

The September 19, 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
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.

REPORTS OF BOARD MEMBERS AND TOWN ATTORNEY

Councilman Polak: The Household Cleanup will finish up this weekend. The remaining days are Friday and Saturday.

Councilman Hotaling: On September 6th at the Town Park, we will be having the 3rd Annual Fall Festival from 1-5. Hair of the Dog will be playing. There will be vendors and things for the kids to do.

On October 14th, I would like to challenge everybody to come out for the Mechanicville, Stillwater Breast Cancer Walk which is at 11:00 in the morning. Thank you.

Councilman Hayner: Just a reminder, tomorrow night is the next Ethics Committee meeting. Also, I would like to recognize our Parks Department, who have done an excellent job on all of the grounds, and the trails this year. I believe that the New York State Canal Corporation people recognize how great of a job the Champlain Canal Trail looked. I would also like to recognize our Building's Department for re-staining the doors to the Clubhouse at the Town Park. Cudo's to all of those guys!

Supervisor Wormuth: The one thing that I have this evening is in the past couple of weeks we have received several inquiries, concerns, and complaints regarding the increased traffic in town due to the Crescent Bridges being closed. The large impact of the town seems to be at the Crescent Road, Dunsbach area. We have been in contact with DOT both through email and by fax. I spoke to Mark Kennedy today, who is one of the Assistants to the Regional Director Sam Hugh. We have requested that they provide some relief to the residents in that area, whether it is a temporary light which would be our first request and if not that, then some increased signage to the area. We will continue to push that issue. It is going to be another three weekends of the bridge being closed, and it will end for a period of time, but will start up again in the spring and go for a much longer duration. We certainly realize that the people in that end of town are being impacted dramatically. Route 9 as congested that it does get over the weekends when the bridge is closed, seems to be able to handle it a little better, but over in the Dunsbach Road and Crescent area people are actually feeling trapped in their homes and cannot get out to a major highway. So, we are working diligently on that and trying to get some relief to them.

CORRESPONDENCE

1. **Received** from the Town Planning Board Resolutions approving the following: Sign Applications for Andrea's Pub located at 1436 Crescent Vischer Ferry Road, for

Halfmoon Sandwich and Salad Shoppe, located at 1613 Route 9, and for Cole's Collision Center, located at 1629 Route 9.

Received, Filed, & Print

2. **Received** letters from Catherine A. Klose, Delvena Koniowka, and Kimberly M. DeFelice, concerned residents, urging the town to impose a moratorium on development.

Received, Filed & Copy to the Town Board

3. **Received** from the Shenendehowa Community Coalition, a thank you letter for the Town having hosted the presentation about the work that the Coalition does for the Shen students with teen safety and promoting good decision making regarding alcohol and other drugs at the September 5, 2012 Town Board Meeting.

Received & Filed

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Lynda Bryan - Shenendehowa Community Coalition

From: "Evan" <shencoalitioncoord@preventioncouncil.org>
To: <lbryan@townofhalfmoon.org>
Date: 9/11/2012 1:39 PM
Subject: Shenendehowa Community Coalition

Hello Clerk Bryan,

I wanted to follow up on my presentation to you and the board on the evening of September 5th. I would like to express my sincere gratitude at being given the opportunity to present and share just a portion of our statistics.

We have a wealth of information available and I encourage you to keep myself, and the Shenendehowa Community Coalition, in your thoughts for the future. We are able to present on a variety of topics surrounding the issue of teen safety and promoting good decision making regarding alcohol and other drugs.

Additionally, we cherish the chance for community outreach and would welcome any opportunities to table/attend public events in the Town of Halfmoon to provide information and resources for your residents and seek their input on topics which concern youth.

Again, thank you very much for the time and courtesy afforded by you and the town board.

Evan Williamson
Shenendehowa Community Coalition Coordinator

The Alcohol and Substance Abuse Prevention Council
36 Phila Street
Saratoga Springs, NY, 12866
www.preventioncouncil.org
518-581-1230 x33
581-1240 (fax)



RECEIVED

SEP 11 2012

TOWN OF HALFMOON
LYNDA A. BRYAN, TOWN CLERK

4. **Received** letters from Patty Weber and Jacob K. Weber Jr., concerned residents looking for relief about the additional traffic on Dunsbach Road with the Twin Bridge repair.

Supervisor Wormuth: Again, we have had several phone calls to the Supervisor's Office as well as the Planning and Code Division of the Town regarding that and we will mark those as

Received, Filed & Forward to the Town's Highway Superintendent as well as NYS DOT

5. **Received** letter from Matthew Kennedy, a concerned resident about the Capital District Properties Kensington at Halfmoon PDD on Stone Quarry Road.

Received, Filed, Copy Town Board as well as Planning Department

6. **Received** letter from American Red Cross thanking the Town of Halfmoon for the great turnout for the Blood Drive on August 28th.

Received, Filed & Print

Supervisor Wormuth: Thank you to all of the residents who came out and donated. We actually had a lot of new donors and have served over 108 patients with blood just from this annual drive. It was a very good turnout and we certainly appreciate the support from everyone.

PUBLIC PRIVILEGE (for discussion of agenda topics)

Supervisor Wormuth: I am going to interrupt our schedule and go back to Public Privilege; I apologize for going out of order.

Joseph Christopher. 96 Werner Road; I would like to start by asking if anyone could speak to the zoning laws concerning multifamily dwellings and the language for special use permits and like our surrounding communities. Has anybody done like a comparison? How does the legislation proposed here today, compare to those surrounding communities like in terms of

Supervisor Wormuth: I think what the Board has done is asking the Attorneys to create language based on the input that we received from our own community. I am not sure that anyone asked us specifically to relate it to surrounding communities, but certainly we don't always go out and recreate the wheel as we do things. Some of the things that are standard within the area are inclusive of that language but I don't think that anybody's done a comparison side by side of how they exist. We took the information that we received at our public hearing from our residents as well as the thought of the Board members, and tried to include those in a thoughtful manner to our legislation.

Joseph Christopher: OK, I have some suggestions. Is now the time that I can express those?

Supervisor Wormuth: You certainly can. We held a Public Hearing on it, so the legislation has been developed and is up for a vote this evening. We held off on it after our last Public Hearing, but certainly we are always open to hear your thoughts on anything.

Joseph Christopher: I took an afternoon to examine the Zoning laws of communities all over the State. I went on the ECOD's, found my way around it and what I found virtually, is no other community like ours has multifamily dwellings listed under permitted uses of R-1, or any comparable zoning district—none. I looked up communities, you can do a comparison, Malta, and their zoning laws are much progressive and detailed. They show foresight and the ability to shape their community. I do not believe there will ever be anything like Cemetery

Road ever in Malta. They know changes are occurring there and more changes are pending. They have addressed, they have the infrastructure in place first. They are proactive. I think when looking at their laws, you can immediately see how they plan to develop a community. They demand like a proactive approach that would guarantee smart growth in the future. They require a special use permit for duplexes, similar to what the legislation proposed here today, but the language in their requirements to obtain a special use permit is much stronger than ours.

Malta has language that asks questions in adherence to their own master plan, which we do have, adverse effects to surrounding areas, character of the neighborhood, traffic, convenience to the public. They use language like harmony, health, welfare, suitability, interference with orderly enjoyment of the public. They address landscaping issues, buffers, and it seems as though

Supervisor Wormuth: Other than the landscaping issues and the buffers, our new legislation addresses those things

Joseph Christopher: The new legislation does

Supervisor Wormuth: Yes it does

Joseph Christopher: Great, that is why I asked in the beginning.

Supervisor Wormuth: No problem, I just wanted to answer your questions.

Joseph Christopher: Alright. But none the less, I think that I examined Clifton Park as well, they require a special use permit since 1996. I think that Malta, the last amendment that I could compare it to be 2002, so I am assuming it was there then and perhaps sometime before that. So we are talking 10 years and 15. So basically, I guess I would like to address a few of some people's voice of opposition to it at the last meeting, opposition to the new legislation. I think that Mr. Hotaling expressed concerns about a decrease in property values and I think that it is safe to say that Clifton Park or Malta have not experienced any decrease in property values as a result of requiring special use permits for duplexes, I think that opposite is probably true. I think that smart regulation promotes smart growth, increased desirability and higher property values.

Another expressed a desire to build a duplex on her 20 acre parcel and the town assured her that the legislation would not directly prohibit that. And a builder used a story about a homeless Vet is I guess like an antidote to make an argument against further bureaucracy. I still think that we are late on this, so I do not see what we are waiting for. Thank you

Supervisor Wormuth: I do not think that the Town Board is waiting on anything at this point. We clearly heard the information from the public and I think that the legislation that we have in place reacts to that. Relative to Clifton Park and Malta, certainly Clifton Park has a Town/Highway tax and I believe Malta has also has a Highway tax if not a town tax and Halfmoon has neither. Some of our decisions have been based on continuing to provide that for the residents, but certainly we are hearing the concerns of the residents and we are reacting to them. In short of the landscaping and the buffering that you talked about in your comments, the current legislation addresses all of those things. I apologize if you feel that we are a little behind the 8 ball on it, but certainly as people are bringing things forward to this Board, I think that we are moving them forward in a very proactive, thoughtful manner and will continue to do so. We certainly appreciate your input on all of those things

Joseph Christopher: I can't wait to see it. Thanks,

Supervisor Wormuth: Well there will be a vote on it this evening so stay tuned.

Councilman Polak: In regards to the infrastructure, if we had a chip plant here in Halfmoon and had several hundred million dollars

Supervisor Wormuth: 5 million dollars

Councilman Polak: that went into the road systems we would be all ahead for the future too, but we don't have that.

Joseph Christopher: (spoke from his seat and his comments were not recorded)

Supervisor Wormuth: which is exactly where we are headed this evening.

OLD BUSINESS

RESOLUTION NO. 199

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

RESOLVED, that the Town Board approves to approve the proposed legislation language, changing the Local Law that two family dwellings will now be subjected to a special use proceeding.

TOWN OF HALFMOON LAW NO. 3 OF THE YEAR 2012

A Local Law to provide for an amendment to Section 165-9(A)(3) and Section 165-9(B) regarding A-R Agriculture-Residence District, Section 165-10(A)(3) and Section 165-10(B) R-1 Residence District, Section 165-11(A) and Section 165-11(B) R-2 Residence District, Section 165-12(A) and Section 165-12(B) R-3 Residence District, and Section 165-13(A) and 165-13(C) Professional Office/Residence District, Section 165-83 Special Use Permit Procedure, 165-31 Schedule "A", and sections 165c,d,e regarding fees. The purpose for this local law is to remove two family dwellings as a permitted use in the zones and mandate that they be subject to a special use proceeding and to increase the area required for placement of a two family dwelling.

BE IT ENACTED by the Town Board of the Town of Halfmoon, County of Saratoga and State of New York modifications to the local law as it relates to Zoning as follows:

Section 165-9(A)(3): This section shall be repealed.

Section 165-9(B)(2): "Nursing, convalescent homes, propriety adult care home, hospitals, and medical facilities." Additional exclusions regarding institutions for the insane, epileptic, or substance abuse patients shall be removed.

Section 165-9(B)(12): "Two family dwellings" Shall be added

Section 165-10(A)(3): This section shall be repealed.

Section 165-10(B)(2): "Nursing, convalescent homes, propriety adult care home, hospitals, and medical facilities." Additional exclusions regarding institutions for the insane, epileptic, or substance abuse patients shall be removed.

Section 165-10(B)(12): "Two family dwellings" Shall be added

Section 165-83: A second sentence shall be added as follows, "The Planning Department shall notify the Town Board in writing upon receipt of an application requesting a special use permit by providing a copy of the application to the Town Clerk. The Town Clerk shall place receipt of any such application on the next Town Board agenda as correspondence."

Section 165-31: Schedule “A” shall be amended to provide a minimum lot size of forty thousand (40,000) square feet for a two family dwelling.

Section 165c,d,e: The Residential Building Permit Fees, Commercial Building Permit Fees, and Zoning Board of Appeal Application Fees shall be maintained in the Building and Planning Department as approved by the Town Board via resolution.

There is no need to modify language of other sections referenced but they will be modified as they refer to these sections.

NEW BUSINESS

RESOLUTIO NO. 200

Offered by Councilman Hotaling, seconded by Councilman Wasielewski: 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, September 19, 2012 totaling \$383,511.13.

RESOLUTION NO. 201

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, September 5, 2012 as presented.

RESOLUTION NO. 202

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 acknowledging the Town Clerk's Certificate of Non-filing and authorizes the expenditure of the funds for the preparation of Maps, Plans, and Report of the proposed Ambulance District (s) within the Town of Halfmoon.

RESOLUTION NO. 203

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 appoints Steffen Buck as Director of Code Enforcement, permanent full-time, effective immediately at current grade and step and a probationary period of 8-26 weeks.

RESOLUTION NO. 204

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

RESOLVED, that the Town Board appoints Nelson Ronsvalle as Director Finance, permanent full-time, effective immediately at current grade and step and a probationary period of 8-26 weeks.

RESOLUTION NO. 205

Offered by Councilman Hayner, 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 July, 2012.

RESOLUTION NO. 206

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 authorizes the Supervisor to make the Transfer between Appropriations and Creation of Appropriations.

Supervisor Wormuth: For those of you who are not familiar with that on our agenda

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	
	\$13,598.08	
	Subsidiary: 25-4-2189 Home and Community Services	\$13,598.08
Credit:	Appropriations 25-960	
	\$13,598.08	
	Subsidiary: 25-5-1440.40 Engineering Contractors Inspection	\$13,598.08

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

NAME	AMOUNT
Howland Park PDD	\$282.00
Anna’s Place	705.00
Rolling Hills Subd Ph II & III	12,611.08
TOTAL	\$13,598.08

PUBLIC PRIVILEGE (for discussion of non-agenda items)

Therese Assalian, 4 Hendrik Hudson Way; I was just wondering if I could get clarification on signs. I know that there has got to be code. I had a Future Halfmoon sign on the corner of my property, I know it is my property, I am not sure, I just want clarification as far as to where it can be placed within the utility right of way, because I was away a couple of weekends ago, came home and it was gone, along with a couple of political campaign signs. So, I am just wondering, I have the understanding that the Town picked it up and I am thinking that I am going to get it back. Somebody told me that they were going to help me get it back.

Supervisor Wormuth: If it is here, you can certainly have it back

Therese Assalian: That’s what I am hoping

Supervisor Wormuth: We do have a sign ordinance that regulates political signs and if they are not placed on private property and they are in the Town right of way, which might have been what they thought was the case, we do sign sweeps because I routinely in my office get a barrage of phone calls, especially this time of year

about political signs being placed all over the corners, being piled up and looking trashy, so we are looking to

Therese Assalian: What the Future Halfmoon sign because we don't have any , at this point, any fund raising mechanisms. The monies are really individuals that pay out of their own pocket

Supervisor Wormuth: Yes, I am not

Therese Assalian: I do not consider it a political sign. My question is, if I wanted to make sure, for when I do get it back, and I appreciate that I will get it back, when I do get it back, I own right to the corner of Hendrik Hudson Way and Vosburgh

Supervisor Wormuth: There's 25 feet

Therese Assalian: and Anthony rather

Supervisor Wormuth: There's 25 feet from the center

Therese Assalian: from the center

Supervisor Wormuth: of the road into your property which I am sure it's part of what appears to be your front lawn and certainly freedom of speech, we recognize it and we allow it and if it was picked up by mistake, certainly we always keep them here for a period of time

Therese Assalian: and I appreciate that because like I said it does cost us money and a lot of political campaign spends a lot of money and they expect to lose some but, this, you know, I'd like it back and I know I will get it back hopefully. So my question is because Hendrik Hudson Way, my street meets up with Anthony Road, my front lawn is really not where this is because I have a half acre that goes right to the street so, because there is an intersection there, if I go to the intersection and measure back, or do I just go to Anthony, the center of Anthony, like, how do I measure, because I do not want

Supervisor Wormuth: Our Highway Superintendent would be the perfect gentleman to ask

Therese Assalian: I just want to make sure that I don't lose it again. I want to conform; obviously, I don't want people to waste their time taking it and me getting it

Supervisor Wormuth: anything that we pick up is stored here for a period of time and again, it typically isn't an issue, other than political season, which if it was picked up in error, I certainly apologize. It sounds to me like it was in the town right away, but certainly John could give you some advice. I am sure he would be happy to stop

Therese Assalian: I will chat with him personally then

Supervisor Wormuth: and if you stop into Town Hall any time within regular business hours and go to the Planning Department, that is where all of the signs are stored and they would be happy to give you

Therese Assalian: OK, thank you very much

Supervisor Wormuth: You are welcome

Joseph Christopher, 96 Werner Road; Mr. Christopher read the following letter:

Joe Christopher, 96 Werner. I began coming to town meetings to defend the interests of myself and my family against a project that stands to lower the value of the homes and decrease the quality of life for residents of Halfmoon. When I heard a 160+ unit apartment complex was proposed to be constructed directly across the street from my newly built home, a home I proudly built myself on a piece of property that has been in my family for six generations, I went into a swoon. I was consumed with thinking about it. I couldn't sleep. I knew immediately that I had to do something to stop it. I had heard that the town was approving such proposals and that the developer was Bruce Tanski. I felt slightly uncomfortable with the whole thing—much of the town's government is made up of lifelong residents like myself and my father has known Mr. Tanski for forty years. But, business is business, and my first obligation is to protect my family and my home. I began educating myself on how developers were able to build these giant apartment complexes in rural/residential areas. I discovered some issues that raised questions about the objectivity of local government officials concerning construction. I also found the PDD process. What I learned about this process and how it has been exploited is, frankly, quite disturbing. However, I did see it as a way the town government could stop this project: no PDD—no apartments. I started my own petition and the very first neighbor I approached for support informed me that he had just signed another petition started by a group of concerned citizens called Future Halfmoon. I found them, signed their petition, and found support for my cause. I also found that locating residents to follow suit was easy—obviously, no one in Halfmoon believes that 160 apartments on Werner Rd. is in keeping with the neighborhood or even sustainable given the current infrastructure. It's absurd. Now I stand here, with this same group of people, after this project has been reduced for the fourth time. I agree, single family homes are better than 160+ apartment units, better than 128, even better than 38 duplex units. In a phone conversation I had with Mindy Wormuth, she said "if this thing ends up being what you've asked for, you'll just say it's what it should have been anyway." And like I promised then, I will give credit where it's due—the town government is ultimately the power that has rejected these proposals. But it is impossible not to consider all of the negative press and public outrage generated by this project—the news articles, residents voicing opposition at town meetings, letters to the editor, meetings and other correspondence with local politicians, etc. Town officials maintain that they were unaware of any past opposition to projects like this, that this is all new—that no one has ever said anything. I have personally heard this sentiment from Jeff Williams, Mindy Wormuth, and John Wasilewski. Now that we stand here considering legislation that could help to regulate Duplexes, Town officials are champions of the decision and say that they are responding to concerns raised by many residents, concerns that they have been hearing over and over for a long time. Town officials say our group is anti-growth and anti-business. A study conducted by the town, itself, over a decade ago indicates that seventy percent of the town residents were against future development. Since then, the town has doubled in size. What do you think that percentage looks like now? This town has been approaching a tipping point for some time. And that tipping point is especially high around here—people are busy and there is a constituency in this town that gives unwavering support to the town's government, even when it's contrary to their own best interests. At the last town meeting, a board member thanked town planners for years of good decision making. However, a legacy of poor decision making and poor planning is

driving dissention. If you're making good decisions, residents don't get upset—you don't hear numerous residents voicing their concerns for long periods of time. Being progressive, changing laws to address a changing town and its changing residents—that's good decision-making—responding to desperate residents who come out and tell you what to do, is not. This Anna's place project may be the thing that drives things over the edge. I am hoping that sight distance or other traffic concerns will stop the latest proposal. I know first hand how difficult it is to negotiate that section of road—my driveway is across the street. Engineer's reports say sight distance is five feet short on either side—I hope no one gets hurt there. I also question the validity of the traffic study—I remember seeing the counters being removed, what seemed to me to be prematurely, before a storm last winter. A lot of homes have been built off of Werner since then. This project is mired in bad publicity, rumors of unscrupulous dealings, and reports of substandard construction. One has to question if, after all this, Anna's Place can be a success at all.

There being no further business to discuss or resolve, on a motion by Councilman Polak and seconded by Councilman Hayner, the meeting was adjourned at 7:29 pm.

Respectfully Submitted,

**Lynda A. Bryan
Town Clerk**