

The September 21, 2011 regular meeting of the Town Board of the Town of Halfmoon was called to order by Deputy Town Supervisor Polak at 7:00 pm in the A. James Bold Meeting Room at the New Town Hall with the following members present:

Walter F. Polak, Deputy Town Supervisor
Regina C. Parker, Councilwoman
Paul L. Hotaling, Councilman
Craig A. Hayner, Councilman
Lyn A. Murphy, Town Attorney
Matthew J. Chauvin, Deputy Attorney

Melinda A. Wormuth, Supervisor – excused
Lynda A. Bryan, Town Clerk – excused

The Town Board Workshop was held in the Board Room at 6:15 pm; no action was taken.

Councilman Polak welcomed everyone and stated that Supervisor Wormuth is in Lake Placid, NY today at the Association of Counties, and will be returning at the end of the week, so he will be presiding over the meeting this evening.

Councilman Polak led the Pledge of Allegiance.

PRESENTATION for the Halfmoon Ridge Residential PDD

Scott Lansing with Lansing Engineering and stated that he is also here with Mr. Bruce Tanski, the applicant, for the project of Halfmoon Ridge Residential PDD, Luxury Apartment PDD. The goals for tonight are to introduce the project, as this is the first time that we have introduced the project formally to the Town. We have had informal meetings to discuss the project, and receive feedback that I think was received warmly by the people that we did talk to about the project. We are here tonight to get questions or comments from the Board, and the ultimate goal is for a hopeful referral to the Planning Board so we can start the process on the PDD. I will start with existing conditions, the location of the PDD. It is located on Werner Road, south of Vosburgh, north of Route 146. The parcel is approximately 19.25 acres. There is 1 existing residence that is located on this parcel. Outside of that, the balance of parcel is vacant and it is primarily wooded. There are some open areas in the woods, but the majority of the parcel is wooded.

The topography generally slopes down toward the back of the parcel. There is a DEC wetland, which is actually off the parcel, but it is located to the east of the overall parcel.

Zoning of the parcel is Agricultural/Residential Zoning. Existing usage around the site is a sub division to the south, Vosburgh Mobile Home Park to the north, and mixed usage, primarily residential along the Werner Road area.

As far as proposed conditions, the applicant is proposing a Planned Development District, as I had mentioned, for Luxury Apartments. It does include a two-lot sub division. One lot would be the overall lot for the apartments, and the second lot would be for the single-family residence up front. It is my understanding the current owner desires to stay on the property. There are some plans of reconstructing the house, and that house would be reconstructed on the same spot where the existing house is.

As far as the access and circulation, we do have one single curb cut on Werner Road, a boulevard type entrance and then basically a circle which goes around, and will service all of the units. At this time we do propose an emergency access road to the parcel to the south. It is something that we can work with the Town Board/Planning Board as to whether it is just an emergency access or perhaps a full access to the property to the south.

As far as screening, we did work with the Planning staff and one of their suggestions was to try to screen the project from Warner Road as much as possible. Again, there are a lot of woods and a lot of vegetation. This area that is shown is an opening for the existing home, is accurate as to what is out there right now. We propose to leave as much vegetation as possible, to have the roadway kind of chicane in and increase the screening. Also, as you come in, we are proposing a very green area, screened area, and planted area. We feel that the project would not even be visible from the Warner Road area.

As far as water, storm and sewer water, it would be public water. There is public water on the Werner Road area and Cemetery sewer. There is also Cemetery sewer along Werner Road. Storm water, we would be required to meet the green infrastructure practices. We have plans for infiltration in the middle section of the parcel, perhaps some coarse pavement and for some of the pipe treatment down in the lower section of the parcel. It is something that we will work out as we hopefully advance in the preliminary design stages of the project.

As far as our green space, we do have approximately 58% green space on the parcel. The common parks space we are proposing is in the middle of the parcel. It is a gathering area with sidewalks around the entire area. We are proposing a gazebo or some sort of a gathering spot in the middle of the parcel.

Green space, we also tried to position a good buffering around the outside of the project. The setback for the zone is 20-foot side yard setback. We are proposing a minimum of 50 feet to the structures and a little bit more on the south side by the residential subdivision.

That is a quick introduction to the project. Again, tonight we are here to answer any questions or comments from the Board and we are requesting the Board's consideration for referral to the Planning Board so that we can work with the Planning Board. He thanked the Board.

Councilman Hotaling stated that he has a little issue with the sight distance from the entrance, you have the Daignon house to the South and it is right on the road. Is there any way to move that entryway?

Scott Lansing said that they had Creighton Manning take a look at the sight distance on the parcel, because while it is nice and straight, we are vertically limited and that is where Creighton Manning identified as the best sight distance to access the property.

Councilman Hotaling asked are we talking luxury apartments, or are we talking high-end apartments or are we talking affordable apartments? Has there been any consideration to do any less expensive housing?

Bruce Tanski said that he already has 1000 units of affordable units and was asked to do something different. There are not a lot of luxury apartments in town. Basically, you have Twin Lakes, which is 40 years old and you have the ones by Bishop Hubbard, there are not a lot of luxury apartments.

Councilman Hotaling said that where the project is, there are not half a million dollar houses and you are backing up to the trailer park.

Bruce Tanski said that I am looking at this as a transitional zone because of the trailers. We should not segregate people with trailers.

Councilman Hotaling said that he was not, but was concerned for the economy of the community.

Bruce Tanski said this would all be screened from every place. All of my apartments on Fellows Road, there are no vacancies there. Falcon Trace Luxury apartments, 34 of these are rented, so the demand is there. All of my apartments that are affordable, and there are 1100 units, I have 3 vacancies, so the demand is definitely there. Based on the economy, I sold 3 houses last year. Based on the economy with everything going on around us, I do not see this changing in the next 4-5-6 years. I have a lot of people who can afford the apartments, but cannot afford their homes.

Councilman Hayner asked about the build able acreage in your narrative and it has net build able acreage of 12.92 and however, we are looking at 19.25 acres and that is what the math seems to be based on as far as how many units you are asking for. I was just looking for some clarification on that.

Scott Lansing said that there was a typographical error on the calculations. The net area for roadway construction right away we have as 4.39 acres, actually it is 1.36 acres. I do apologize that there was an error on that calculation. With the correct calculations, we have 16.58 acres of build able land; it is considerably different than the original calculation.

Councilman Hayner said that you also mentioned Creighton Manning. Has there been a traffic study done on this?

Scott Lansing said no, not at this point has there been a traffic study. Our first concern was the site distance and that we would start there and move forward.

Councilman Hayner said that he had one more question. You are looking at 33,000 gallons of water per day, but I guess this is more of a question for the water department as far as the infrastructure and how we are going to handle this.

Councilwoman Parker added that you are going to be catering to empty nesters and schoolchildren,

Bruce Tanski said they cater to anybody and everybody

Councilwoman Parker said that I know you're to capacity, because I had to do some checking. I know with the economy, that it is definitely something that people are lending too. I do have a concern for the density and will leave it at that.

Councilman Polak asked Scott: the resident that is going to be retaining that property, is that property included in the overall density of the project, or is that taken out?

Scott Lansing said no, I believe it is taken out.

Councilman Polak said it was hard to tell by the plan whether it was. Certainly with the traffic, we do already have one good size development that is already out there on Werner Road and the Toll Brothers is not completed yet, but at some time it will be and it is going to generate a lot of traffic. We just want to look at the traffic and the counts. Some of the intersections are not that desirable so we want to make sure we are going to go through there and not create any havoc.

Councilman Hotaling made a motion to sent it to the Planning Board and have us be the lead agency and would like to have them look at the density and site distance.

Councilman Hayner seconded the motion

Scott Lansing thanked them

RESOLUTION NO. 196

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

RESOLVED, that the Town Board agrees to send the Halfmoon Ridge Residential Planned District Development to the Planning Board with us as the lead agency.

REPORTS OF BOARD MEMBERS AND TOWN ATTORNEY

Councilman Hotaling invited everybody Saturday October 1st to the Town Park. Halfmoon Celebrations along with the Parks department and our Recreation department are working together putting on the Fall Festival from 1:00-5:00 pm.

Councilman Hayner said that Monday September 26th, will be the next Halfmoon Trails Advisory Committee meeting at 7:00 pm and it is open to the public.

Councilwoman Parker wanted to take this opportunity to thank Supervisor Wormuth, Steffan Buck, John Pingelski and his department, and Frank Tironi from the Water department, for all of their hard work during Irene and Lee. Without their help picking up excess tree branches and debris, we would not be as clean and shiny as we are. I would also like to thank all of the participants and the people who came to the 911 ceremony. It was quite a site to behold and I really appreciate everyone's involvement.

Councilman Polak wanted to thank John Pingelski and his group on the storm. He has gotten copied on e-mails from people requesting what they should do with the brush and trees and he (John) has responded to them immediately. They were backed up trying to get everybody attended to and the stuff picked up. For the most part he's tackled all the areas. The windstorm a couple of weeks ago actually did more damage over in the Vosburgh/Werner Road area, matter of fact near this project, than we had with Irene. We had flooding, but no real structural damage like the winds caused over in that area. So, to all the group, our emergency people who were out there getting the road back open so that they could get the power restored and the cable and the telephone lines. I just wanted to thank all them for the extra effort and help.

Councilman Polak had one more thing to mention. Tuesday he had the opportunity to go to Albany and attend the Capital District Senior Forum. That is a group that recognizes seniors for all of the work that they do in their Church, Community, and throughout the area. I am proud to say that we had a recipient from our area at the ceremony, Norma Morris. I am sure that our Board will do something in the form of a resolution. It was quite an honor; there were 23 recipients from probably 5 counties. It was very nice to see someone from our area receive the honor and be part of that ceremony.

Councilman Polak opened up public privilege for discussion of agenda topics; no one had any questions or comments.

DEPARTMENT REPORTS - month of August

1. Building Total # Permits 81 Total fees Submitted to the Supervisor \$11,579
2. Code Total # Permits 11 Total fees Submitted to the Supervisor \$495.00

CORRESPONDENCE

1. **Received** from the Town Planning Board Resolutions approving the following: Sign Applications for New Country Porsche, located at 205 Route 146, and for Halfmoon Auto Center (Clifton Park Autobody), located at 1627 Route 9, Change of Tenant and Sign Applications for The Islamic Center of Saratoga, to be located at 1602 Route 9, for Youthful Trends, located at 1410 Route 9, and at the St. John's Plaza located at 1683 Route 9, Change of Tenant for B&M

Beyer/Macali CPA's, PC, located at 306B Grooms Road, Addition to Commercial Site Plan Application located at 864 Hudson River Road, Addition to Site Plan Application for New Country Porsche, located at 205 Route 146, and Gil's Garage in the Country Dollar Plaza Drive-In, located at 217 Guideboard Road, Regarding the final approval of the Sandy Rock Major Residential Subdivision, and regarding the Forino Minor Subdivision.

Received & Filed

2. **Received** from the Town Planning Board Resolution denial of a Commercial Site Plan Application for the proposed Stewart's Shop #127, located at 454 Route 146.

Councilman Polak stated that the reason for the denial is because of the canopy location. They are going to have to go to the ZBA (Zoning Board of Appeals) to get that variance. Part of the process was that the Planning Board denies the application so that they could do the ZBA application.

3. **Received** from the State of New York Department of State notification of receipt and filing of Local Law #1-2011, Falcon Trace PDD Amendment.

Received & Filed

4. **Received** from the State of New York Department of Agriculture & Markets the Municipal Shelter Inspection Report completed 9/8/2011, which rated dog shelter services "Satisfactory".

Received & Filed

NEW BUSINESS

RESOLUTION NO. 197

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

RESOLVED, that the Town Board approves and order paid all vouchers for all funds listed on Abstract dated September 21, 2011 totaling \$817,265.57.

RESOLUTION NO. 198

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

Councilwoman Parker abstained from voting, as she was not at the September 07, 2011 meeting.

RESOLVED, that the Town Board approves the minutes of Town Board meeting of September 07, 2011 as presented.

RESOLUTION NO. 199

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

RESOLVED, that the Town Board accept Supervisor's Report for the month of August, as presented.

RESOLUTION NO. 200

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

RESOLVED, that the Town Board authorizes the Supervisor to sign the agreement between the Town of Halfmoon and Community Human Services in the amount of \$10,000.00 for the Care Links Program and authorize the Supervisor to execute said Agreement per the review and approval of the Town Attorney.

RESOLUTION NO. 201

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

RESOLVED, that the Town Board authorizes the Supervisor to waive the fees of dog license for a resident who is fostering dogs.

RESOLUTION NO. 202

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

RESOLVED, that the Town Board authorizes the Supervisor to enter into an agreement with County Waste & Recycling Center for rental of a roll off truck at a rate of \$250/day and a 30 yard dumpster at a rate of \$20/day and authorize the Supervisor to execute said Agreement per the review and approval of the Town Attorney

RESOLUTION NO. 203

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

RESOLVED, to authorize the Supervisor to make attached the Transfer between Appropriations and Creation of Appropriations.

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

There being no further business to discuss or resolve, on motion by Councilwoman Parker and seconded by Councilman Hayner the meeting was adjourned at 7:20 pm.

Respectfully Submitted,

**Laurie S. Sullivan
Deputy Town Clerk**

