervisor Wormuth:** I don't believe that there is a CDTA route there now, but certainly that is something that we have people who sit on the Capital District Transportation Boards and we can certainly ask or look at and typically they are at Park & Ride locations more centrally located in town or on the very outskirts of our town which may end up being Clifton Park legally but they are convenient to some of our residents who do utilize them.

**Hannah Cristopher:** OK, I think that my concern is that an apartment complex might need to be closer to public transportation. Just a thought

**Supervisor Wormuth:** Great idea, thank you

## **DEPARTMENT REPORTS:**

**1. Town Justice Wormuth**

**Total # Cases – 297      Total Fees Submitted to Supervisor - \$34,680.00**

**2. Senior Express Dispatch**

**Total # Riders – 205      Total # Meals - 392**

**3. Building**

**Total # Permits – 109      Total Fees Submitted to Supervisor - \$14,403.00**

**4. Fire Code**

**Total # Permits – 26      Total Fees Submitted to Supervisor - \$6,655.00**

**PUBLIC PRIVILEGE** (for discussion of agenda topics)

## **CORRESPONDENCE**

**1. Received** from the Town Planning Board Resolutions approving the following: Sign Application at Parkford Square II located at 453 Route 146, Change of Use and Sign Application for Tire Warehouse/U-Haul Rental located at 1430 Route 9, for approval of a Minor Subdivision Application for the proposed DEC Development, LLC located on Plank Road, for 6 Liebich Lane Site Plan and Minor Subdivision application located on Liebich Lane in the Rolling Hills PDD, Phase III, for Enterprise Rent A Car Addition to Commercial Site Plan located at 1637 Route 9 and Regarding Final Layout of the Glen Meadows Planned Development District Residential Subdivision.

***Received, Filed & Print***

**2. Received** from Mark S. Pierre, a letter of resignation from the Halfmoon Ethics Committee, effective immediately.

***Received, Filed, Print & Copy to the Town Board***

**3. Received** from Clough Harbour Associates, notice that the Waterford Planning Board intends to undertake SEQRA lead agency status for the Hudson River Road Apartments Planned District Development.

***Received, Filed, Print & Copy to the Planning Board***

**4. Received** from CGM Construction, a PDD Application, Project Narrative, & Site Plan for an Equipment Storage Garage on 87 Button Road.

***Received & Filed***

**5. Received** from Carol Hotaling, the Yellow Ribbon Lady, a letter about 1<sup>st</sup> LT. Christopher Bartos, a local Marine serving overseas and the need to remember those serving with letters and packages.

***Received, Filed & Print***

**Supervisor Wormuth:** What this is, Christopher Bartos is a Town Resident and Carol Hotaling is asking that through some of the collections that we do, we also take the time to send a package specifically to him. So they will be taking donations through the Town Clerk and the Supervisor's office and we have different avenues in order to support that. We will be sending out a package to Mr. Bartos if anybody is interested there are lists available in the Supervisor's Office and the Town Clerk's Office as well as the Recreation Department. We will put something together in the next couple of weeks and get it out to him. We routinely do send packages out through different entities, but as Mr. Hotaling points out, this is one of our residents and asks that we send specifically send one out to him and take the time to support him while he is away protecting our freedoms that we enjoy everyday.

6. **Received** from Mr. Joseph Ritchey, Commissioner of Public Works, a letter acknowledging receipt of our request to lower the speed limit on Brookwood Road and indicating that a study has been initiated and he will advise us of the results upon completion.

***Received, Filed & Print***

7. **Received** from New York State Department of Transportation Designation of a restricted highway for rehabilitation of the Northbound and Southbound I87 Bridges over the Mohawk River extending to one mile north and south, said designation to expire December 31, 2013.

***Received, Filed, Print & Copy to Highway & Planning***

**NEW BUSINESS**

**RESOLUTION NO. 151**

Offered by Councilman Hayner, seconded by Councilman Hotaling: Approved by the vote of the Board: Ayes: Wormuth, Polak, Hotaling, Wasielewski & Hayner

**RESOLVED**, that the Town Board approves and order paid all vouchers for all funds listed on Abstract dated July 5, 2012 totaling \$440,044.42.

**RESOLUTION NO. 152**

Offered by Councilman Polak, seconded by Councilman Hotaling: Approved by the vote of the Board: Ayes: Wormuth, Polak, Hotaling, Wasielewski & Hayner

**RESOLVED**, that the Town Board approves the minutes of Town Board meeting of June 20, 2012 as presented.

**RESOLUTION NO. 153**

Offered by Councilman Wasielewski, seconded by Councilman Polak: Approved by the vote of the Board: Ayes: Wormuth, Polak, Hotaling, Wasielewski & Hayner

**RESOLVED**, that the Town Board approves the Supervisor's Report for the month of May 2012 as presented.

**RESOLUTION NO. 154**

Offered by Councilman Polak, seconded by Councilman Hotaling: Approved by the vote of the Board: Ayes: Wormuth, Polak, Hotaling, Wasielewski & Hayner

WHEREAS, the Town of Halfmoon recognizes the importance of providing a safe community for the citizens of the Town of Halfmoon; and

WHEREAS, the provisional Director of Code Enforcement, Steffen Buck, has sent a letter report to the Town Board advising that the house/building located at 35 Halfmoon Drive is dangerous and unsafe to the general public; and

WHEREAS, the Town Board has considered the letter report submitted by Mr. Buck and determined that the report supports the conclusion that the house/building is unsafe and dangerous and should be demolished and removed; and

WHEREAS, the Town Board has scheduled a public hearing regarding the demolition of the house/building for August 1, 2012; now, therefore, be it

RESOLVED, that the Town Board of the Town of Halfmoon hereby determines that the house/residence located at 35 Halfmoon Drive is dangerous and unsafe to the general public and should be demolished and any and all debris removed; and it is further

RESOLVED, that a public hearing regarding the demolition of the house/building located at 35 Halfmoon Drive shall be conducted at the Town Board meeting on August 1, 2012, at 7:00p.m. or as soon thereafter as the matter can be heard; and it is further

RESOLVED, that notice shall be provided to the owner of the residence in accordance with section 65-7 and 65-8 of the Local Laws of the Town of Halfmoon.

**Supervisor Wormuth:** Just for history on that project, the Town has been in and cleaned up that project and removed a lot of the debris there. The building is in foreclosure with a banking institution and they have been put on notice. They also have been involved in some of the cleanup of this, but it felt at this point that the damage that has occurred because of the abandonment of the building, that the rehab of the building is very unlikely at this point, and unless the bank is looking to move forward with that in a very aggressive manor, the town feels it is in the best interest of the local residents to ensure the health and safety by take the building down.

#### **RESOLUTION NO. 155**

Offered by Councilman Wasielewski, seconded by Councilman Hotaling: Approved by the vote of the Board: Ayes: Wormuth, Polak, Hotaling, Wasielewski & Hayner

**RESOLVED**, that the Town Board appoint Anne Marie Trumbull as part time Court Clerk, Grade 1, Base Pay, \$12.44 per hour, contingent upon successful completion of any necessary pre-employment testing.

**Supervisor Wormuth:** I would just like to point out that this is a vacancy that's occurred in the court position and at a recently held meeting we did approve to appoint someone else to that position, but due to family issues, she was not able to follow through and accept the job. So this is not a creation of a new position nor is it expending town funds that will have a budget impact. This is a vacant position within our court system and I believe that Mr. Wasielewski can speak to the qualifications as he was involved in the interviews.

**Councilman Wasielewski:** Miss Trumble has a total of over 30 years of Federal and State court experience; she would bring a lot to our town court operations here, very qualified and she is a Town of Halfmoon resident.

**Supervisor Wormuth:** Thank you.

#### **RESOLUTION NO. 156**

Offered by Councilman Polak, seconded by Councilman Hoyaling: Approved by the vote of the Board: Ayes: Wormuth, Polak, Hotaling, Wasielewski & Hayner

**RESOLVED**, that the Town Board approves the proposed extension of Local Law #3-2008 – Halfmoon Healthcare and Biomedical Research Campus and the provisions for the commencement of construction for another oneadditional (1) year.

#### **RESOLUTION NO. 157**

Offered by Councilman Polak, seconded by Councilman Hotaling: Approved by the vote of the Board: Ayes: Wormuth, Polak, Hotaling, Wasielewski & Hayner

**RESOLVED**, that the Town Board authorizes renewal of Mobile Home Park licenses for the 2012-2013 licensing year per inspection and approval of the Director of Code Enforcement as follows: West Crescent Mobile Home Park, Vosburgh Road Mobile Home Park, Turf Mobile Parks, Inc., Springbrook Community, Midway Community, Robert Hollner, 10 Smith Road, D & R Village, Arrowhead Mobile Home Park, Crescent City Mobile Home Park, Halfmoon Mobile Home Community, Rome Trailer Park, Martindale Court, Inc., and Gregoire Mobile Home Park.

**Supervisor Wormuth:** I would just like to add that I have spoken with our Director of Code Enforcement, and I would like to thank that department for the enormous amount of time they spend in those communities ensuring that the residents have the proper infrastructure that is to be provided by the park being provided. He ensures me that they all meet the local code necessary to approve this.

#### **RESOLUTION NO. 157**

Offered by Councilman Hotaling, seconded by Councilman Hayner: Approved by the vote of the Board: Ayes: Wormuth, Polak, Hotaling, Wasielewski & Hayner

**RESOLVED**, that the Town Board approves the June 2012 Water Report for the water usage as submitted by the Director of Water.

#### **RESOLUTION NO. 158**

Offered by Councilman Polak, seconded by Councilman Hayner: Approved by the vote of the Board: Ayes: Wormuth, Polak, Hotaling, Wasielewski & Hayner

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

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

Debit:	Estimated Revenues25-510	
	\$8,692.50	
	Subsidiary: 25-4-2189 Home and Community Services	\$8,692.50
Credit:	Appropriations 25-960	
	\$8,692.50	
	Subsidiary: 25-5-1440.40 Engineering Contractors Inspection	\$8,692.50

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

NAME	AMOUNT
Key Valley LLC	\$282.00
Klersy Major Residential Subd	1,962.50
Linden Village	4,568.50
Vending Property LLC	1,630.50
Halfmoon Sandwich Shoppe	249.00
TOTAL	\$8,692.50

Transfers between Appropriations:

From Account	To Account	Amount	Reason
10-5-1990.40 Contingency	10-5-6772.42 Programs for Aging: Meals on Wheels	\$1,351.00	Increase in contract with Saratoga County for the Meals on Wheels program.
30-5-8320.42 Water: Purification Contractual	30-58310.42 Water: Legal Fees	\$121,000.00	Legal expenses associated with the EPA/GE dredging of the Hudson River.

**PUBLIC PRIVILEGE (for discussion of non-agenda items)**

**Ein Marquis:** 3 Cold Springs Road, We spoke last week, or two weeks ago now about a creek or a stream in my back yard that the septic leaches into. I had the town, Code Enforcement Officer, Stefan Buck who says that he can't smell anything and kind of washed his hands of it. We spoke about testing and I had some testing done and it shows 20,000 parts per million of fecal matter in the creek, but I guess that Stefan Buck, Director of Code Enforcement, kind of washed his hands of it, so I was just wondering if further testing is being done

**Supervisor Wormuth:** I have spoken to Stefan Buck who is our Director of Code Enforcement, and the last update that I got from him which was yesterday, as he has met with you, he has met with DEC. DEC has been there, DEC has not only sent out property inspectors, but also sent out water source inspectors from Warrensburg who say that the tests that you have done, are not the appropriate test to test for what you are testing for and the tests that they did were found inconclusive. Mr. Buck said he met with you and provided you with all of that information. If any of that is not accurate, I am happy to set up a time for you, him and I to meet as well ask for a written copy of DEC's comments, because I did follow up with him again, as recently as Tuesday.

**Ein Marquis:** I have the test that is being required for water, a crazy test, but it is an expensive test, is the town prepared to pay for that?

**Supervisor Wormuth:** The test is something that DEC would do if they found it necessary. It is their responsibility for the water quality. If for some reason they tell us that they are not going to, we would make a determination after speaking to them as to the probability and the reliability of that type of test which I am not familiar with or versed in, but certainly we want to protect any water flowing through the communities. Mr. Buck did express to me that he does sense an odor on your property; he just couldn't determine where it was coming from or what to do with it, so again I think maybe the best thing would be you, him and I sit and chat and then we will get copies of DEC's involvement of this in writing in order to memorialize it and decide what the next steps would be, if that is OK with you.

**Ein Marquis:** Yes, and when the water came out, they found a questionable spot on the property.

**Supervisor Wormuth:** I will ask for their results in writing because it is a little bit different than the verbal report that I got. But if you are comfortable, I think that the first step would be for the three of us to meet and request that in writing. If you

contact my office at the number that you have in the past, my secretary will set that up for something that is convenient for you.

**Ein Marquis:** Yes, if you want to come to my house

**Supervisor Wormuth:** I can certainly look at it, but not being an expert on what it would look like, I am not sure it would serve you any purpose, although I would be happy to come and do it, but I think that the meeting would be the first step in asking DEC to provide in writing for the Town of Halfmoon

**Councilman Polak:** What is your address?

**Ein Marquis:** 3 Cold Springs Road

**Supervisor Wormuth:** Walt, it is over on Warner Road by Willowbrook

**Ein Marquis:** It is just becoming a health hazard

**Supervisor Wormuth:** No, we definitely want to look to the bottom of it, but just having DEC already involved, I would like to get what results they have. The tests that you had done, what they say it is inconclusive, that particular test, and this is directly from DEC, has to be done five times at certain time frames in order to determine the regularity or presence of that matter at that level to a point that it is a health issue. When they went there, they did not feel was, was the information that I got, but again, I want to get it in writing for you. I want to meet with Mr. Buck and come up with a plan before the next steps follow up and make sure your health and comfort level with the property that you own.

**Ein Marquis:** To put it into perspective, I called the Department of Health, and said that they close public beaches down for 1000 parts per million and this is 20,000 parts per million.

**Councilman Wasielewski:** Is this a recent thing? I mean how long have you been living in the house?

**Ein Marquis:** I moved in in August.

**Councilman Wasielewski:** This is your first summer there?

**Ein Marquis:** First summer there and the odor is starting

**Supervisor Wormuth:** and DEC's just concerned was that the test can randomly appear with high levels and it could be an animal defecated in the area or something defecated in the area where the water was taken. That is why they require a certain level and if they felt it was a DOH matter, they certainly would have involved DOH and we have no problem in calling DOH and asking them to be involved if you have ongoing concerns.

**Ein Marquis:** I just did not know where else to go with this.

**Supervisor Wormuth:** Well if we can start with getting the stuff in writing from DEC within the next week and I will talk to the DEC Officer tomorrow about his feeling with the DOH being involved and following up with you on Monday, OK?

**Ein Marquis:** Alright, thank you.

**Hannah Christopher:** 96 Werner Road, First of all I would just like to state that I thought the Board had asked a lot of good questions on Outlook Ridge Residential PDD.

Second of all, I need a little bit of help, advice, I want to educate myself about how duplexes, those kind of projects do get approved, their zoning, I was wondering if maybe you could go to the starting point to kind of learn about it. How duplexes in Halfmoon come about.

**Supervisor Wormuth:** They are allowed in R-1 zone. So certain zoning allows certain types of development and our Zoning Book is available in our Clerk's office as well as the Planning Office and it lists all of those. I will let out Town Attorney speak a little further because the allow ability of those does depend on the lot size and the availability of water and sewer to that area. So it changes, like you can build a duplex on a lot that is X by X if you have water and you have sewer, but if you don't have water and or sewer then it changes to a different lot size

**Attorney Murphy:** I was just going to tell you that our Local Laws are on E- Code, so if you Google E- Code Libraries, you can click on it and go to New York and then go to the Town of Halfmoon and you can look at it from home.

**Hannah Christopher:** OK, it is a starting point. I am going to admit, I think that a lot of people know I am not a huge fan, so I just want to see and compare Halfmoon and how duplexes come about. I see them a lot in this community and maybe not in some others, so thank you very much.

**Supervisor Wormuth:** You are very welcome. Again, duplexes are allowed in R-1 areas where apartments are not. That is one of the major differences and I know, linked to the concerns that you and I have discussed as far as your opinions on development. But, you will see that and how that lays out in the zoning and it does change with the availability of public services.

**Hannah Christopher:** Ok sounds good, thank you.

**Deanna Stephenson:** 7 Cindy Lane, Just two more things, do we have a noise ordinance in Halfmoon?

**Supervisor Wormuth:** No

**Deanna Stephenson:** OK, why not?

**Supervisor Wormuth:** we don't have one. The town has looked into them in different instances and there are several reasons why they have choose not to adopt them. The enforceability of them is one and you are getting into the specifics of most ordinances are written with decibel levels which require certain types of instrumentation to be available to anybody responding to a call, whether that be Code Enforcement or Sheriff's. The expense of that equipment would be a lot and there is also an interpretation factor of annoying and repetitive. So what some people find annoying and repetitive might be different than what other people will find. When we have come close to considering one, we have looked at time frames of when there should be a certain level of noise is allowed and not allowed and it's just never moved forward beyond that to be honest with you.

**Deanna Stephenson:** Future of Halfmoon, I guess I am going to narrow it down for you. Construction; where do you come out with your time frames for when people can start construction in the morning and end? Is it at a pre-meeting; is it something that is set per developer? How do you come about that?

**Supervisor Wormuth:** With different commercial operations, and this does not speak specifically to construction but certainly can at any point. I am taking this as a good hint that we need to include it, is like with mines, we allow hours of operation, with commercial entities like Stewart's, we allow hours of delivery, with Lowe's, we



limited when they could have delivery because at 3:00 am the neighbors were being woken up by beepers and backup noise. So certainly with construction we can limit that, sometimes it has been written into PDD's if we have heard expressed concerns from the neighbors. Most of the time, it's just been asked that they not start before a certain time. But certainly we can develop a law or we can write it into any, and again with a PDD, it gives us full range of liability, but we can include it into any construction project, hours of stop and start. I know another community north of here recently looked into not doing any construction on Sunday's, and there was a big opposition from not only construction companies, but from local homeowners, because people are saying, "What do I have to do, take a weekday off to build my deck with my Brother-In-Law?" We did not want to get into that, which are reasons why we haven't in the past, but it doesn't mean that we haven't gotten smarter and learned more as we moved on from other communities and adopt something.

**Deanna Stephenson:** OK

**Councilman Wasielewski:** Is there a specific noise issue?

**Deanna Stephenson:** Actually, I got two complaints regarding this. One Belmonte when they started at 7:00 am in Windsor Woods and two different people said "Why are they starting so early?" I am thinking, I do not know the duration of the construction and how that is set up. I think maybe what you are saying is down a little bit more

**Supervisor Wormuth:** and if you get anything specific, if you get anything like that where people would like us to address something now before a law can be enacted, if you can call me or direct them to me, I am happy to interact. I know it is not the best way to do it. I think that a law is the best way to do it. But I am happy to carry those things through now and call Belmonte and say in this area can we look at this and this on this day and this and this on this day, and they are usually responsive. I know that it does not solve the problem and it is not what I am suggesting as a long term solution, but certainly willing to work with anybody who has a concern.

**Deanna Stephenson:** Great. Second thing is, now I noticed, usually at the town line, you see a nice Welcome to Clifton Park, Welcome to Halfmoon sign. I saw a beautiful Welcome to Halfmoon sign on Sitterly Road just past where I live on Deer Run, but, it's down way past the town line. I don't know if it is on somebody's yard, or you can't put it on too close to the shoulder, it is way past the town line.

**Supervisor Wormuth:** What happens is that signs that are put up, most of the big signs are done on either town owned property, state owned property, which we have permission for, or private property which we got permission for. So it is probably has nothing to do with where the line actually is, it has to do with who is willing to allow it on their property, plus site distance, plus safety issues from the edge of the road.

**Deanna Stephenson:** The only reason why I ask is people in Halfmoon are confused as to are we in Halfmoon or Clifton Park?

**Councilman Wasielewski:** until we get a Post Office

**Deanna Stephenson:** Yeah, I know

**Supervisor Wormuth:** That's the reason why and speaking of the Post Office, we have worked with every Congressman we have and we will continue to, Congressman, Congresswoman to try to get us our own Zip Code and our own identity to sort that out. Thank you.

There being no further business to discuss or resolve, on a motion by Councilman Polak and seconded by Councilman Hotaling, the meeting was adjourned at 8:35 pm.

**Respectfully Submitted,**

**Laurie A. Sullivan**  
**Deputy Town Clerk**