

NORTH HALFMOON

FINAL GENERIC ENVIRONMENTAL IMPACT STATEMENT

Town of Halfmoon
Saratoga County, New York

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Section I

Introduction

The following is a Final Generic Environmental Impact Statement (FGEIS) for North Halfmoon, pursuant to the State Environmental Quality Review Act (SEQR). The purpose of this FGEIS is to respond to comments on the Draft Generic Environmental Impact Statement (DGEIS) provided during the comment period.

A. PROJECT BACKGROUND

The Study area comprises approximately 8,800 acres of land in the northern third of the Town of Halfmoon. The boundaries of the Study Area include the municipal boundary with Clifton Park to the west, Malta and Stillwater to the north, and the City of Mechanicville to the east. The southern boundary is formed by Farm to Market Road, Vosburgh Road, and Route 146, including the properties or subdivisions with frontage on these roads.

The project involves the preparation of a Generic Environmental Impact Statement (GEIS) to evaluate the cumulative impacts of future development in the Study Area and to identify appropriate mitigation to ensure orderly and equitable growth. A GEIS is a tool provided by the State Environmental Quality Review Act (SEQR) to address broad land areas or programs that impact land use and the environment. The level of detail for a GEIS is usually at a planning or concept level, meaning that site details are not necessary. This allows the preparer of the GEIS to focus on broader issues and cumulative impacts.

The Town of Halfmoon Town Board conducted coordinated review and established itself as Lead Agency. A Positive Declaration was issued on October 17, 2000. The Town Board elected to conduct public scoping in accordance with 6 NYCRR 617.8. A Draft Scope was prepared and circulated to involved agencies and the public on October 19, 2000. Two public informational meetings were held to receive comment on the scope. Based on public comment, a Final Scope was prepared and distributed on November 29, 2000.

The DGEIS was prepared and determined complete on February 27, 2001 and subsequently filed along with a Notice of Completion and Hearing Notice pursuant to 6

NYCRR 617.8(d). The public hearing was held on March 20, 2001. A transcript of the hearing is provided in Appendix B of this FGEIS. The comment period for the DGEIS was originally scheduled to closed on April 3, 2001, however, based on numerous requests made to extend the comment period, received both during and after the public hearing, the comment period was extended to April 16, 2001. All involved agencies were notified accordingly.

B. Document Organization and Summary

The FGEIS is divided into three major sections, an introduction, responses to substantive comments raised during the comment period and Appendices that include written comments and the public hearing transcript. The Introduction is provided to summarize the actions which have led to the preparation of the FGEIS, describe the general organization of the document, and discuss future actions that may occur following the filing of the is FGEIS. Section II, Response to Public Comments provides a summary of similar questions or concerns followed by the response.

Pursuant to 6 NYCRR 617.14(I) this FGEIS includes the DGEIS by reference (Clough, Harbour & Associates LLP, February 2001), substantive comments received during the comment period, and responses to substantive comments.

Substantive comments were taken from the written comments submitted to the Lead Agency and those comments made during the public hearing. Written comments are provided in their entirety in FGEIS Appendix A.

Comments were presented on numerous issues during the public hearing and in written form. Many residents of the Study Area expressed concern over being charged mitigation fees for providing lots for their children. The Town Board agrees with their concerns and will exclude minor subdivisions (up to 4 lots) from the mitigation fees.

Many residents were unclear on how the GEIS would affect them, especially their property values. The response to this concern is that the GEIS is only applicable to future development and, as discussed above, excludes minor subdivisions. It does not apply to current uses, such as farming activities. Property value is not a SEQR subject. The issue is discussed briefly in the FGEIS. The provisions of the GEIS are recommended as mitigation for anticipated future impacts of cumulative development.

Some issues were clearly divided. For example, some folks expressed concern that the provisions of the GEIS are overbearing in an attempt to protect natural resources. Their concern is primarily related to the potential reduction of developable land and the

impact this might have on property value. Others strongly disagreed with this assessment, contending that the provisions did not provide nearly enough protection/mitigation.

The issue of farmland and open space protection is also highly debated. In this matter, the DGEIS provides a voluntary approach whereby development rights could be purchased in exchange for a permanent easement placed on the property. Incentive zoning is also recommended. This would allow a developer to gain some additional building lots (potentially increase density) in exchange for protection of significant lands. Some folks do not believe this is the solution to preserving farmland and open space. They recommend increased minimum lot sizes.

In general, responses to comments on the DGEIS include references to sections of the DGEIS where the issue is addressed, and as necessary clarification of issues previously addressed.

C. Future Actions

Following the filing of this FGEIS, there will be a ten-day period provided for agencies and the public to consider the FGEIS. Comments on the FGEIS may be submitted by agencies and the general public, however, this not an official comment period. Such comments may be considered by the Town during preparation of the Findings Statement but the Town is not obligated to respond to these comments.

Pursuant to 6 NYCRR 617.15(c)(1), no further SEQR compliance is required if subsequent proposed actions will be carried out in conformance with the conditions and thresholds established for such actions in the GEIS or Findings Statement. An amended findings must be prepared if a subsequent proposed action was adequately addressed in the GEIS but was not addressed or was not adequately addressed in the Findings Statement for the GEIS.

A Negative Declaration must be prepared if a subsequent proposed action was not adequately addressed in the GEIS and the subsequent action will not result in any significant environmental impacts. A supplement to the FGEIS must be prepared if the subsequent proposed action was not addressed or was not adequately addressed in the GEIS and the subsequent action may have one or more significant adverse environmental impacts.

Procedures for implementing mitigation costs will be provided in the Findings Statement. Adoption of the Findings Statement by the Town will constitute adoption of the mitigation guidelines to be applied to review and approval of future development proposals within the Study Area.

Section II

Response to Public Comment

A. RESPONSES TO PUBLIC HEARING COMMENTS

Comment: The draft GEIS does not address gravel resources.

Response: The purpose of the GEIS is to evaluate the cumulative impacts of future development on the community's natural and social/cultural resources. Extraction of gravel resources may occur on sites that are later developed. Therefore, the focus of the draft GEIS is on the impact of development. Due to the State's permitting requirements for mining operations, administered by the NYS Department of Environmental Conservation (NYSDEC), future applications for mining would be considered by NYSDEC and are typically required to undergo environmental review via a site specific EIS. NYSDEC is almost always the Lead Agency.

The issue of mining, in whatever form, is typically controversial, yet it is certainly recognized that resources such as gravel are important for development. A local supply could result in lower development costs. Much of the Study Area is composed of lacustrine clays and silts; but sand, till and kame deposits occur in small areas. The issue of the appropriateness of future gravel extraction in the Town should be dealt with in a comprehensive manner, benefiting from greater community input that will occur during the process of updating the Town's Comprehensive Plan. Figure II - 1 illustrates some potential areas of gravel deposits. This is provided for informational purposes to assist the Comprehensive Plan Update Committee. Since there is a potential for future mining operations in the Town and the Town's role in the approval process is typically advisory and reactionary, the Town should address this issue within the Comprehensive Plan Update and zoning amendments. By doing so, the State will be required to consider the Town's land use plans whenever considering mining applications.

Comment: Is an individual who wants to build one home on a lot subject to the GEIS and the mitigation fees?

Response: The intent of the GEIS is to address major subdivisions and not one or two lot subdivisions. The two other communities (towns of Colonie and Clifton Park) in the Capital District implementing mitigation costs through a GEIS do not charge mitigation fees for one or two lot subdivisions. Clifton Park passed a local law that allows this exemption for lots that are passed on to family members only. The Town of Colonie took a more unique and perhaps more legally binding means of dealing with this issue by adopting their own list of Type 2 Actions under the State Environmental Quality Review Act (SEQR). Agencies and municipalities are permitted to prepare their own Type 2 list providing it is no less restrictive than the Type 2 list provided in the SEQR regulations (6 NYCRR 617.5). Type 2 actions are those actions that have been identified by the State as typically not having significant environmental impact and therefore should not be required to undergo the SEQR process. Based on the concerns raised by landowners who desire to provide a couple parcels for their children and the actions and history of other communities implementing mitigation fees, the Town Board agrees that minor subdivisions (up to four lots) should be exempt from the mitigation fees. Research to date suggests that the best method of creating the exemption is to identify the minor subdivision as a Type 2 action pursuant to SEQR.

Comment: The Town should not include the recommendations in the draft GEIS that establish town policy for wetland regulation.

Response: The recommendations of the draft GEIS relative to wetland policy are simply the recognition and compliance with current wetland regulations implemented by the State and federal governments. It is good practice for any community to ensure that the applicant receives sign-off from NYSDEC and the Corps of Engineers for their project and that they are implementing the basic conditions necessary to protect the remaining resources. Depending on the extent of wetland impact, the final outcome of the permitting process can have a significant impact on site layout. By requiring the applicant to complete the permitting process prior to receiving final site plan review, the need for site plan amendments based on revisions required by the permitting agency will be eliminated. Most projects that undergo a permit process with either NYSDEC or the Corps ultimately require revisions to the site plan to account for avoidance and minimization of wetland impacts and required mitigation.

With respect to the recommendation that the Town require compliance with the special

and general conditions of wetland permits, many of these conditions will be reflected on the site plan and construction drawings. Some conditions are common to most development, such as the implementation and maintenance of erosion and sedimentation control. When considered in the context of environmental review and compliance with SEQR, the conditions of wetland permits are provided to ensure that significant impacts will not occur and that appropriate mitigation is implemented as applicable.

The recommendations of the draft GEIS are not suggesting that the Town develop new wetland regulations. They clearly rely on current and future State and federal regulations.

The provision of wetland buffers is a recommendation, not a mandate, and is consistent with Corps policy. If the special conditions of a Corps wetland permit specifies a wetland buffer, the Town should ensure that this is incorporated in the development. State wetland buffers are 100 feet from the edge of wetland and are a requirement of the State. The DGEIS provides a recommendation that a minimum 30-foot buffer be placed on streams that are mapped on the U.S. Geological Survey 7.5 minute quadrangles. Many of these streams contain adjacent wetland which, in many cases, would be incorporated into the buffer.

Comment: The Town should not prohibit timbering and mining within areas designated as open space within subdivisions.

Response: The provision in the draft GEIS that precludes timbering and mining as appropriate land uses is directed towards open space that is either part of a development and designated as open space or a specific parcel that has been designated as permanent open space through outright purchase or conservation easement. Timbering and mining are not consistent with the intent of conserving open space resources. They typically result in a significant change in the character of the landscape. The term timbering used in the context of this document is related to clear-cutting and other significant tree removal practices. Clear-cutting would significantly change the character of the open space. Other commercial timber removal practices typically involve heavy equipment that significantly disturb forest soils and may result in significant erosion. This does not suggest that other forest management practices that result in improving the tree stand or clearing out brush and damaged trees for the personal use by the landowner should be prohibited. If timbering and/or mining are desired uses by the landowner who will control the open space, then the landowner should not consider designating the land as open space. It is important to note that the mechanisms for conserving open space are mostly

voluntary. The exception is the 20 percent open space requirement for residential subdivisions and the 30 percent open space requirement for commercial and industrial development. These provisions are directed toward the developer, not the individual landowner unless the landowner decides to develop the land him/herself.

A potential issue not discussed in the draft GEIS is the right of a landowner to undertake timbering operations on his or her own property (that is, property not part of a major subdivision proposal). This right is not challenged in the draft GEIS nor is there any intention to do so. However, the Town should consider the impact of timbering when considering a parcel for a permanent conservation easement (through purchase of development rights or incentive zoning). It is recommended that clear cutting with subsequent tilling and farming or grazing should be considered an agricultural practice and an appropriate use for the conservation parcel. Thinning (silvicultural practices) that leads to timber lot management may also be appropriate. However, the Town should also take into consideration that there is little contiguous forested land remaining within the Study Area. This is an issue for further discussion during the Comprehensive Plan Update process and perhaps later as part of a farmland and open space conservation plan. Mining would not be an appropriate use as it would significantly impact the landscape and the potential for future farming of the land is questionable, despite reclamation plans. Again, the land owner who desires to extract gravel or other subsurface resources from his or her property should not consider a conservation easement, nor should the Town consider tax incentives. Areas with potential subsurface resources are limited within the Town. Mining is not expected to be a viable consideration for most landowners.

Comment: Do the equivalent dwelling units (EDU) account for the different water uses of different housing types (eg., 4 -bedroom vs. 2-bedroom vs. a trailer, etc.)? Some communities use a half EDU to account for multi -family development. By using a whole EDU regardless of housing type, the Town is suggesting there should be no more multifamily development.

Response: The Town's existing Equivalent Domestic Unit Assessment Schedule will be used to distribute costs for residential, commercial and industrial development. A copy of this schedule is provided in Appendix C. Relative to residential uses, the schedule does not differentiate between single family development and apartments. This is also true for the mitigation cost systems implemented in Clifton Park and Colonie.

Comment: Are individual landowners that are not developing their land effected by the draft GEIS? In particular, is the 20 percent open space applicable and will limitations on logging and mining be imposed?

Response: *The GEIS is being prepared to address future development potential and not to impose new restrictions or guidelines on current use.* If you are not developing your land, then you pay nothing relative to the mitigation costs and you may continue to use the land in a manner consistent with current zoning and other Town, State and federal rules and regulations. If implemented by the Town, some of the land use recommendations relative to the purchase of development rights and incentive zoning will provide new opportunities to landowners who would like to seek financial assistance in exchange for a promise that the land will not be developed. Such a program would be completely voluntary.

Comment: The document does not address the impact on wildlife, the focus is on wetlands.

Response: A generic analysis of vegetation and wildlife habitat was conducted for the Study Area. This information is presented in draft GEIS section III -I, beginning on page III-76. The professional services of a very reputable ecological firm were retained to verify vegetative cover types (illustrated on draft GEIS Figure III -12) and identify wildlife likely to inhabit the various ecological communities. A quantitative analysis of the extent of each ecological community (cover type) was provided in draft GEIS Table III -12. Wetlands and the potential habitat for threatened and endangered species were also addressed as significant components of the ecology of the Study Area.

The discussion of impacts and mitigation, beginning on page III -85, focuses on the potential area impact on the ecological communities and design efforts to preserve habitat within individual developments and on an area -wide basis by incorporating greenways. The most significant component of the mitigation provided in the draft GEIS is the north - south greenway/recreationway between the Anthony Kill and State regulated wetlands in the southern portion of the Study Area. Such linkages promote diversity and the health of the area's ecology.

Comment: How will trails be developed when the land they are shown on is privately

owned and the owners do not want to sell?

Response: Trail development is envisioned as a process that will be incorporated into development plans and not necessarily implemented within the short term. The possible exception to this would be in the event funding became available to complete the regional trail that would link the Canal Trail with the Zim Smith Trail. Such a trail would provide a great benefit to the region, the Town of Halfmoon, and potentially the City of Mechanicville. No such funds have been sought by the Town to date. The path shown on draft GEIS Figure III-5 in section III.D is highly conceptual. Should the trail be reasonable to pursue, landowners would be contacted to determine the willingness to consider an easement. If the landowner objects, the trail would probably not move forward until a new route was found viable or the lands in question were sold for development.

Communities across the nation are developing trails to promote healthy lifestyles, preserve open space, and provide alternatives to vehicular travel. The Pathways Plan (Figure III-5) assumes a developed condition in the future. In the absence of development, an extensive trail network is not necessary. However, by planning for trails now, future developers will be aware of the Town's plans and can incorporate trails or trail right-of-ways into their design.

Comment: The draft GEIS encourages development and does little to protect the large landowners from future development.

Response: The GEIS will result in the ability of future developments to forgo a site specific EIS, provided projects meet the thresholds identified in the GEIS, as dictated by the Findings. This will undoubtedly present some cost savings to the developer both in terms of the costs of preparing an EIS and the time involved. However, the GEIS does not result in a "shovel ready" site. Each project must undergo site plan review. Planned Development Districts must undergo further review by seeking a rezoning from the Town Board before moving on to the Planning Board. Both archaeological field surveys and wetland delineation must be performed before final site plan approval can be granted. Considerable engineering analysis must be conducted to clarify traffic circulation, and address water supply and wastewater collection and transmission. In terms of cost, developers will be required to pay mitigation fees. Although this is a fair and equitable means of distributing the cost of capital improvements necessary to serve development,

the reality is that development entering the study area now and in the near future would not have had to pay for many of the capital improvements since the capacity is currently available. Therefore, mitigation fees are probably seen as a disincentive by many developers.

The GEIS is actually a mitigation measure for the large landowner. The Study Area, and the Town for that matter, is zoned for development. That is, the Town is subject to its zoning ordinance that allows many types of development in varying densities. For most residential uses, the minimum lot size is one-half acre if water and sewer services are available. Indeed, development is coming, with or without a GEIS. Development projects are before the Planning Board and Town Board now and more will come once the GEIS is completed and the moratorium lifted. This was the basic need for preparing the GEIS at this time. The SEQ R process is an excellent tool for addressing environmental and technical issues relative to future development. It is less effective at deriving community consensus relative to land use issue because the process typically lacks the public outreach component necessary to address this issue. Typically, such work is left to comprehensive planning, which the Town is currently undertaking. Nevertheless, the GEIS provides some meaningful recommendations to address open space and land preservation that would not otherwise be available. This includes potential opportunities for permanent easements that pay the landowner for keeping the land undeveloped, yet allowing the landowner to continue farming if that is so desired. Other land conservation tools may be considered by the community through the comprehensive planning process.

Comment: Will industrial development be limited to the northern portion of the Town?

Response: It is not the intent of the GEIS to direct the location of certain types of development. That is the responsibility of zoning and land use plans. Some minor land use recommendations are made in the GEIS but for the most part the document is based on current zoning. Under current zoning and based on the projections for future development provided in the GEIS, approximately 50 percent of the land area available for commercial and office uses was assumed to be developed over the next 20 years. Within that same time period, only 11 percent of the potential land area zoned for industrial uses within the Study area is projected to be developed. It is assumed that approximately 50 percent of the future development potential for industrial uses would occur elsewhere in the Town.

Comment: Saratoga County sewer is currently at capacity and no further development can be placed on this system.

Response: Transmission capacity issues are being experienced in other areas of the Town as well as other areas of the Saratoga County where sewer service is provided. This is a function of the size and capacity of the transmission lines and not a factor of treatment capacity at the County's wastewater treatment plant. Sewers that would be impacted by development within the Study Area have available capacity to support the development as projected. This is supported by engineering analysis performed for the GEIS and data provided by the Saratoga County Sewer District.

Comment: Please consider the impact of stormwater runoff from new development as it may impact downstream areas, particularly areas along Saratoga Avenue and Railroad Avenue in the City of Mechanicville.

Response: The general impact of additional runoff for future development in the Study Area has been considered in the draft GEIS. The Town of Halfmoon Subdivision Regulations do not require the design of stormwater management systems based on 2, 10 and 100-year events. The Town's requirement is to design for the 25-year storm frequency. In accordance with the State Pollutant Discharge Elimination System (SPDES) General Construction Permit Notice of Intent, the GEIS (Section III.H, p. III -73) will require applicants to evaluate storm water runoff for the 2, 10 and 100-year storm events. These requirements are more restrictive and provide a more comprehensive approach to stormwater management, especially flood control. This should provide additional protection to the critical watersheds within the Study Area that feed the Anthony Kill. The issue of flooding in the City of Mechanicville is much broader than the scope of this GEIS. The City of Mechanicville should consider undertaking a study to identify the peak flow characteristics of the Anthony Kill, which is impacted regionally.

Comment: The development projections should be based on the growth trends that have occurred in the northern half of the Town rather than the entire Town, since most growth has historically occurred in the southern portion.

Response: Basing the development projections solely on the historic rate of development

within northern Halfmoon would most likely underestimate the actual future rate of development. This is evident from the information provided by proposed projects within the Study Area, which could result in as much as 613 single-family homes and 168 multi-family units over the next five years. As these developments bring water and sewer closer to other undeveloped parcels, additional development is likely. Recent construction of Water District No. 15 and its proposed extension has brought water closer to large undeveloped parcels in the Town. As sewer comes closer to these parcels, the development potential will increase significantly. The use of historic growth would underestimate potential impacts and mitigation, including mitigation fees. Major improvements would become evident only after thresholds are reached, at which time there would be no funds available to address the issue, placing the burden on the last developer and the Town. This is contrary to the intent of the GEIS. It is certainly recognized that a downturn in the economy, especially for a protracted period of time, would significantly impact growth rates. It is also possible that the comprehensive plan process will result in limits on future development in north Halfmoon and/or large landowners and farmers react positively to land conservation efforts. This cannot be predicted at this time. Current knowledge does not suggest that the Town is ready to place significant limits on growth nor has there been any significant positive support for permanent conservation easements. Should any of these change, it may be necessary to re-evaluate the findings of the GEIS.

Comment: How might the recommendations of the comprehensive plan revision impact the GEIS? Is there a mechanism to revise the GEIS?

Response: Current and proposed developments in north Halfmoon have created a sense of urgency to address the future impact of development. Ideally, a community would undertake its comprehensive planning first to address land use and growth management and conduct further studies, such as a GEIS, as part of the action plan once the comprehensive plan is adopted. The Town Board determined that the time necessary to complete the comprehensive plan (in excess of one year) and the time necessary to prepare the GEIS would allow for considerable development to occur without the opportunity to address the cumulative impact. Much of the mitigation proposed in the draft GEIS could not be implemented and the mitigation costs would be much more significant since there would be less eligible development and less infrastructure capacity.

To begin to address the potential for conflict between the GEIS findings and the future

comprehensive plan, the Town appointed a committee of Town officials, Saratoga County officials, and local residents with a broad spectrum of experience. Unlike many EISs, both site specific and generic, the draft GEIS was prepared by committee. The consultant worked with the committee to address land use and growth management policy. Technical studies were prepared and submitted to the committee for review and discussion. Prior to beginning the GEIS, two public informational meetings were conducted to identify a reasonable scope of issues and to discuss the merits of the project. It is hoped that this process will result in a G EIS and findings that will be consistent, for the most part, with the future comprehensive plan. Should the land use policies within the comprehensive plan ultimately adopted by the Town be significantly different than those of the GEIS, it may be necessary to supplement the GEIS to incorporate these decisions. Policy that leads to less development density will benefit the environment and will therefore be consistent with SEQR. As a result, it may be necessary to revise the mitigation fees. If greater development density is desired, then the new land use policy would be inconsistent with the SEQR findings and further evaluation would be necessary.

Comment: Will the mitigation fees go into a dedicated fund and if so how will the fund be divided and protected for the given fund?

Response: Mitigation costs will be placed in a dedicated account that will be divided into five mitigation cost categories: water, sewer, culverts, traffic, and open space. These funds cannot be used for any other purpose. Funds generated for the sixth category, GEIS preparation, will reimburse the general fund, from which monies have already been advanced.

Comment: A parcel of land located along Route 146 is identified as being zoned recreational. That land is in residential use and is zoned agricultural. This land may have been included as part of the calculation for determining future recreational land needs which is incorrect.

Response: Lands used to determine the current level of service for public open space included only those lands in public ownership. The land in question is in private ownership and was not used in this analysis.

Comment: The provision of 20 percent quality open space in residential subdivisions is not the solution to sprawl. It is better to plan larger areas of land and allow development in one area while leaving another area undeveloped.

Response: The provision of 20 percent quality open space was not proposed as a means of preventing sprawl. It was proposed as a means of dictating the quality of open space provided in a project to achieve better wildlife habitat, contiguous open space, and aesthetics that are more conducive to rural character. The draft GEIS clearly states that a major impact of future development within the Study Area will be the conversion of community character from rural to suburban residential. The 20 percent quality open space provision in conjunction with the Conservation Subdivision review process and the many other provisions, guidelines, and incentives are intended to change the current pattern of development and design and to incorporate the Planning Board in the very early stages of development proposals. The incentive of decreasing lot size (possibly increasing density) in exchange for more quality open space could control sprawl if adopted for more than a few projects. This is an option, not a mandate, and it will be up to the development community to accept or reject. The Town Board and Planning Board could strongly encourage this type of development, especially when an important component of the Recreation & Pathways Plan is involved. This would be reviewed on a case by case basis.

Planning for development in the manner recommended in the comment can be an effective means of controlling sprawl. This would necessitate control over water and sewer service area policy, possibly coupled with development incentives that would lead to the purchase or transfer development rights. This form of growth management is an important consideration for a community but requires a comprehensive approach and community consensus. This cannot be achieved through the SEQR process but can be addressed during the Comprehensive Plan Update process.

Comment: With individuals expressing the desire to keep their land undeveloped, the pathways plan is likely to result in numerous trail segments that may become unsightly and dumping grounds. How will the trail systems be maintained?

Response: Development of the Pathways Plan on a project by project basis will result in short segments of paths that will provide little value (other than open space) until pieces

come together. The alternative of providing paths once development is in place would likely be more problematic since the trails would have to be retrofitted into the development causing right-of-way issues and limited routes. Attempts to develop the trail network would probably fail. There are far fewer issues when trails are incorporated into design and folks are aware of their location. Those who do not wish to live next to or near a trail would simply purchase a lot elsewhere.

Using the Conservation Subdivision review process, the Town can take a proactive role in achieving a viable trail system. The Town may wish to consider requiring only the suitable right-of-way for a trail when it is obvious that connection to the main trail or other trails will not occur in the near future. The Town could collect a fee for construction of the trail, which would be accomplished by the Town when it is appropriate to link the trail.

The anticipated sequence of trail construction when a development project is proposed will involve the initial identification of trail routes during early consultation with the Planning Board (conservation subdivision phase where the Planning Board and applicant identify developable portions of land). The applicant will then prepare concept plans that will incorporate the trail. Upon final approval, the applicant will construct the trail prior to selling lots adjacent to or near the trail. The actual completeness of trail construction will be left to the discretion of the Planning Board. It may or may not be appropriate to prepare the trail surface (e.g., final grading and placement of stone dust, for example) depending on opportunities to link with other trail segments and the proximity of the development to important destinations, such as a park.

There are many means of maintaining trail systems. It is anticipated that the trails will be dedicated to the Town and maintained by the Town. However, regional linkage may provide an opportunity to take advantage of trail groups and other support, both physical and financial. Folks that live adjacent to trails in some other communities become stewards of the trail through clean up and policing (providing a physical presence along their trail segment results in a great deterrent to illicit activities). Community/neighborhood involvement should be encouraged and expected to help maintain this amenity for the community. Most communities do not permit the use of motorized vehicles or snowmobiles on their trails. The Town will likely adopt this policy for its trails. Trail and other recreation recommendations will be developed for public review as part of the Comprehensive Plan Update process.

Comment: By incorporating a 20 percent quality open space, the value of the land is decreased by a minimum of 20 percent plus the mitigation fee. This should be a concern for the landowners.

Response: If a given parcel has no development constraints then it is likely that the 20 percent quality open space provision will have an impact on property value. It is questionable whether the impact is directly proportional as suggested in the comment. It is not the intent of this GEIS to address negotiations between developers and landowners, nor is property values a subject of SEQRA. It can be said, however, that the 20 percent quality open space can be entirely or partially undevelopable lands such as regulated wetlands, stream corridors and steep slopes. Additionally, many parcels within the Study Area have constraints that far exceed the 20 percent quality open space provision. This is likely to impact the final selling price but might have nothing to do with the 20 percent quality open space provision. There are plenty of opportunities for a developer to increase density and potentially increase the value of the project as a result of the incentive programs. The provision of 20 percent quality open space is a mitigation measure to reduce the impacts to community character. There are numerous examples throughout the country and in the Capital District and Saratoga Region of how standard subdivisions turn into sprawl development and significantly decrease the quality of life.

The comment also suggests that the mitigation fee will be passed on to the landowner. Other comments during the development of the GEIS and the comment period suggest that the mitigation costs will be passed on to the future residents. There appear to be conflicting opinions. Clearly, there are many more factors that impact the value of a piece of property than the recommended 20 percent quality open space.

Comment: The planning/open space recommendations of the draft GEIS do little to protect the rural character of the study area.

Response: On page III-18 of draft GEIS Section III.B, it is clearly stated that the character of the Study Area may change significantly over the next 20 years with the potential to convert over 1,200 acres of land from vacant, agricultural, and large lot residential to suburban residential uses. This is likely to occur with or without the recommendations of the GEIS because the existing zoning permits such development. The issue of whether or not the northern portion of Halfmoon should remain rural was not

an issue that could be reasonably addressed in the GEIS. This is primarily due to the fact that the SEQR process does not provide for a significant community outreach program that will be needed to address land use and densities. The ongoing Comprehensive Plan Update is the proper forum for such discussions since this process has and will continue to involve the public in each step.

The recommendations of the draft GEIS do begin to address how future development should occur in rural areas. The most significant component is the Open Space Conservation Plan that calls for a conservation subdivision process. This process will allow the Planning Board to work more closely with the developer to identify the suitable areas of a given site for development. The end result will hopefully be greater contiguous open space, protection of important visual resources, aesthetically pleasing development, and greater recreational opportunity.

Comment: How will the future growth impact the school districts?

Response: Future growth will impact the school district assuming that the new development will produce school age children, which is typically the case. The two school districts potentially impacted by future development in the Study Area (Shenendehowa and Mechanicville) were contacted to identify capacity of their facilities and capital improvement plans. Each school district has planned for the future, typically in 5-year periods. Mechanicville intends to construct a new elementary school to address current and future capacity issues. The Mechanicville middle school will undergo an expansion and renovations are planned for the high school. The Shenendehowa district has passed a referendum to construct a new high school that should address their capacity issues.

The important issue is how new development will impact the school budgets. Given the large potential for commercial and industrial development and the recent trend toward high value homes (over the past two years) the fiscal impact is beneficial, as identified in draft GEIS Section III.P. If this trend continues relative to future development in the Study Area and elsewhere within the school districts boundaries, sufficient funds should be available to address capacity and quality educational issues without a significant increase in the tax burden. However, a shift towards medium and lower value homes over time might affect the beneficial impact.

There are many factors that should be monitored over time that cannot be addressed at this time. Future development can be projected but not specifically determined. Changes in the type of housing and the amount of commercial and industrial development from that projected in the GEIS will change the results of the fiscal analysis. This may have adverse or beneficial implications to the budgets of both school districts. The immediate beneficial tax impacts of commercial and industrial development are tempered by tax incentive programs that provide tax breaks at a decreasing rate over a 5 -10 year period.

Comment: Landowners who have been in the town for a long time, some for generations, should not have to pay the mitigation fee to develop one or two parcels for a family member.

Response: It is agreed that the intent of the GEIS is to all add ress major subdivisions and not specifically minor subdivisions (up to 4 lots). The two other communities (towns of Colonie and Clifton Park) in the Capital District implementing mitigation costs through a GEIS do not charge mitigation fees for minor subd ivisions. Clifton Park passed a local law that allows this exemption for lots that are passed on to family members. The Town of Colonie took a more unique and perhaps more legally binding means of dealing with this issue by adopting their own list of Typ e 2 Actions under the State Environmental Quality Review Act (SEQR). Agencies and municipalities are permitted to prepare their own Type 2 list providing it is no less restrictive than the Type 2 list provided in the SEQR regulations (6 NYCRR 617.5). Typ e 2 actions are those actions that have been identified by the State as typically not having significant environmental impact and therefore should not be required to undergo the SEQR process. It is the Town' s intent to establish a Type 2 list that would exclude the minor subdivisions.

Comment: The NYS Department of Environmental Conservation (NYSDEC) does not provide the level of protection of environmental resources that one might think. Discussions with NYSDEC officials suggest that the municipality must set the standard and then NYSDEC will help. The draft GEIS should include provisions for NYSDEC to review site plans to ensure environmental resources are protected. The Natural Resources Conservation Service (NRCS) will work with municipalities to address soil, land and water conservation.

Response: The Town currently refers all major subdivisions to NYSDEC and the NYS Department of Health (NYSDOH). Current efforts in the planning field are focusing on regional issues and greater cooperation with federal, State and regional agencies that can provide technical support to local governments. Federal and State agencies that administer permitting programs seldom have the staff necessary to follow up on projects and identify violations. These agencies must then rely on the efforts of local governments to properly review and mitigate projects. Like many communities, the Town of Halfmoon has a site plan review process that addresses many aspects of site development. The Town cooperates with the permitting agencies by requiring sign-off/permit from these agencies before a project can move forward. The draft GEIS recommendation that the Town impose conservation subdivisions for lands within the Study Area will provide the Planning Board with greater opportunity to identify the more appropriate areas of a given parcel for development while protecting more sensitive areas and achieving such goals as contiguous open space, view preservation, trail development, stream corridor and wetland protection, etc. The Town will continue to support the efforts of federal, State and regional agencies through the permitting and approval processes for each.

Comment: Pursuant to the Environmental Conservation Law (Article 15), riparian rights are protected and those upstream and downstream should not impact those rights.

Response: The draft GEIS addresses riparian rights in a number of ways, however, the primary issue is storm water runoff and the quality of that runoff associated with new development. Section III.G. requires 30-foot buffers on streams, the first 10 feet of which must be natural buffer. This is a significant protection measure not previously available in the Town. Although the NYSDEC identifies a 50-foot buffer for regulated streams, enforcement is an issue and there are very few streams within the Study Area that meet the water quality requirements to be considered regulated by the State. The 30-foot buffer mitigation measure would apply to all mapped streams. The buffer will aid in protecting streams from encroachment and significant erosion and sediment loading that can impact downstream areas and an individual riparian rights.

In accordance with the State Pollutant Discharge Elimination System (SPDES) General Construction Permit Notice of Intent, the GEIS (Section III.H, p. III-73) will require applicants to evaluate storm water runoff for the 2, 10 and 100-year storm events. Previously, there was no Town requirement to design storm water management systems based on the 2, 10 and 100-year events. The Town's requirement is to design for the 25-

year storm frequency. By incorporating the Town's current storm water requirements along with the SPDES requirements, the impact of future development on storm water will be mitigated. However, the effectiveness of the storm water management requirements should be monitored as development progresses.

Comment: There should be 100-foot buffers for wetlands. Mitigation fees for wetland impacts should remain within the Town rather than going for projects outside the Town.

Response: State wetlands currently have a 100-foot buffer and impacts to that buffer must be reviewed and permitted by the NYS Department of Environmental Conservation (NYSDEC). Federal jurisdiction on wetlands and other waters of the U.S. begins at the boundaries of these water features. There is no mandated/regulated buffer although they are strongly encouraged by the Corps of Engineers (Corps) when reviewing projects. The GEIS echoes the policy of both agencies and also requires (for compliance with SEQR/GEIS for North Halfmoon) a 30-foot buffer on all mapped streams as identified on the most current USGS topographic mapping (7.5 minute quadrangles). This will provide an additional level of buffering for wetland areas along these mapped streams. The GEIS recommends buffering wetlands, the magnitude of which would depend on the type and quality of wetland. The Town feels that establishing a buffer for all wetlands is too restrictive at this juncture, although it is likely that the issue will be addressed and debated during the preparation of the Town's Comprehensive Plan Update. To bolster the authority of the Corps and NYSDEC, the GEIS requires (for compliance with SEQR/GEIS for North Halfmoon) that applicants comply with the special and general conditions of permits issued by these agencies by incorporating these conditions into the project plans prior to the Town issuing site plan or subdivision approvals.

There are no mitigation costs identified for wetland mitigation. Since the Town is not the regulating agency for wetland impacts, it cannot charge for mitigation. Typically, the Corps and/or NYSDEC require an applicant to create wetland on site as mitigation for wetland impacts. If no on-site mitigation is possible, the applicant must search off-site and is typically restricted to the same watershed in which the wetlands were impacted. Fees in lieu of wetland creation are usually the last consideration. In the Corps' NY District, there are very few cases where the Corps approves projects without wetland creation.

Comment: The Town should consider larger lot zoning, perhaps one to three acre lots. Half-acre minimums are too small, especially for some of the very large homes that are being built. Larger lots would decrease the density and might decrease the costs identified for future services.

Response: As a planning tool, large lot zoning in the magnitude suggested in the comment has little impact on sprawl. The purpose of the GEIS is to evaluate a maximum or “worst case” development scenario to determine a reasonable level of development that results in an acceptable magnitude of impact. Through the comprehensive planning process, the Town will debate land use and density and may determine that larger lot zoning is necessary for certain areas of the Town. If this is the case within the North Halfmoon study area, the density of development will decrease, which would be considered less impact and consistent with SEQR. The purpose of large lot zoning in North Halfmoon would be to reduce density and not necessarily reflective of the type of lot or housing people want. If people were demanding homes on one acre or larger lots, which is what developers would be building, at least in the case of large, expensive homes. Large lot zoning is more effective at significantly greater lot sizes (at least 5 acres but much better at 10 or 20 acres). This type of zoning usually incorporates a clustering provision that will allow greater density in exchange for more preserved open space .

Comment: A 100-foot buffer should not be imposed on streams.

Response: The GEIS requires (for compliance with SEQR/GEIS for North Halfmoon) a 30 foot buffer on all mapped streams as identified on the most current USGS topographic mapping (7.5 minute quadrangles). Although it may be argued that a larger buffer would provide more protection, the 30-foot buffer is a significant step towards protecting streams from erosion, slope failure, sedimentation and pollution. The Town currently has no required buffer.

Comment: What is the justification for preserving views across lands that are in private ownership?

Response: Viewshed protection is practiced everyday by municipalities and federal, State, and regional agencies. The justification is that significant views are community-wide resources and a community has the right to conserve or protect its resources.

Furthermore, a community has a right to identify a vision for how it will look and develop in the future. At present, the landowner with significant views across his or her land can develop that land in accordance with current zoning and other applicable federal, State and local laws. If the use of the land includes the continuance of farming practice, that is encouraged by the GEIS. If the landowner sells the land to a developer, the landowner no longer has interest in the land and is not bound by the GEIS in any manner. The recommendations of the GEIS come into play when the land is proposed for development as a major subdivision or some other significant use. This then becomes a change in current land use and should be carefully reviewed as suggested in the GEIS.

Comment: Protection of wetlands is not thoroughly covered by the Corps of Engineers and NYSDEC. The Town must stay involved since there are examples of significant wetland impacts.

Response: The GEIS recommends that the Town remain involved in wetland protection by requiring Corps and NYSDEC permits and compliance with general and special conditions of those permits prior to issuance of site plan and/or subdivision approvals. This means that projects must get sign-off from these agencies and to do so they must undergo some level of review.

Comment: What is the justification for charging a mitigation fee for a building lot when it is unlikely that water and sewer will ever reach that location?

Response: The justification for charging a mitigation fee is one of fairness. If you impact the environment and community services by building then you should pay. The chances are very good that one day utilities will be available. However, the intent of the GEIS is to address larger projects that in most cases would be significant enough to require SEQR action. Such project would probably not be approved without utilities. Finally, the Town does not intend to charge mitigation fees for minor subdivisions (up to 4 lots). These are the types of subdivisions that can be developed with wells and septic systems and may not see utilities for several years to come, depending on the location.

Comment: The provision of public open space, such as the greenways, will result in policing and maintenance issues.

Response: It is very true that Town -owned public open space will create some level of policing and maintenance burden on the community, depending on the level of public use. Trails are a very good example. To maintain the quality of a major trail system, the Town will need to take ownership, at least at first. As use of the trails develops and more land is developed near or adjacent to the trails, other factors will emerge that will decrease the burden on the Town's resources. Examples from other communities show that residents along the trails provide a significant deterrent to illicit activity and improper use of the trail. This is accomplished by their physical presence on the trails and their willingness to call problems into the police. In addition, trail groups often form that will assist the Town in clean up and maintenance of the trail, especially if it is well used. What is being proposed is a public benefit. There is a great demand for public open space in our communities. It is up to each community to determine the extent of public open space (trails, parks, etc.) the majority of residents are willing to support. This should be answered by the comprehensive planning process.

Comment: Does a zoning change trigger the need to pay mitigation fees?

Response: Mitigation costs will be required at the receipt of building permits and certificates of occupancy. Therefore, the act of changing zoning does not trigger the need to pay the mitigation cost. Development must be identified and approved before money is collected.

Comment: Is the subtraction of 20 percent of land for each parcel or for the whole town?

Response: The 20 percent open space requirement applies only to parcels within the Study Area.

Comment: The Town should not regulate the subdivision of frontage lots along existing roads. This is an impact on individual property rights.

Response: The purpose of limiting frontage lots along existing roads is to protect the health, safety and welfare of current and future residents. In most communities, frontage lots are the first to develop with the larger interior lands developed as subdivisions later

on. By allowing frontage development, the community encourages the creation of a neighborhood and the illusion of a residential street. As the interior lands develop, traffic increases. Residents of the new subdivisions do not necessarily recognize the former rural road as a residential street and neighborhood and do not afford the same courtesies paid to their own neighborhoods, especially during rush hour. This change may occur very gradually or very quickly depending on the pace of development; the impact over time, however, is the same. If the historic pace of development (past 10 years) continues, traffic within the study area that will use what are currently rural roads will increase significantly as identified in the draft GEIS. As a result, the residential street becomes a collector road that will impose traffic, safety, noise, air quality and general quality of life impacts on residents. By recognizing this potential impact and addressing it now, safe and desirable neighborhoods will develop and traffic will circulate efficiently through the study area. It is important to emphasize that the GEIS does not create the development potential. The potential exists. The GEIS identifies the potential impact under current zoning, development patterns and trends and recommends appropriate mitigation.

In recognition of the desire of a landowner to subdivide a couple of parcels for their children, recommendations can be provided for the provision of two frontage lots and up to two “flag lots,” all with a common drive. A “flag lot” is a term used to identify a lot with access to the main road but limited frontage. Figure II - 2 is an illustration of this subdivision scenario. The concept hinges on the dedication of a Town road right-of-way (ROW) that would become the primary access to the parcel should it be developed further in the future. It will be necessary to demonstrate to the town that the point of access will allow for reasonable site circulation. The frontage lots and the two flag lots would obtain access from a common driveway, not a town road. The road would not be developed until such time that the land is developed. All building setbacks would be from the “paper street” ROW, not from the new driveway. This will allow for a smooth transition when/if the property is developed further. Building setbacks from the main road should be a minimum of 100 feet.

The proposed flag lot solution to frontage development provides reasonable opportunity to subdivide up to four lots out of the larger parcel before it is necessary to undertake a major subdivision review process. All lots will have reasonable access. By incorporating the ROW for a future town road, further development can occur on the parcel should the landowner choose to sell or develop the property without the need for multiple access points, although it is recognized that a second means of access may be desirable depending on the size of the property and the project.

Comment: Cluster development will become the Town' s future slums .

Response: Single-family cluster developments in rural and semi -rural areas are seldom inexpensive. From a market perspective, the purpose of cluster development is to provide new housing opportunities for people with busy schedules and little time to attend to their lots and to those who simply do not want a larger lot but still want to live in a suburban area. Whether or not such development will be attractive in north Halfmoon will depend on how developers perceive the housing market and whether they are willing to develop in this manner. The GEIS does not attempt to establish clustering as the only option. This decision is left to the developer. Incentives are recommended to allow the developer to receive greater density by providing more open space. Clustering may be necessary to achieve this. It is not anticipated that the density of development will increase significantly since the developer must provide more quality open space if he/she hopes to gain more units. Additionally, there is still a strong market for homes on half -acre lots. There are some examples of cluster development in the Capital District and more are anticipated as communities begin to analyze their development patterns and implement measures to incorporate open space, provide recreational opportunity, and conserve natural and agricultural resources, all of which are consistent with Smart Growth concepts and the State' s Quality Communities initiative.

Comment: It is unfair to require mitigation fees in one area of Town when another has no such fee system.

Response: The Town is in the process of planning for its future. The GEIS for North Halfmoon is one step in that direction. The Town does not have the resources to conduct a GEIS for the entire Town. As stated in Section II.A of the draft GEIS, there are several factors that point toward the potential for significant development pressure in the northern portion of the Town. Water is provided to portions of north Halfmoon with further extensions currently under construction. The Saratoga County Sewer District trunkline skirts the northern boundary of the Town and has significant additional capacity. A less tangible factor is the aesthetic character of the area. The open fields provide some tremendous views to the south and east. Finally, and perhaps most importantly, there are a number of projects before the Planning Board and Town Board in north Halfmoon. It has apparently become a desirable place to develop. By recognizing

this, the Town has an opportunity to influence how development will occur in an effort to properly plan for infrastructure and to prevent significant impacts to important environmental resources and the character of the Town. The mitigation fees are the equitable means of distributing the cost of development impact amongst all future developers within the 20 -year planning period. Although it may be argued that those who wish to sell their land to a developer will get less money for their land due to the mitigation fees it is also reasonable to say that without an equitable means of distributing costs, future developers will be hit with higher costs to mitigate impacts they did not cause and they will try to pass those costs on to others whenever possible. If this were not possible, the developer would likely abandon the project plans, leaving the landowner without a buyer. So, where one landowner makes out well because the land was sold in the early stages of development in north Halfmoon, another will feel the brunt of the cost of unmitigated impacts.

Another important point is that by and large the Town does not pay for utility improvements. Developers are paying for these improvements throughout the Town. Quite simply, without mitigation fees, some developers will expend significant money to extend water and sewer or pay for upgrades to existing infrastructure. Others who are lucky enough to be located where sufficient infrastructure exists would pay less. The impacts on use of the utilities may be the same. This is an unfair situation. Mitigation fees correct this problem. Therefore, it can be argued that it is unfair not to require mitigation fees.

B. RESPONSES TO WRITTEN COMMENTS

These include only those comments that differ from that discussed during the public hearing. The current list of correspondence includes Pino, Staniak, Ruchlicki, Stiles, Rucinski, Pino, Wysocki, Koebbeman, Cummings, and McCarthy, a total of 10 letters.

Comment: To preserve open space, increase the minimum lot size to 1 -2 acres and do not allow apartments and townhouses in certain areas.

Response: As a planning tool, large lot zoning in the magnitude suggested in the comment has little impact on sprawl and may simply contribute to it as folks clear and mow even larger areas. Large lot zoning is more effective at significantly greater lot sizes (at least 5 acres but much better at 10 or 20 acres). This type of zoning usually incorporates a clustering provision that will allow greater density in exchange for more preserved open space. Given the presence of utilities surrounding the study area and current development proposals that would extend utilities into the interior of the study area, large lot zoning does not appear to be a proposal that would gain much support. This was the presumption that partly influenced the need for creative and incentive-based measures to conserve open space, offer opportunities to farmers to save their operations, and to provide recreational opportunity. As presented in the draft GEIS, measures to conserve open space include voluntary, compensation-based land preservation options for large landowners, a conservation subdivision/site plan review procedure that will identify significant areas of parcels where development should not occur, a minimum provision of 20 percent open space that is contiguous and which provides some visual buffer, and opportunities for incentive zoning that would encourage developers to increase their open space provisions. The development of apartments and townhouses would require PDD approval from the Town Board. The draft GEIS recommends that this type of development is more appropriately located where public services and land uses of similar density are present. The land adjacent to Mechanicville is one potential area from a land use perspective. Approvals of PDDs should be based on the provision of a substantial or unique benefit to the community. Typically, that benefit is more open space. Combined with the provisions and recommendations of this GEIS relative to open space, recreation, and a new site plan/subdivision review process, the PDD process should result in the provision of more significant open space and related benefits (trail construction, ag land

preservation, etc.).

Comment: Who will maintain and pay the cost to maintain the proposed trails? Who will pay for the damages to private property?

Response: To maintain the quality of a major trail system, the Town will need to take ownership, at least at first. As use of the trails develops and more land is developed near or adjacent to the trails, other factors will emerge that will decrease the burden on the Town's resources. Examples from other communities show that residents along the trails provide a significant deterrent to illicit activity and improper use of the trail. This is accomplished by their physical presence on the trails and their willingness to call problems into the police. In addition, trail groups often form that will assist the Town in clean up and maintenance of the trail, especially if it is well used. What is being proposed is a public benefit. There is a great demand for public open space in our communities. It is up to each community to determine the extent of public open space (trails, parks, etc.) the majority of residents are willing to support. This should be determined for the Town by the comprehensive planning process.

Trails are unlikely to be constructed without development projects associated with them. In other words, it is intended to have the trails constructed as part of development projects by the developer. The trail or trails would become part of the project's open space component. Developers may also be encouraged to develop trails through incentive zoning whereby they get a density bonus or some other benefit for setting aside land and constructing the trail. Trails are in high demand and homes along trails are often more desirable. It is likely that this will also be an incentive to developers. The Town, however, must show a commitment to the development of a trail system. The developer and potential homebuyers need to be assured that the trail system will be connected to desirable destinations, such as a new park.

Although not impossible, it is unlikely that major trail segments will be constructed without development projects. If this were to occur, the Town would have to gain an easement from private landowners. This would only occur if the landowner were willing to provide the easement. If not, the trail segment will not be built at that location and at that given time. Nevertheless, it is important to plan for trails now, before development occurs. Retrofitting trails into developed areas becomes very difficult due to the number of involved parties and the inflexibility of design. When planned ahead of time, those

who will live next to the trail will do so because they want to live there, not because they have to.

Comment: The Town needs effective strategies to create an environment where people can exercise and play without the need to drive their vehicles.

Response: The Town is investigating its recreation needs and the opportunities to decrease dependence on motor vehicles during the Comprehensive Plan Update process. One way to begin to achieve both goals is to provide a trail system that links important destinations. This is a major component of the GEIS recommendations for north Halfmoon. The Recreation & Pathways Plan (draft GEIS Figure III -5) conceptually illustrates a network of trails that would link two regional trail systems, connect future parks, and provide neighborhood linkages to the main trails. Development of a trail network in the Town will take a number of years and will require a commitment on the part of the Town and residents. It will not be a “quick fix” to the need for vehicles but it will provide an alternative that currently does not exist.

Comment: Instead of the Town purchasing development rights, farmers should be offered tax credits as an incentive.

Response: The ability to offer a tax credit to farmers is regulated by State law . Therefore, the Town cannot offer an exemption or tax credit without the farmer meeting defined parameters. There are no agricultural districts in Halfmoon therefore the Town cannot offer an agricultural assessment. However, the Town can offer an agric ultural exemption that provides the same benefits. To receive an agricultural exemption, a farmer must apply to the Town for the exemption and be able to show an average yearly profit of \$10,000 from the sale of agricultural products over a two -year period. The farmer must also be farming 10 acres or more. That acreage can also be leased. The average yearly profit requirement increases to \$50,000 if less than 10 acres are farmed. Most farmers are very much aware of the exemption requirements and the ex planation is provided more for the non -farmer/layperson who is interested in this subject. The important point for the person or persons who asked this question is that the Town is limited by State law on how it can help farmers by relieving the tax burde n. This is why other tools like PDRs and the transfer of development rights are being used by some communities. The purchase of development rights pays a landowner for the lost development potential. This can be a significant amount of money. In additio n, the landowner gets to keep the land and continue to farm it and may sell the land or lease it to

another farmer. The only restriction is that the land cannot be used for purposes other than agriculture and open space.

Comment: My farm is incorrectly designated on the land use map as being a single-family residence. The land is cut for hay and therefore should be shown as a farm.

Response: The land designations are based on land use codes provided by the State. The GEIS committee attempted to identify lands being used for agricultural purposes that were identified in the State codes as being something else (in this case, residential). This effort was conducted to provide a better representation of land use but was never intended to become the Town's official land use map (existing or proposed). It is provided for illustrative purposes and may have other errors besides the identified parcel in the comment. It is not possible to verify all parcels nor is it necessary. The comment is so noted and is now a part of public record. The incorrect land use designation of the parcel has no bearing on the development projections, the results of the study, or the recommendations and SEQR thresholds.

Comment: The GEIS should state that no stormwater will be directed into any farmland or vacant land. The Town should hold developers responsible for stormwater impacts to other properties that result from their development.

Response: The recommendations of the GEIS for mitigating storm water impacts are more restrictive than current Town regulations. To comply with the GEIS, the applicant must now detain the 100-year storm event. This was encouraged in the past but there was no local regulation to back it up and applicants could refuse. The applicants can still refuse but they would no longer be in compliance with the GEIS and would have to undergo their own SEQR process.

Storm water must be discharged at some point and it should be permitted to follow natural drainage patterns. This will ultimately pass through someone else's property that may include farmland and vacant land. However, with guidelines and SEQR requirements in place to control more significant storm events and to retain the first half inch of runoff that typically contains the majority of pollutants, the impact to other properties should be less significant than the impact of development under current regulations.

Comment: Petroleum products such as recycled blacktop should not be used as fill material on sites.

Response: This was not addressed as an impact or mitigation requirement in the GEIS. It is certainly preferable to use only clean fill. The definition of clean fill is somewhat ambiguous. It is common practice for some developers to bury some amount of construction debris, such as stumps or portions of an old building. The State's regulations for solid and hazardous wastes precludes the on -site disposal of significant amounts of material and prohibits the disposal of hazardous wastes, which could include asbestos siding and insulation and other materials with toxic components. To do so would be a huge liability on the part of the developer. If the Town had knowledge of such activity, they would not permit it and would likely involve the State if the activity were carried out. Petroleum products are not permitted by the State to be disposed in any unauthorized disposal site.

Comment: New developments should not be permitted to pile snow along property lines such that it melts into other peoples' property.

Response: This would be a very difficult issue to address as it relates to residential subdivisions and the impacts of one neighbor on another. This is something best left for neighbors to work out. Plowing of subdivision streets should not impact property lines between neighbors. Snow piled along streets is a fact of our environment (life in the northeast). The real issue probably stems from non -residential uses located adjacent to residential uses where parking lots are plowed and snow piled along the property line. This is not the only impact of conflicting uses. Discussion is provided in the GEIS that addresses conflicting uses and recommends significant buffers between certain uses, such as industrial and residential. It is also recommended that non -residential PDD' s not be located within residentially zoned areas.

Comment: The fire and emergency services should be paid a fee by developers when developing businesses and industry that use or store hazardous materials.

Response: Most fire departments/districts are well equipped and trained in dealing with hazardous materials. Most districts require that the business provide a listing of all

hazardous materials stored or used in the business. These lists can be consulted in the event of a fire so that the firefighters are properly prepared. The Clifton Park/Halfmoon Fire District contains many types of development, similar to what is anticipated in north Halfmoon. The Hillcrest Volunteer Fire Department services a largely rural area at the present time and could be impacted by the need for additional or special equipment. Both districts expressed a need for specialized equipment in the event of significant commercial/office and light industrial development. The ability to pay for this equipment is expected to come from increased tax revenue.

Comment: The GEIS should identify the location of mineral resources.

Response: Geologic resources of interest within the Town are primarily a few areas of gravel deposits. Much of the Study Area is composed of lacustrine clays and silts but sand, till and kame deposits occur in small areas. The issue of the appropriateness of future gravel extraction in the Town should be dealt with in a comprehensive manner, benefiting from greater community input that will occur during the process of updating the Town's Comprehensive Plan. Figure II - 1 illustrates some potential areas of gravel deposits. This is provided for informational purposes to assist the Comprehensive Plan Update Committee. Since there is a potential for future mining operations in the Town and the Town's role in the approval process is typically advisory and reactionary, the Town should address this issue within the Comprehensive Plan Update and zoning amendments. By doing so, the State will be required to consider the Town's land use plans whenever considering mining applications.

Comment: Traffic on Staniak Road will increase ten fold and this will have a significant impact on quality of life. Are all roads in north Halfmoon to become the equivalent of Route 146 or Route 67?

Response: The traffic study prepared for the GEIS identifies traffic volume increases and the impact on the road and intersection level of service. Mitigation measures are recommended at impacted intersections and widening is suggested for Ushers Road, Route 146 and Farm to Market Road. Despite the mitigation efforts, traffic volumes will increase with increasing development, both within and outside of the Town, and the character of the study area will change. Traffic volume increase on some roads may be influenced by open space conservation efforts that will reduce development density and

related traffic in a given area. The issue is the change in character of the study area from rural to suburban residential. This will occur without planning, without this GEIS, under current zoning and land use policy. This issue is one that should be addressed by the comprehensive planning process, which will undergo significant public involvement and scrutiny.

Comment: The proposed northerly gravity sewer should not be constructed through the stream corridor. This will turn the stream into an open sewer. The sewer should run concurrent with the water lines, even though this would be a force main.

Response: Using modern materials, the recommended gravity sewer should function without failure and does not have to result in significant impact to the stream corridor. As envisioned, the sewer would be constructed in such a manner to minimize clearing. Existing grades would be restored. If access is needed along portions of the sewer, there might be an opportunity to develop a trail along the sewer route, which would have significant public benefit. The use of force mains creates much greater maintenance issues and costs, including energy costs. The Town should continue to set an example by reducing its energy needs and implementing low energy solutions as applicable. Using gravity sewers wherever possible is good energy and engineering practice. The Saratoga County Sewer District policy is to reduce the use of pump stations to conserve energy and reduce field maintenance.

Comment: Are water interconnects with adjacent municipalities being considered? If so, will this impact mitigation fees? This could also spur development along Route 67 in Stillwater that will exacerbate existing flooding problems in Mechanicville.

Response: Pending construction of the new water intake and treatment plant, the Town will have an ample water supply to service the entire community. It may also wish to help its neighbors and itself by providing emergency interconnects at some point in the future to ensure a safe and reliable water supply. No interconnects are being considered at this time nor are any recommended. There is a partially constructed emergency interconnect with Clifton Park at Route 9 within the Study Area. Water interconnects were investigated by the Town previous to this GEIS and no interest from other communities was generated.

Comment: The GEIS is contradictory with respect to farmland protection. This is exemplified by the inclusion of the Development Guidelines for Open Space Preservation and the accompanying concept plan. The plan shows development in an area designated as visually significant. It also shows roads that would continue into adjacent properties that are important farmland.

Response: It might be nice for the parcel in question or any other parcel to remain as active agriculture or open space but that will ultimately be the decision of the landowner. Recommendations are provided in the GEIS for the Town to consider a Purchase of Development Rights (PDR) program and incentive zoning to provide opportunity for the landowners to be compensated for lost development potential if they wish to participate. These are voluntary programs. The Town does not intend to take lands. To do so would not be good public policy. Until the draft GEIS, there were no recommendations for the Town to consider that would provide opportunity for farmland protection.

The GEIS does not recommend that the Study Area be developed, it simply provides an analysis of what is likely to occur over the next 20 years under current zoning. It has never been the purpose of the GEIS to make broad -scale land use recommendations, either to encourage or discourage development. That is best left to the comprehensive planning process that involves much more community involvement opportunity than can be incorporated into a SEQR process. The GEIS clearly states that under the *projected* (not proposed) development scenario for the next 20 years the character of the Study Area will change from rural to suburban. However, as mitigation for the anticipated development in the Study Area and a means of introducing a different pattern and process for development, the conservation subdivision/development process was recommended. The sketch in Appendix C (subject of the comment) illustrates how a site could be developed that would result in greater and higher quality open space and the preservation of some of the rural character.

Agricultural preservation will require the cooperation of the large landowners in the Study Area as well as other areas of Town. The best means of achieving this goal, if it is indeed a community goal, would be to institute voluntary and incentive based growth management tools, such as PDRs and incentive zoning, coupled with limitations on utilities and perhaps agricultural zoning (25+ acres, not 1 or 2 acre zoning). These are huge policy decisions that, if desirable, should be addressed community-wide, which is beyond the scope of this GEIS.

Comment: The property on Route 146 currently identified on the GEIS mapping as a PDD has reverted to its original zoning which is commercial 500 feet deep and the remainder Residential A agricultural. This should be taken into consideration for the calculation of future development. It is preferred that the land be rezoned to commercial.

Response: The calculation of future development is not land dependent. The projections are based on the past rate of development in the Study Area over an 11 -year period. As shown in Section II.B (Table II -5 on Page II-12), the 20-year projected commercial development potential is approximately half the potential buildout in the study area; that does not even take into consideration that commercial uses are permitted in the industrial zones. The end result is that the additional commercial and residential development potential of the subject parcel has no impact on the amount of residential and commercial development projected over the next 20 years.

Comment: The Town should hold developers accountable for their actions. This can be accomplished by the following:

- Require Surety Bonds as provided for in the SPDES permit.
- Charge a mitigation fee for potential stormwater damages.
- Support/enforce Environmental Conservation Law # 15 for Riparian Rights.
- Require 100 foot buffers on streams in commercial and industrial areas and 50 foot buffers for residential areas.
- Prevent snow piling at property lines and in and adjacent to streams and detention basins.
- Require water quality testing for pre and post development. The testing should occur yearly following development.
- Utilize the services of Conservation of Soil, Land and Water to review projects.
- Incorporate NYSDEC in the site plan review process.

Response: The Town certainly holds developers accountable for their actions. They require bonding, site plans are referred to NYSDEC and NYSDOH for major subdivisions, and the site plan review process addresses many details that would impact the health, safety and welfare of the community. The draft GEIS provides further

recommendations for many of the items listed in the comment. Many of the items refer to the methods of implementation. The use of surety bonds as an enforcement measure is beyond the scope of SEQR. It is not possible to identify a mitigation fee for potential storm water damages due to the level of hydrologic analysis that would be necessary to predict and document such potential damages. Since watershed boundaries seldom follow municipal boundaries, storm water analysis would include a vast area and would require the cooperation of local and regional agencies. The draft GEIS provides recommendations for cooperation between the State and federal governments and the Town to ensure projects receive proper review and approval, this would include projects subject to Article 15. The draft GEIS recommends a minimum 30 -foot buffer on mapped streams. The Town will encourage a larger buffer where ever environmental benefit can be achieved. For example, a greenway might be established that links habitat and can be incorporated into the minimum 20 percent quality open space requirement. The Planning Board will have the opportunity to assist the applicant in identifying important or sensitive environmental features. It is agreed that site design should incorporate ample room to pile snow without the need to push it into water bodies or pile it at property lines. Snowmelt runoff should enter into the site's drainage and detention system. There is no mechanism to require water quality testing of runoff and would not be appropriate unless there were a point source discharge requiring an individual SPDES permit. This is typically not the care for storm water. Finally, the comment recommends utilizing the services of the Natural Resources Conservation Service or the Soil and Water Conservation District for the review of storm water design. This comment is noted and the Town may consider using one or both agencies as a resource when deemed appropriate. However, the Town currently receives detailed technical support when reviewing site plans from a qualified engineering firm. The Town may choose to utilize the services of these agencies if a watershed analysis over a broad area becomes desirable to identify potential storm water impacts and management techniques.

Comment: The impacts of development on flooding in Mechanicville needs to be reviewed further in the GEIS. Since the Town and City have conflicting interests, it is recommended that the Saratoga County Soil and Water Conservation District be contacted to review the issues and provide recommendations. The following is also recommended:

- All projects that disturb more than 5 acres should be required to submit their Stormwater Prevention Plan to the Planning Board. The Town Code

Enforcement Officer should be charged with monitoring and enforcing the provisions of the plan.

- Require all projects to provide documentation of wetland boundary confirmation by NYSDEC and U.S. Army Corps of Engineers (ACOE). No wetland filling should be permitted within the watersheds affecting Mechanicville. Buffers of 100 feet around wetlands should be required.
- A 50 foot setback with a 25 foot no cut buffer should be required for all stream that are tributary to the Anthony Kill and other streams that impact flooding in Mechanicville.
- Identify the impact of increasing culvert size as it relates to flooding in Mechanicville. Will this exacerbate the Mechanicville flooding problem?
- Have the Saratoga County Soil and Water Conservation Board review the stormwater provisions of the GEIS. Their people are qualified and will perform the work free of charge to municipalities.

Response: The issue of flooding in Mechanicville is much broader than can be addressed in this GEIS. The Town recognizes that there are flooding issues in Mechanicville but would not agree that the impact is necessarily attributable to development in the Town of Halfmoon. The Anthony Kill watershed incorporates several communities. Given the proximity of Halfmoon to the City of Mechanicville and the current lack of significant development within north Halfmoon, it could be argued that storm water from the Town's portion of the watershed reaches Mechanicville before the peak runoff from the larger portion of the watershed. The City of Mechanicville should consider preparing a watershed study to determine the characteristics of peak stormwater flow and what areas provide the greatest contribution to the flooding potential.

The Town will take additional measures to control runoff, particularly that associated with the larger storm events. In accordance with the State Pollutant Discharge Elimination System (SPDES) General Construction Permit Notice of Intent, the Town will require applicants to evaluate storm water runoff for the 2, 10 and 100 -year storm events in addition to the 25-year storm event, as identified in the draft GEIS (Section III.H, p. III - 73). The Town had no previous requirement to design storm water management systems in this manner. This should provide additional protection to the critical watersheds within the Study Area that feed the Anthony Kill.

Comment: If the Town needs more open space, it should buy it and let everyone pay equally.

Response: This is the heart of the Purchase of Development Rights (PDR) program. In a PDR program, the community identifies land that it would like to keep undeveloped as open space or farmland, if feasible, and purchases the development rights of that land. Alternatively, a developer could purchase the development rights in exchange for a density or related development benefit on another property. The program benefits the landowner by paying the individual the potential development value of the land, which can be significant. Under the PDR, the Town would have to raise the funds necessary for the purchase. Some of the funding might be obtained through grants but a portion would come from the community through taxes. The GEIS has no provisions that would preclude a landowner from selling their land for development, unless the landowner decided to participate in a PDR or related program. The PDR recommendations have been passed on to the Comprehensive Plan Update Committee for their consideration and future public review.

The Town considers open space a Town-wide resource. However, it is necessary to provide sufficient open space in proximity to the population that will use it. Currently, there are few opportunities for public recreation in the northern part of the Town. Since the GEIS evaluates the Study Area in a built condition, there is a definite need for open space to serve this area.

C. AGENCY COMMENTS

The NYS Office of Parks, Recreation and Historic Preservation (NYSOPRHP) was the only agency that provided comments. As the agency responsible for the protection of cultural resources pursuant to the New York State Parks, Recreation and Historic Preservation Law, NYSOPRHP was asked to review the Phase 1A cultural resources survey provided in the DGEIS by Hartgen Archeological Associates. The response letter dated March 12, 2001 indicates that NYSOPRHP has no concerns regarding historic buildings, structures, or districts within the project area.

With regard to archaeological resources, they find the Phase 1A report provided in the GEIS to be “adequate for providing general information concerning the prehistoric and historic development in the Town.” More site specific information would be necessary to supplement the Phase 1A report for future development projects. A Phase 1B survey is recommended for future development unless substantial ground disturbance can be documented.

Response: This was the anticipated outcome of the submittal to NYSOPRHP. The Phase 1A documentation provides significant groundwork for the additional field work which will be required by NYSOPRHP for most projects. The entire study area has the potential to produce cultural resources. Therefore, all future development projects will be required to conduct Phase 1B cultural resource surveys to comply with this GEIS. The NYSOPRHP will likely require some site specific information to supplement the Phase 1A documentation.

Shortly after the DGEIS was made available for public review, it was discovered that some of the orthophotos described in Appendix D of the DGEIS were not included. The archaeologists quickly provided the additional information and revised their report for NYSOPRHP. Therefore, NYSOPRHP has reviewed a complete document. No comments were raised during the comment period regarding these missing photos. They are provided in Appendix D of this FGEIS as additional information.

SECTION III

Town of Halfmoon Water System Connection Unit Assessment Schedule

The following schedule defines the connection unit assessment for all properties within the Town of Halfmoon (both In-District and Out-of-District properties). Units shall be assessed by the Town on the basis of the below assessments or based on computed usage by the Town, whichever is greater.

I. Residential

A. One Family, Two Family & Three Family Residences:

1.0 Unit each Dwelling (ex: one family-one unit, two family-two units, three family-three units) (if < 1 acre, add 0.1 Unit for each additional 10 acres or fraction thereof)

B. Mobile Home Parks/ Mobile Homes:

1.0 Unit per Mobile home Unit (if < 1 acre, add 0.1 Unit for each additional 10 acres or fraction thereof)

0.67 Unit per Mobile Home Unit (2 more units per property)

C. Apartments:

1.0 Unit per Apartment Unit

D. Camps/Cottages:

0.5 Unit per camp (non-winterized and > 750 square feet)

II. Commercial:

A. Auto Dealers – Sales and Services:

1.0 Unit, plus 1.0 Unit per 1, 000 square feet of building area

B. Banks:

1.0 Unit, plus 1.0 Unit per 2, 000 square feet of building are

C. Business – Professional Office:

1.0 Unit per individual business, plus 1.0 Unit for each 2, 000 square feet of building area in excess of 2, 000 square feet

Water System Connection Unit Assessment Schedule (Continued)

D. Business – Office Complexes:

1.0 Unit, plus 1.0 Unit for each 3, 000 square feet of building area in excess of 3, 000 square feet

E. Business – Retail Sales:

1.0 Unit per individual business, plus 1.0 Unit for each 3,000 square feet of building and business area in excess of 3, 000 square feet

F. Car Wash:

1.0 Unit, plus 1.0 Unit per each stall or fraction thereof

G. Manufacturing:

1.0 Unit, plus 1.0 Unit per 1,000 square feet of building area

H. Restaurant – Traditional:

1.0 Unit, plus 1.0 Unit per 1, 000 square feet of building and business area

I. Restaurant – Banquet Hall:

1.0 Unit, plus 1.0 Unit per 1, 000 square feet of building area

J. Utility:

1.0 Unit, plus 1.0 Unit per 1,000 square feet of building area

K. Warehouse (Storage and Distribution Centers):

1.0 Unit, plus 1.0 Unit per each 10,000 square feet of building area in excess of 10,000 square feet

The March 20, 2001 regular meeting of the Town Board of the Town of Halfmoon was called to order at 7:00pm by Supervisor DeCerce at the Town Hall on Harris Road with the following members present:

Kenneth J. DeCerce, Supervisor
Walter F. Polak, Councilman
A. James Bold, Councilman
Kevin J. Tollisen, Councilman
Regina C. Parker, Councilwoman
Robert J. Chauvin, Town Attorney
Lyn A. Murphy, Deputy Town Attorney
Mary J. Pearson, Town Clerk

Also present: Lynn Meyer, Secretary to Supervisor; Laurie Sullivan, Deputy Town Clerk; Ed Faulkner, Assessor; Ed Pearson, Assistant Assessor; Jeff Williams, Planner; Joe McBride, Highway Superintendent; John Pingelski, Highway; Dennis Ceremuga Highway; Tom McBride, Highway; Dan McCarthy, Building/Water; Ellen Kennedy, Historian

The Supervisor stated that present tonight is Betty Floud the Towns Dog Control Officer, who retired three weeks ago, and the Town has been trying to fill the place of someone who has been around a long time and did a lot of good things.

Supervisor DeCerce read the following resolution.

RESOLUTION NO. 181

Motion by Councilman Polak, seconded by Councilwoman Parker, adopted by roll call vote:
Ayes: DeCerce, Polak, Bold, Tollisen, Parker

WHEREAS, Betty Floud has acted as Town Dog Control Officer and Animal Control Officer, and has announced her retirement after approximately fifty-two (52) years of service, and

WHEREAS, Betty Floud has been a lifelong resident of Saratoga County and has lived most of her life in the Upstate New York area, having been born in Hudson Falls, having moved to Mechanicville as a child and having graduated from Mechanicville High School in the mid 1940s, and

WHEREAS, Betty Floud and her husband, the late Harry Floud, have operated a farm in the Town of Halfmoon on Cary Road for many, many years, and

WHEREAS, Betty Floud has, for numerous years, had a menagerie around her farm, including dogs, horses, cows, cats, goats, turkeys, pigeons and other small assorted animals and birds, and

WHEREAS, Betty Floud has been a hunter and fisher and has enjoyed the rural character of Saratoga County and the Upstate New York region, and

WHEREAS, Betty Floud has been involved in a myriad of complicated issues over her course of fifty-two (52) years of employment with the Town of Halfmoon, including having to shoot dogs that chase deer, arrest the owners of dogs that have killed horses and other farm animals, and having had to arrest owners of dogs that have attacked other people, and

WHEREAS, Betty has consistently shown patience and kindness in her treatment of stray animals and in her activities as Dog Warden, and

WHEREAS, Betty has, in the course of her duties, enforced the Local Ordinances such as the Lease Law and handled problems such as barking dogs with reason and intelligence and has worked with the citizens of the Town of Halfmoon in attempts to resolve issues without the use of the law and without court proceedings, and

WHEREAS, Betty has picked up numerous strays, made sure they found shelter and were properly taken care of and returned them to the owners when it was possible by reason of the tags or other identification, and

WHEREAS, Betty has exemplified dedication to service, love of animals and animal rights, and

WHEREAS, Betty has had to endure the onerous duty of destruction of animals which have been wounded or otherwise been damaged in car accidents, traps, shootings, etc. and

WHEREAS, Betty has also participated in other athletic events over the years, particularly in the local rodeo, barrel racing, bull riding, baseball, football, snowmobile and horseback riding; and

WHEREAS, she previously served as Town Constable prior to the advent of the Saratoga County Sheriff's Department and New York State Police patrolling the Town of Halfmoon, and

WHEREAS, Betty Floud has handled animals with great assurance and dignity, despite having been bitten and attacked in the course of her duties, and

WHEREAS, Betty Floud is a Halfmoon staple and has been a staple and a permanent fixture in the Town, and

WHEREAS, The Town of Halfmoon, although it is growing, will never outgrow the likes and character of citizens/employees like Betty Floud, and

WHEREAS, the Town will sorely miss Betty Floud;

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Town Board of the Town of Halfmoon wishes to acknowledge and honor Betty Floud for fifty-two (52) plus years of community service.
2. That the Town Board wishes to have a copy of this Resolution presented to Betty Floud.
3. Betty Floud personifies and exemplifies the moral character and elements of citizenship that all residents should strive for.
4. The Town Board wishes Betty Floud the best of luck in all future endeavors.

The Supervisor asked Councilwoman Parker to join him in presenting the resolution and flowers to Mrs. Floud. He stated that three people from the Town of Halfmoon have retired recently and everyone will be invited to a Retirement event in the near future.

The Supervisor stated that the Town Board will conduct the public hearing on the North Halfmoon Draft Generic Environmental Impact Statement this evening. He stated in September the Town started the GEIS study and public information meetings were held and individuals met and worked on this almost weekly. He stated he wanted to recognize the following individuals who served the Town and the community, former Supervisor Lawrence DeVoe; Mayor Higgins from Mechanicville and Supervisor Sgambati from Mechanicville. He stated there has been a number of things happening in this Town and from 1990 to the present the Town has increased by over 5,000 individuals. He stated the Town Board in the past has looked at this and did a lot of planning and they looked at what they might do to make it fair to everyone. He stated that Councilman Bold has chaired this committee.

Supervisor DeCerce opened the hearing at 7:15 pm. The Clerk stated that the Notice of Public Hearing was published in The Gazette and The Record on March 1 and in the Times Union on March 2 and read the Notice of Public Hearing.

Then following record of the March 20 Town Board meeting was prepared by Court Reporter, Sandra Campoli.

In the Matter
Of a Public Hearing
On
North Halfmoon Draft Generic Environmental
Impact Statement

TOWN BOARD
Halfmoon Town Hall
111 Route 236
Halfmoon, New York 12065
March 20, 2001

Board Members Present

Kenneth DeCerce, Chairman
Mary J. Pearson, Town Clerk
Robert J. Chauvin, Town Attorney
Regina Parker, Councilwoman
Lynn A. Murphy, Deputy Town Attorney
A. James Bold, Councilman
Kevin Tollisen, Councilman
Walter Polak, Councilman

Also Present

Christopher Einstein, Clough Harbour, Engineer
Mike Bianchino, Clough Harbour, Engineer

1 MR. DE CERCE: The next item on the
2 agenda is the public hearing. As most of
3 you know a while ago -- and help me with
4 the date, we started with the GEIS. The
5 GEIS, was it back in --

6 MR. BOLD: It would be in September.

7 MR. DE CERCE: The Generic
8 Environmental Impact Study was begun in
9 September. We promised a number of
10 different things. We had some public
11 information meetings. In addition we
12 brought together a group of individuals who
13 have worked on this probably, for a while,
14 almost weekly. Mr. Bold will tell you more
15 about that, and what we have tonight is the
16 public hearing on this.

17 And, you know something, before I go
18 on -- I'm remiss. There are some
19 individuals in here who have served this
20 town and served our communities close by
21 and I want to recognize them. We have
22 former Supervisor Larry DeVoe. Larry,
23 would you stand up, please? (Applause.)
24 We have Mayor Higgins from Mechanicville
3 (Applause.) And my colleagues on the
1 County Board of Supervisors, Mr. Sgambati,
2 who is the Supervisor from Mechanicville.
3 (Applause.)
4

5 I'm sorry. I will pick up from that

6 point. With the numbers of things that
7 have been happening in this town and just
8 last week, you saw the projection of the
9 numbers of people that have increasingly
10 come to the Town of Halfmoon to live or
11 start their businesses. We went up from
12 1990 to the present by over 5000
13 individuals. The -- we haven't gotten it
14 formally yet, but the number that the Times
15 Union projected, I believe, it was 18,474
16 people residing in this town. Well if you
17 had some sense for that, and I'm sure the
18 Town Board in the past has looked at those
19 kinds of things and done a lot of planning.
20 We have a master plan. But at this stage
21 of the game with this sort of number being
22 projected and the -- not a surprise to
23 anyone that this kind of thing was
24 happening. When I started in the
1 administration, we started looking at what
2 might we do to do a better job of planning
3 so that we would make it fair to everyone.
4 With that the Town Board agreed to
5 participate in a Generic Environmental
6 Impact Statement, and Mr. Bold has been
7 chairing that group of individuals, and I
8 want to turn it over to him at this stage.
9 Jim.

10 MR. BOLD: Okay. Are you going to
11 open the hearing now?

12 MR. DE CERCE: I'm sorry. I should
13 have done that. The hearing is open
14 formally, yes.

15 MR. BOLD: Mary, would you please read
16 the hearing notice.

17 MS. PEARSON: The hearing notice was
18 published in the Gazette and the Record
19 on March 1st, and it was published in the
20 Times Union on March 2nd:

21 "Please take notice that a public
22 hearing shall be held on the North
23 Halfmoon Environmental Impact
24 Statement on March 20th, 2001 at 7:00
1 p.m. at the Halfmoon Town Hall, 111
2 Route 236, North Halfmoon, New York.

3 The action involves the
4 development of the North Halfmoon
5 Generic Environmental Impact
6 Statement. The Town of Halfmoon
7 has caused to be prepared a Draft
8 Generic Environmental Impact Statement
9 (GEIS) for the north Halfmoon area of
10 the Town. The purpose of this area
11 wide GEIS is to address the cumulative
12 impacts on land use, infrastructure
13 and environmental issues associated
14 with future development of the north

15 Halfmoon area. It is also used to
16 establish equitable means to
17 distribute the costs of future
18 development through mitigation fee
19 programs. The study area encompasses
20 approximately 8,000 acres and was
21 primarily undeveloped with the
22 exception of active farming.

23 The GEIS discusses the goals and
24 objectives for preparing the GEI,
1 including the definition of function
2 and anticipated benefits of using a
3 SEQR process to identify and plan for
4 future development the GEIS also
5 addresses development pressure and
6 concerns over the potential loss of
7 agricultural lands, open space and
8 significant natural features. The
9 GEIS has estimated the future
10 development within the study area on a
11 projected basis to reflect a 20 year
12 planning period. From these
13 projections, potential impacts and and
14 mitigation measures were evaluated
15 based upon the final scope of issues
16 to be addressed.

17 The location of the area
18 encompassed by the GEIS is within the

19 Town of Halfmoon, Saratoga County.
20 The study area boundaries include the
21 Anthony Kill to the North, the Clifton
22 Park/Halfmoon municipal boundary to
23 the West; Mechanicville and Route 146
24 to the East; and Farm to Market
1 Road/Vosburgh Road /Route 146 to the
2 South, including adjacent property.

3 Please Take Further Notice, that
4 at such public hearing any and all
5 interested persons will be heard. A
6 copy of said Draft Environmental
7 Impact Statement with related
8 appendixes is available for inspection
9 at the Office of the Town Clerk of
10 Halfmoon at the said Town Hall and may
11 be read and inspected by any
12 interested person. Additional copies
13 shall also be placed at the
14 Mechanicville Public Library and at
15 the Shenendehowa Public Library."

16 MR. DE CERCE: Thank you, Madam Clerk.
17 Mr. Bold will make some additional comments
18 to reinforce some of the comments that
19 Supervisor DeCerco made.

20 MR. BOLD: How am I doing on the
21 microphone in the back of the room? Okay.
22 Thank you.

23 This is one of the steps in a

24 continuing sequence of events on this study
1 process. We earlier had the hearings or
2 the public comment period. We had two
3 public meetings where the public was
4 invited here to make comments on the
5 process at the very beginning of it.

6 Since then we have been working with a
7 committee, a small committee of people,
8 that is, what I would say a very diverse
9 group. We have people on this committee
10 that very often while we were having a
11 workshop discussions, we could have folks
12 that have totally opposite points of view
13 on any one of the subjects we might be
14 discussing. For that reason I'm
15 particularly proud of the committee because
16 they have, in fact, gone through this
17 process of agreeing and disagreeing on the
18 various points, and always maintaining an
19 absolute respect for one another. It's
20 been a great committee and I appreciate
21 that.

22 The step that we are in now, of
23 course, is that we do have this thick book
24 here that -- perhaps some of you have seen
1 it and possibly quite a few of you may not
2 have seen it. It is literally this size.
3 It's a lot to read, a lot to digest.

4 In a few moments we will ask our
5 planning consultant to make a formal
6 presentation here. The public comment
7 period will continue to be open through
8 April 2nd. Any time between now and then
9 that someone wishes to submit a written
10 comment to us they may do so by leaving
11 that with our Town Clerk.

12 I do have a prepared statement that I
13 would like to make, it's a personal
14 statement. I tried to do somewhat of a
15 summary if I could.

16 The main concern driving the need for
17 the GEIS is the cumulative impact of
18 multiple developments.

19 Development will occur in the study
20 area. With the mitigation measures
21 suggested in the DGEIS, we hope to be in a
22 proactive rather than a reactive position,
23 and that development will have fewer
24 impacts than it would under current zoning

1 The challenge before us is to create a
2 balance between the economic needs of the
3 property owners, protection of
4 environmental attributes; quality of the
5 infrastructure; uniformity of the cost for
6 this infrastructure; and the community
7 benefits in general.

8 An additional concern that I have is

9 that without extending these utilities,
10 development without these mitigation
11 measures may cause some of our existing
12 wells to deteriorate.

13 We hope to increase the amount of
14 quality open space within the area over
15 what would result under our current zoning.

16 Ensuring quality open space is one of
17 the objectives of the GEIS. Quality here
18 means pathways, passive recreation areas,
19 active recreation areas, and natural areas
20 that are interconnected and adjacent to
21 main roads or pathways.

22 It is understood that opinions will
23 vary on the importance of the issues and on
24 the best methods of dealing with them
1 Only time and experience will show the
2 wisdom of our decisions here.

3 At this point I would like to
4 introduce Mr. Chris Einstein our Planning
5 Consultant from Clough Harbour.

6 MR. DE CERCE: Jim, excuse me for a
7 second. I was remiss in not announcing the
8 individuals on the committee.

9 MR. BOLD: Go ahead.

10 MR. DE CERCE: I sat on the committee
11 for every one of the meetings; Dean
12 Campbell represented the builders as

13 well -- would you stand up, please -- the
14 builders as well as being a home owner in
15 our town. I'm sorry, Bill Koebbeman, Bill
16 where are you? Bill represented another
17 facet from the community. Ed Faulkner, our
18 assessor; Bob Chauvin, sitting next to me,
19 our attorney, as well as Lynn Murphy.
20 Where are you, Lynn? I missed you. Okay.
21 Ed Pearson, as our Assistant Assessor; Mike
22 Valentine from the County was with us for
23 most of our meetings; and our Planner Jeff
24 Williams

1 Those are the individuals who helped
2 us work through this. However, it was
3 under the auspices of Clough Harbour and
4 Associates. Thank you.

5 MR. BOLD: Don't forget John Higgins.

6 MR. DE CERCE: John, I jumped right
7 over your name. Please stand. Thank you.

8 MR. EINSTEIN: Thank you, Jim. It's
9 always nice when Jim does your presentation
10 for you. I don't know if we need to go any
11 further.

12 But I think we ought to talk about a
13 few things tonight, do a little
14 presentation; go through some of the things
15 that are incorporated in the document.
16 Obviously we can't go through all of it
17 tonight in terms of a presentation. We are

18 going to be here too long. We don't want
19 to do that. We want to hear from you
20 folks. It's great to see so many of you.

21 When we started we had, maybe, 20
22 people. I don't know if all of you are
23 here for this tonight. We hope you are and
24 we hope we hear from a lot of you.

1 This is our study area. It's already
2 been described: Mechanicville to the east,
3 Stillwater and Malta to the north, Clifton
4 Park to the west, and to the south we
5 follow Farm to Market Road, Anthony Road,
6 Vosburgh Road and Route 146 being the
7 southern boundaries, and those properties
8 that are adjacent to those roads. So that
9 was our study boundary.

10 The purpose in doing this Generic
11 Environmental Impact Statement:

12 First of all to evaluate the
13 cumulative impact of projected growth
14 within the town. That's one of the primary
15 benefits of doing a generic. The problem
16 with doing site specific environmental
17 impact studies is they look at one small
18 area and they do not project what the
19 impacts are going to be in all the other
20 development that's likely to occur around
21 it. This process gives us the opportunity

22 to look at the big picture. It also helps
23 us establish mitigation and growth
24 management tools to help plan for orderly
1 growth within the study area. And it also
2 helps to establish a cost distribution
3 system for infrastructure and other
4 improvements that would be necessary within
5 the town. It helps us to distribute those
6 costs equitably amongst all development
7 rather than having a situation where the
8 last developer in pays the majority of the
9 cost.

10 Now I'm going to go through some of
11 this stuff quickly tonight, or try to
12 anyway. You may have some questions. Hang
13 onto them, write them down, whatever you
14 have to do. Part of the purpose -- I know
15 the Board would like me to spend some time
16 trying to answer your questions tonight.
17 So keep those questions ready and we will
18 do that in a little bit.

19 The need for the Generic Environmental
20 Impact Statement is quite a bit of
21 development which has been proposed in the
22 town or which we know of in the town in the
23 study area, and that's represented by these
24 shaded parcels.

15

1 Okay. So this is all of the land
2 which is either before the Board now or

3 is -- probably will come in shortly. In
4 addition to that, there is water within the
5 study area. And under present contracts
6 that water is going to be extended and will
7 probably cover a third of the study area.
8 We also have a major sewer trunk line which
9 runs along the Anthony Kill down along the
10 northern portion of the town.

11 So you have utilities and you have
12 development pressure, and with these things
13 you are going to get even more development,
14 and the town really needs to plan for this.
15 Okay.

16 Development projection: How do we
17 come up with these things? Well first of
18 all we do our development projects over a
19 period of time. It's unrealistic to look
20 at the buildup, particularly in this area,
21 because there's in excess of 8,000 acres of
22 land within the study area. What we did
23 was use a 20 year planning period. That's
24 consistent with most planning documents.
1 It's also consistent with the planning
2 period for your master plan update which
3 process is going on right now.

4 What we do is you look at building
5 permits over the past 11 years. The reason
6 we took that period of time is there is a

7 lot of fluctuation due to the economy and
8 other factors. We looked at residence,
9 industrial and commercial development.
10 From that we identified the town wide rate
11 of development per year, and adjusted that
12 rate to reflect anticipated development
13 within the study area. We will get into a
14 little bit more of that.

15 These are the development projections,
16 20 year development projections for
17 residential. The 11 year total is right
18 here. And what we did is we identified a
19 town rate, a town wide rate, which is
20 number of units per year. We adjusted that
21 rate by 50 percent. We actually felt that
22 more than 50 percent would probably occur
23 over the 20 years within the study area
24 because of all the factors I previously
1 talked about, current development
2 proposals, and the likelihood of the
3 extension of utilities. From the adjusted
4 rate we came up with subtotals, and then to
5 adjust for that idea that probably there is
6 going to be more development than 50
7 percent, we added in what we knew was going
8 to come before the Board. These are
9 projects that are before the Board, or we
10 know are going to come before the Board,
11 and we added those numbers to come up with

12 our total for residential.

13 Commercial, industrial was developed
14 in the same manner. We have a town wide
15 rate and we adjusted that rate to reflect
16 what we expected in the study area. And
17 that gave us a total build-out for the 20
18 year period.

19 So these were the projections that we
20 used to evaluate the impacts and mitigation
21 that would be necessary for the study area.
22 We are not going through all of the topics
23 tonight. We are just going to try to hit
24 some of the highlights. And, again, if you
1 folks have questions about specific things
2 that I don't bring up, please bring them
3 up. There is a whole scope of issues that
4 we developed through a public scoping
5 process. These are all the items contained
6 in the environmental impact statement:
7 Land use and zoning, very important issues.

8 Impacts: Under the projected
9 development, even without any planning,
10 there is going to be a significant change
11 in the character of the northern part of
12 Halfmoon and that change is going to be
13 from rural to suburban. Okay.

14 Mitigation measures to deal with some
15 of this:

16 We believe it's a good idea to provide
17 residential -- to provide buffers between
18 residential and commercial and industrial
19 areas to protect those areas at the
20 fringes, the borders between the
21 residential zoning, and the industrial and
22 commercial zones. We want to limit the
23 potential for nonresidential PPD's and
24 residential in residentially zoned areas

19

1 That's still at the discretion of the
2 Board. That's the way it always has been,
3 but we believe there's a significant amount
4 of industrial land, industrially zoned
5 land, within the town that also allows
6 commercial development, a significant
7 amount within the study area, more than
8 enough to accommodate the future
9 development that we have projected.

10 So in reality there probably isn't any
11 reason to have nonresidential PPDs
12 occurring within residential areas. There
13 may be some reasons that we are not aware
14 of at this point, but just based upon the
15 availability of the plan there should be
16 sufficient enough land within the
17 industrially zoned areas.

18 Parcels adjacent to Route 146 should
19 be considered commercial PPDs rather than
20 strip development. You know, now the

21 assumption is -- right now it's zoned
22 residential, but given the fact that it is
23 on a state route and there is heavy
24 traffic, it's likely there will be
1 continued pressure for this area to move
2 towards commercial development.

3 The concern that we have is that if it
4 does become commercial development,
5 strip-type development might occur which
6 can create conflict with the roadway,
7 create traffic issues. And so to deal with
8 this we are suggesting that it -- that PPDs
9 might be the best way to go for those areas
10 because there is more control over how
11 those commercial developments are developed
12 and designed.

13 Residential PPDs when they are
14 considered should be located where there is
15 good access, public transportation, and
16 comparable density and land use. At the
17 current time the only area that meets all
18 of these criteria, or the areas, is the
19 areas adjacent to the Town of
20 Mechanicville.

21 Agriculture resources: Information
22 from the Farm Service Agency indicates
23 there is approximately 2500 -- 2600 acres
24 of farm land within the study area

1

However, of that about a 1000 acres are

2

currently productive. This is a -- could

3

we turn off just these lights here. Would

4

that be all right?

5

MR. BOLD: All right.

6

MR. EINSTEIN: That's great. If you

7

folks don't mind, we'll turn the lights on

8

when we're finished.

9

MR. DE CERCE: As long as you can

10

read.

11

MR. EINSTEIN: Yeah, I won't have a

12

problem. That's great.

13

This map shows, in light green,

14

parcels which have been identified as

15

active farms. Now we are not sure if this

16

is completely accurate, but it was the best

17

information we had at the time.

18

Next to that the brown areas indicate

19

areas of prime agriculture soils which

20

means they are highly productive.

21

And the lighter areas, yellow areas,

22

are statewide important soils that are also

23

highly productive.

24

So what this map shows is there's not

1

a lot of land, not a lot of parcels, which

2

are inactive for agricultural but when you

3

go out to this area certainly there's a lot

4

of open land, a lot of land that looks like

5

it was agricultural at one point in time.

6 Impacts to agricultural resources:

7 There is a potential for the loss of
8 both active and inactive farmland, the
9 remaining active and inactive farmland
10 within the town, not all of it but
11 certainly a good portion of it. Due to a
12 couple of reasons: Due to the economics of
13 farming in general which is a national
14 issue. The small to medium sized
15 traditional farm just has a lot of
16 difficulties functioning and being
17 economically viable. And there's also the
18 issue of development pressure, primarily
19 for the presence of utilities.

20 Mitigation for impacts to agricultural
21 resources: We feel the best way to do this
22 is through inactive based growth management
23 as opposed to regulatory means. And the
24 reason for that is I don't know that anyone
1 wants to try to force anybody to remain in
2 farming. If they cannot remain in farming,
3 and the only sure way method of preserving
4 agricultural land through regulatory means
5 is to zone the land for farming, period.
6 You could have a residence, but the acreage
7 would be 25 acres, minimum sized. We just
8 didn't feel that would be suitable for
9 north Halfmoon.

10 What we are considering here is
11 incentive zoning as a tool to transfer the
12 development rights from a parcel of land in
13 which a willing land owner wants to sell
14 their development rights, to be paid for
15 those development rights, and in return
16 that land would have a conservation deed
17 placed on it in perpetuity, which means
18 forever.

19 What happens is a developer can
20 purchase those rights and transfer those
21 rights to their property where they want to
22 increase density. It's not a one for one.
23 You don't get the number of units that
24 could be on the parcel that's being
1 preserved automatically transferred over. 2
2 Maximum density would have to be
3 established. We haven't established that
4 density. That's something that would have
5 to be done by the town at a later date, but
6 this is a good method of what we call
7 transfer of development rights through
8 incentive zoning, and it's a legislative
9 process we have to go through. The town
10 would have to establish incentive zoning.
11 We suggest that the town should seek
12 funding and grants to purchase the
13 development rights.

14 So we have transfer development

15 rights, and we have the purchase of
16 development rights, which is the town
17 outright purchasing the rights of those for
18 development of a given parcel from a
19 willing land owner. Okay. This is totally
20 voluntary.

21 Now what happens with that land
22 afterwards is that the land owner is
23 allowed to continue the uses that are
24 currently on the land. You can leave the
1 land as open space or continue to farm the
2 land. But you just can't develop it with
3 residences or other types of development.

4 And the other consideration was
5 perhaps prepare a physical model to
6 prepare future development scenarios. This
7 is a very effective tool in looking at your
8 tax base and how different land use
9 scenarios can effect your tax base. The
10 Town of Guilderland is the only town in the
11 capital district that we are aware of that
12 has a fiscal model. They just are in the
13 process of completing it, and they are very
14 happy with it.

15 Recreation and open space:

16 Impacts: The town has identified that
17 there is probably an insufficient amount of
18 active recreational facilities for the

19 current residents in the town. So the
20 impact of future development is that if you
21 add more residences, that deficiency is
22 only going to increase. Okay. In terms of
23 open space, development is likely to
24 consume a significant area of open space.

1 Again, getting back to the character of
2 this area it will likely change from a
3 rural character to a suburban character.

4 Mitigation for residential
5 development:

6 We call that our open space
7 conservation plan. Under this plan the
8 projects will need to undergo review as a
9 conservation subdivision in conjunction
10 with development guidelines. Now
11 conservation subdivision is really a
12 process where the Planning Board would get
13 involved right at the start, and would help
14 the developer identify portions of the land
15 which are undeveloped or there are
16 constraints on that land. And thereby
17 identifying portions of the land which are
18 developable and then begin the process of
19 doing a layout on that property. The idea
20 is to gain more open space, to preserve
21 some of the critical resources in the town,
22 and to generally try to preserve some of
23 the character of this area.

24 We are suggesting for residential
1 subdivisions there should be a minimum of
2 20 percent quality open space, which Jim
3 defined a little bit earlier. It's
4 contiguous open space, it's open space in
5 conjunction with some of the other
6 recreational -- the recreation plan which
7 I'm going to get to in just a little bit.
8 It's also open space a portion of which
9 needs to be along the frontage of the road.
10 What this does is to help to buffer the
11 views from the roadway, again, to try to
12 help preserve some of the character of this
13 area, not suggesting that this area is
14 going to remain rural, or remain -- or have
15 rural character or significant rural
16 character in the future, but we want to try
17 to preserve what we can.

18 This is one concept of how a
19 conservation -- how the conservation
20 subdivision process might work. This is
21 not exactly what we envision for north
22 Halfmoon. But it does show us some of the
23 things, some of the features of a plan.

24 These are undevelopable lands. There
1 are steep slopes, there are stream
2 corridors, there are wet lands. This area
3 here shows a very significant area of

4 contiguous open space. A large portion of
5 it is along road frontage. But we are not
6 suggesting this much -- this is probably 50
7 percent open space. If a developer wants
8 to come in and do something, a cluster type
9 of development, or hamlet type of
10 development, they might be able to do
11 something like this, and that would be
12 great for the town. But this isn't
13 necessarily what we are suggesting.

14 Ownership of the open space: We are
15 suggesting that most of that open space
16 would be privately owned, within private
17 lots with deed restrictions on those lots
18 so you can't further subdivide. So in
19 other words you may have 10 acres of open
20 space, okay, one residential lot, one
21 residential home could go on that lot. The
22 rest of that land would have a
23 conservation -- or a deed restriction on
24 it. And then, of course, the rest of the
1 development would be perhaps half acre lots ²⁹
2 or whatever.

3 Then we are suggesting that this open
4 space be identified by the town as
5 important, or land that is identified as
6 being important by the town -- excuse me,
7 should be considered for a conservation
8 easement, may be considered for a

9 conservation easement by the town. So that
10 10 acres, 20 acres, 30 acres could be
11 considered by the town for conservation
12 easement as opposed to putting it in a
13 private lot if it was determined by the
14 town to be significant, important to the
15 town. And it maybe that that area is part
16 of -- and again we will get to it, the
17 recreation plan. There maybe some trails
18 that we would want to take through those
19 areas, and that in itself would suggest
20 that it should become part of a
21 conservation easement.

22 Incentives for the developers:

23 We are suggesting a density percentage
24 equal to the percent of open space
1 preserved over the 20 percent minimum with
2 the maximum density of two units per acre
3 per single family at eight units per acre
4 for planned development. So if we are able
5 to exceed that 20 percent minimum, you want
6 to give the developer a bonus to do that
7 because typically what that means is the
8 developer is going to have to change the
9 lot size, they are going to have to
10 decrease the lot size. And that may or may
11 not be marketable. It depends on the
12 particular situation. And we are also

13 suggesting, again, that the town consider
14 incentive zoning to help preserve some
15 desirable open space. Again, that's
16 something the Town Board and the Master
17 Plan Committee and later perhaps the Town
18 Board would have to consider.

19 Mitigation for commercial-industrial
20 open space:

21 Conservation of open space,
22 conservation plan. We are suggesting that
23 the same type of conservation subdivision
24 review occur with commercial and industrial
1 development. In other words getting the
2 Planning Board involved early on. We
3 believe that that should be part of this
4 process. The current open space
5 requirement is 20 percent. We believe that
6 should be increased to 30 percent, and 10
7 percent of that should be what we call the
8 quality open space. Which means it needs
9 to be contiguous and at least a portion of
10 it should be along the road frontage to
11 help preserve that character.

12 And, again, we are suggesting
13 incentive zoning to provide some incentives
14 for the developers of these types of
15 development to increase the open space.

16 Recreation and pathways planned: Some
17 of you folks may have seen the plan up in

18 the back there. The plan includes active
19 and passive parts totaling in excess of
20 200 acres.

21 Linkage of two regional trails: Zim
22 Smith Trail in the north, and we have the
23 Canal Trail coming up from the south. It
24 includes greenways which are primarily
1 associated with the trail systems, and
2 neighborhood linkages which are those
3 linkages from the development we anticipate
4 are going to occur to the main trails.

5 This is the plan, and these are the
6 major components of it. This is the Zim
7 Smith Trail. I don't know whether -- at
8 this point in time I don't believe it comes
9 into the town, but we are anticipating that
10 that would be extended, and we would take
11 that trail down in this direction and
12 eventually meet up with the Canal Trail
13 which is coming up from the south here.

14 Some of this may be a little bit
15 difficult for you to see, but these black
16 lines around here are greenways and the
17 idea behind these is not only to provide
18 some buffer and some character to the trail
19 system, but also to provide some wildlife
20 connections, improve the wildlife habitat
21 within the area after it's development.

22 What this does it would make a connection
23 with the Anthony Kill up here all the way
24 down to this area down here which we are
1 suggesting could become a passive park.
2 Not all the wetland areas are shown on
3 here. These happens to be state wetlands
4 on this particular map, and there is
5 potential for even further connections
6 south because of the lands that are
7 constrained by these wetlands.

8 The blue lines represent some
9 alternative routes that might be
10 considered. None of this is cast in stone.
11 This is all very conceptual. We don't know
12 exactly where this would go if the town
13 were to consider pursuing this. We are
14 suggesting this plan be moved onto the
15 Master Plan Committee for consideration by
16 the general public.

17 The yellow areas represent the
18 neighborhood linkages that I was talking
19 about with areas of potential trail heads.
20 And a major trail head here, this is the
21 area where we are suggesting might be an
22 active recreational area that would serve
23 not only this area but the entire town, and
24 this could be a major area for a trail head
1 for the main regional trail. We are also
2 suggesting that there should be some

3 linkages to the City of Mechanicville. I
4 think that will be very important,
5 especially to any attempts to get grants or
6 loans for an idea like this.

7 Plan recommendations: The town should
8 recognize trail corridors and greenways as
9 important open space. If we can do that,
10 then we can use some of these lands as part
11 of our incentive zoning and developers can
12 incorporate those into their project and
13 provide a density bonus that would benefit
14 them. This is talking about the density
15 bonus, and incorporating, we are suggesting
16 that future development should incorporate
17 the linkage as well as the main trail in
18 the subdivision. We are putting an awful
19 lot on the Planning Board.

20 Mitigation fee: We will get to this
21 at the end. We will talk about the
22 mitigation fee, but we have determined that
23 a mitigation fee can be charged for the
24 purchase of some open space within the
1 town. Probably not all the open space that
2 maybe put under conservation easement, but
3 a portion of it to help maintain what we
4 call the current level of service.

5 Visual resources: Visual resources
6 are areas with significant views or prime

7 examples of existing rural character. We
8 believe it's important to conserve these
9 views through the conservation subdivision
10 process. So, again, the Town Board or the
11 Planning Board would be involved early in
12 the process helping to define these areas
13 of the town, these areas of the study area
14 that are significant. This is the map
15 that's included in the GEIS, which shows a
16 few of the areas that we have identified as
17 being significant.

18 We will talk about water resources:
19 This map shows the main extreme corridors
20 as mapped by USGS mapping. Okay. The
21 letter designations on here are water
22 quality designations established by the
23 Department of Environmental Conservation.
24 Anything that is identified as a CT or
1 higher. So A, B, C, CT or higher is
2 considered regulated by the DEC. So you
3 can not impact the better banks of this
4 stream without getting a permit from the
5 state. Those areas that are identified as
6 D and C are not regulated by the state, but
7 there are other agencies, the Corp of
8 Engineers is involved with all waters of
9 the United States.

10 This map also shows flood plain areas
11 primarily along Anthony Kill and, of

12 course, Round Lake and the Hudson River.

13 Stream mitigation: We think it's a
14 good idea to buffer streams. At a minimum
15 we are suggesting that 30 feet from the top
16 of the bank to the ordinary high water line
17 should be -- should be mandated as a buffer
18 on the streams that are identified on the
19 map, which I just showed you. Of that
20 30-foot buffer, the first 10 feet should
21 remain natural. And this will help in the
22 process of eliminating a lot of the
23 pollutants which come from runoff. The
24 next 20 feet can be lawns, but with no
1 permanent structures, impervious areas on
2 leachfields, and no permanent or temporary
3 parking. And this is really to deal with
4 some of the commercial and industrial
5 areas.

6 And, of course, during construction
7 you should have proper installation and
8 maintenance of erosion control which can
9 often be a big problem.

10 Storm water management issues: Impact
11 development will increase runoff and
12 decrease the water quality. That's pretty
13 much a fact.

14 Mitigation: Storm Water Management
15 Plan should be required for all projects

16 that disturb an acre or more of land.

17 Post development discharge may not
18 exceed predevelopment conditions, and the
19 detention ponds should temporarily store
20 water on site for the two, 10 and 100 year
21 storm events which is a little more
22 stringent than the current town
23 regulations. In addition, they should
24 retain the first half inch of runoff. That
1 water should not be allowed to move through
2 the system, and the reason for that is the
3 DEC has determined that the first half inch
4 of runoff contains the majority of
5 pollutants during a storm event. So it's
6 important to control that, and if you do,
7 then you are able to capture much of those
8 pollutants.

9 This map is a little bit hard to see.
10 I just want to show this to you. It's
11 tough to show the existing drainage areas,
12 but there also are a number of blue dots
13 that are culverts within the town which
14 have been identified as being incapable of
15 passing storms properly if additional
16 development occurs within the study area.
17 So these are culverts that probably need to
18 be replaced and increased in size.

19 Ecology:

20 We divided this up into three

21 categories: Vegetative communities and
22 wildlife, wetlands, and threatened and
23 endangered species.

24 You have all of these up here. This
1 map is kind of a mosaic of all the
2 different types of vegetative cover within
3 the town. There's hayfields which is the
4 light color here, hayfields and cultivated
5 lands; deciduous forest, which is the light
6 green; mixed forest which is a little
7 darker green here. We have some spruce
8 plants in this area, and these areas here
9 are open fields or abandoned farm lands.

10 That covers the majority of the study
11 area. And this just emphasizes the
12 different -- the acreage of the different
13 cover types as we have identified them.
14 The big ones being the deciduous forest,
15 open fields, and abandoned farm land.

16 This is a wetland map. There's three
17 components to this. There's state wetlands
18 which are the areas with the dark outline,
19 the black outline. The blue areas are
20 hybrid soils taken from soil survey
21 information, and then there's some lighter
22 hatching which is probably a little bit
23 difficult to see here, maybe a little bit
24 better over here. These wetlands are

1 identified through the National Wetland
2 Inventory which was done by the Fish and
3 Wildlife Service. So there is three types
4 of mapping we have used to identify
5 potential wetlands areas. This doesn't
6 suggest that wetlands are here. It
7 suggests that they may be here. There also
8 may be wetlands in other portions of the
9 study area which have not been identified.
10 The only way to do that is through field
11 analysis, through wetland delineation. But
12 this is the best we can do given the size
13 of area we are dealing with.

14 Ecology Impacts: The potential to
15 develop almost 1500 acres of natural area.

16 Wetland impacts are generally
17 controlled by federal and state
18 regulations. And so the thresholds that
19 were provided in the Generic Environmental
20 Impact Statement are that the development
21 should not exceed the requirement or exceed
22 the requirements that would require an
23 individual permit through the Corp of
24 Engineers. Okay. And that the state
1 wetlands should be avoided at all when
2 possible.

3 Potential impacts to endangered
4 species are -- there's the Karner Blue
5 Butterfly and Frosted Elfin and that

6 happens to be a type of butterfly. The
7 Karner Blue Butterfly probably many of you
8 are familiar with. And there is potential
9 impact to the Meyersbrook Cold Water
10 Fishery identified by the DEC as being a
11 significant resource.

12 Ecology Mitigation: We are suggesting
13 that the stream corridors and associated
14 wetlands be preserved. We talked about the
15 buffers earlier.

16 Prevent habitat fragmentation. Try to
17 maintain these corridors. That's the idea
18 behind the greenways, but on a site-by-site
19 basis. That's what the conservation
20 subdivision will help us do to maintain
21 that quality open space.

22 Avoid wetlands and buffer them. And
23 avoid the habitat of threatened and
24 endangered species and buffer the
1 Meyersbrook Stream.

2 Traffic: I'm not going to -- I'm just
3 going to identify some of the deficiencies.
4 I'm not going to go into the mitigation
5 measures. There is a number of them, but
6 basically they require new turning lanes
7 and traffic lights, and in some cases
8 widening.

9 Pruynhill Road/Route 146, Pruynhill

10 Road to Farm to Market Road, Ushers Road to
11 Tabor Road, Farm to Market/Smith and Cary
12 Road, Farm to Market/Anthony Road; and then
13 the roadway segments that were deficient
14 are Farm to Market from Routes 9 to 146.
15 That area should undergo a widening.
16 Ushers Road from Route 9 to Tabor, and
17 Route 146 from Pruynhill to Farm to Market.

18 Water and sewer: Current contracts
19 will bring water to approximately one third
20 of the study area, we talked about that
21 earlier, so utilities are close by.
22 Current development proposals will require
23 force mains to provide sewer service. So
24 in other words there's no policy in the
1 town to suggest that sewers cannot be
2 provided to certain areas. So what happens
3 is development occurs, and they can't get
4 gravity sewers. Then they will bring in
5 force mains to do that, and it's not the
6 best way to deal with sewers because there
7 is maintenance issues and energy costs
8 associated with these things. Based on the
9 proximity of county sewer trunk lines and
10 planned water improvements, it's assumed
11 that most of the area will be served by
12 utilities in the future.

13 So what we are suggesting then is that
14 the town should plan forward and try to

15 meet these anticipated demands, and then we
16 would leave the major land use policy
17 decisions, what areas of the town should or
18 should not have sewers, should or should
19 not have water, that should be left to the
20 public via the master plan process. It's
21 not something we can deal with in this.
22 What we are trying to do is project what's
23 going to occur essentially under the
24 current zoning and the current development
1 plans and then try to get ahead of that by
2 suggesting some mitigation.

3 This, just quickly, this shows some of
4 the water improvements that would be
5 necessary. The pink lines, these are all
6 transmission mains that should be put in to
7 meet the future development. This is not
8 something the town would do. Okay. But
9 this is what should happen if development
10 is occurring.

11 Likewise with sewers. What we are
12 suggesting instead of putting in these
13 force mains, the suggestion would be to put
14 in a sewer trunk line which would allow
15 gravity flow from the main trunk. Another
16 one is proposed along Route 146. This one
17 is suggested to be more of a public benefit
18 to meet other demands to the south. And so

19 the costs of putting this in would not
20 totally be born by the development which
21 occurs within the study area. Only the
22 size upgrade necessary to meet the small
23 portion of the water shed which is just
24 this area here.

1 Mitigation Cost Summary: How did we
2 come up with this? Well first of all we
3 feel that the mitigation cost is an
4 equitable way of distributing mitigation
5 for the 20 year development projections.
6 And we did it by coming up with an
7 Equivalent Dwelling Unit trying to put
8 everything on the same page. And what that
9 is, is each residential unit is one
10 Equivalent Dwelling Unit, and then what we
11 are able to do is convert the industrial
12 and commercial to the equivalent dwelling
13 unit. So within the town we have a total
14 of 4,026 equivalent dwelling units based on
15 our development projections.

16 UNKNOWN SPEAKER: Is that the whole
17 area?

18 MR. EINSTEIN: For the study area.
19 This is it.

20 Okay. I'm done.

21 This is our Mitigation Cost Summary.
22 This identifies our water costs which are
23 estimated at \$4.6 million. And then these,

24 of course, are the cost per equivalent
1 dwelling unit. So we have water, sewer
2 costs at almost \$2.4 million; cost of
3 replacing culverts at \$200,000; traffic
4 improvement, intersection improvements,
5 portions of widening, a total of \$3
6 million. Even the preparation of the GEIS
7 can be incorporated in this, that's
8 \$125,000.

9 And the open space. Right. We talked
10 about this earlier about maintaining the
11 current level of service. We identified
12 certain acreage based on that current level
13 of service and we estimated that that would
14 cost \$1.3 million. So what it all ends up
15 at is approximately \$3000 per equivalent
16 dwelling unit.

17 And that's it. Thank you for being so
18 patient.

19 MR. BOLD: Ready to go to public
20 comment?

21 MR. DE CERCE: Yes, do you want to set
22 the rules, or do you want me to set the
23 rules?

24 I counted about 75 to 80 of you in
1 here. We would like to have all of you who
2 want to speak, speak to each of the issues.
3 I believe that the way we can do that is

4 simply by asking you not to speak for more
5 than three minutes so that we can get to
6 the next person. There are mikes above
7 that will pick up your voice. They are
8 audible. There are two of them there. If
9 any of you feel more comfortable with the
10 handheld microphone, we would like you to
11 use that. Everything is going to be picked
12 up. The second part is that we do have a
13 stenographer here taking down the
14 information. Please try to be clear so
15 that she can keep up with you and don't
16 race your words in that way.

17 Jim?

18 MR. BOLD: We are going to let -- most
19 of the questions will be directed at Chris.
20 We do ask that each one give your name and
21 address before you begin to make your
22 statement, but as much as possible Chris
23 will try to answer your questions for you.

24 MR. DE CERCE: Mrs. Parker, will keep
1 her timetable, okay. Chris?

2 MR. EINSTEIN: Yes, sir.

3 MR. MURRAY: Thomas Murray.

4 MR. EINSTEIN: Name and address?

5 MR. MURRAY: Thomas Murray, 160
6 Yarborough.

7 MR. EINSTEIN: Thank you, sir.

8 MR. MURRAY: You didn't speak about

9 any of the natural resources, the gravel or
10 anything. That's pretty rich in gravel in
11 there. You only talked about agricultural
12 land and housing.

13 MR. EINSTEIN: Okay, yeah, there are
14 some resources in the town. That's a good
15 point. I'm not going to be able to answer
16 all of these questions tonight, and we are
17 going to -- such comments like this are
18 being taken down.

19 UNKNOWN SPEAKER: We can't hear you.

20 MR. EINSTEIN: Thank you. I'm sorry.
21 Can you hear that a little better? Okay.

22 Yeah, I'm not going to be able to
23 answer all of your questions tonight. Some
24 things we are just going to have to go back
1 to committee and discuss. The point of
2 tonight's meeting is to get your comments,
3 to get them written down, and so that we
4 have a record of what you had to say so
5 that we can discuss them. They will be
6 considered. That's a requirement of SEQRA.
7 Okay.

8 So I'm going to do my best to answer
9 your questions, but some of them I'm not
10 going to be able to.

11 Yes, sir?

12 MR. TAYLOR: Lynnwood Taylor, 107

13 (inaudible). We went through it quite
14 quickly. It is my understanding that you
15 have prepared your map -- the maps were
16 prepared with software, Artview? That's
17 what I was told tonight by one of the
18 representatives.

19 MR. EINSTEIN: Yes, it's done at GIS,
20 it was Artview, yes.

21 MR. TAYLOR: Right. I assume you have
22 persons -- would it be possible to borrow
23 one of the CDs because I have some
24 questions. Some may become self evident
1 when I do it. I would like to get a copy
2 of the disc that I can look at in
3 conjunction with the GEIS. Is that
4 possible?

5 MR. EINSTEIN: That's something I
6 would have to discuss with the Board. I
7 don't know if we can give you an answer for
8 that tonight.

9 MR. TAYLOR: Because basically what
10 you have got is open government.

11 MR. BOLD: Technically, that's
12 possible.

13 MR. EINSTEIN: Technically that's
14 possible, yes.

15 MR. BOLD: That's a really interesting
16 question, and there is no way we could have
17 anticipated that.

18 MR. TAYLOR: Second of April, could I
19 have it by the 2nd of April?

20 MR. EINSTEIN: No problem. I'm sure
21 we will be talking about -- talking to one
22 another tomorrow.

23 MS. SHARP: My question is -- my name
24 is Cindy Sharp, and it's Cary Road, and I
1 am requesting a copy for my personal
2 review. I have been to the library as
3 often as I possibly can. I have only made
4 it through a small portion of what's
5 actually covered in it, and there is a
6 considerable amount of issues that are in
7 that book.

8 MR. EINSTEIN: It's a big book.

9 MS. SHARP: I would like to purchase
10 it.

11 MR. EINSTEIN: Yes, you can purchase
12 it. It's not going to be cheap. I don't
13 know what the cost is. I would have to
14 talk to our repro-graphic department to
15 find out what that would be.

16 MS. SHARP: Who would we get that
17 from?

18 MS. PEARSON: You would get it through
19 the town.

20 MR. EINSTEIN: Oh, okay. I'm told
21 it's \$.25 a page because it comes under

22 FOIL request and actual cost of the maps.

23 We will give you a number.

24 MR. BOLD: Ma'am, may I make an 52
1 additional suggestion, another option? Our
2 Town Clerk has three copies in her office.
3 And what some folks have done, they have
4 come up and they have checked out a copy to
5 take it home over night.

6 MS. SHARP: Oh, you can do that?

7 MR. BOLD: We have been able to do
8 that. We have three copies available for
9 that purpose.

10 MS. SHARP: Okay.

11 MR. DE CERCE: There are others who
12 haven't had a question yet. Mr. Slish and
13 Mr. Campbell.

14 MR. SLISH: You keep on talking about
15 subdivisions, developers. What about the
16 individual who want to put up a home?

17 MR. DE CERCE: Identify yourself?

18 MR. SLISH: Nick Slish, 43 Cary Road.

19 MR. EINSTEIN: The question is?

20 MR. SLISH: Is if an individual wants
21 to buy three acres of land and put a house
22 up, or if he owns the land and he wants to
23 put a house up now, because you keep
24 talking about development, subdivisions,
1 developers, what about the individual?

2 MR. EINSTEIN: As the document stands

3 right now everybody would have to pay a
4 mitigation fee for development.

5 MR. SLISH: I have a question for the
6 town attorney. Now I have a farm with a
7 prime acre that's been a prime acre for the
8 past -- you pay that prime acre tax all
9 along for the past 12, 13 years. Now I
10 have to go through the process with that
11 prime acre too and pay that fee if I have
12 been paying the prime fee for the last 12
13 years? So for instance the development
14 that already got approved, now that prime
15 acre was already approved on that farm for
16 a home.

17 MR. CHAUVIN: The way the law is
18 presently drafted any new building permit
19 would require the mitigation fee. We are
20 still working through that issue and
21 working with some things that might be a
22 key note from Clough Harbour. Suggested
23 ways to get every new building permit for a
24 residential structure will require t
1 mitigation fee and that's what I have told ⁵⁴
2 the board. Through my research we cannot
3 get around it. Mr. Bianchino is working on
4 something, but we can't give that to you
5 tonight.

6 MR. SLISH: That mitigation fee,

7 that's not in stone yet either, right?

8 MR. CHAUVIN: That's right.

9 MR. DE CERCE: Mr. Campbell.

10 MR. CAMPBELL: Dean Campbell, 99
11 Cemetery, Halfmoon. I don't know if you
12 can hear me in the back.

13 I'm addressing the board and the
14 audience here. I'm a builder and developer
15 in town, and was very graciously asked by
16 Mr. Bold to be part of the GEIS Committee,
17 and I approached that appointment, or
18 request I guess, with very mixed feelings.
19 I will say that as a committee member, I
20 was the only one on the board that had
21 actually been developing and building in
22 the town, and I didn't know what to expect.
23 I kind of came into it expecting the worst
24 and figuring I was going to have to bang my
1 shoe on the table a lot.

2 Well we had some pretty good
3 discussions in our committee and we had a
4 lot of fun and we worked real hard. And I
5 for one want to salute the committee
6 members for the contribution that they all
7 put in of time and effort and thought, and
8 specifically Mr. Bold, a strong salute to
9 him because he came up with ideas that I
10 was just amazed with in their
11 perceptiveness and their application to all

12 needs, or application to meet the needs of
13 all the people in town, land owners,
14 builders, and I salute our efforts. I'm
15 proud of what we came up with.

16 Discussions didn't go without --
17 discussions came about which were heated,
18 and I respected that there was a free flow
19 of ideas. And one of the primary concerns
20 in the whole process was the rights and
21 needs and dreams of landowners. And I
22 think we accomplished a lot of wonderful
23 things.

24 We didn't mandate a great deal and
1 that's what I was scared of that we were
2 approaching this with an absolutely
3 anti-growth: I'm here, shut it down,
4 mentality. That didn't come about and I'm
5 proud of that. We have tools that the
6 Planning Board can work with very, very
7 effectively. I'm proud of that.

8 MS. PARKER: You have 15 seconds left.

9 MR. CAMPBELL: However, I still have
10 some very, very serious reservations about
11 portions of the GEIS that I don't feel were
12 ever -- consensus of the committee was ever
13 reached.

14 MS. PARKER: Time.

15 MR. CAMPBELL: Let me touch on those,

16 if I may, and I think the Town Board needs
17 to address these specific issues. The
18 first, very quickly -- am I cut off?

19 MR. DE CERCE: You are about cut off.
20 Can you make your statement in, like, five
21 seconds?

22 MR. CAMPBELL: No.

23 MR. SLISH: Let him go, let him go.
24 He is making sense.

1 MR. DE CERCE: Please finish.

2 MR. CAMPBELL: Thank you. One of the
3 primary concerns out there that I have is
4 wetlands. I do not want to see the town be
5 involved in an area that is already covered
6 by the federal government, already covered
7 by the state government, and now we are
8 instituting a town policy on wetlands with
9 no background and no experience. And what
10 I see there in that wetlands, in those
11 wetlands problems, is landowners out there
12 that have drainage areas through several
13 areas of their land are in serious trouble.
14 That's dividing their land, and that land
15 becomes unusable for any type of
16 development.

17 Another area that I see that bothers
18 me a little bit is in subdivision,

19 subdivisions that has 50 acres of property
20 that has been set aside as green space, if
21 you will. It maybe under individual
22 ownership, and our proposal here in the
23 GEIS. And yet we are prohibiting, through
24 this process, timbering, and mining. And I
1 think those issues still have to be
2 addressed.

3 Another problem I still have is the
4 limitation, and it's almost an absolute
5 prohibition on any frontage lots on
6 existing roads. And I understand the
7 committee's feeling and probably the Town
8 Board's feeling to minimize frontage
9 development, but I don't think there ought
10 to be an absolute prohibition on frontage
11 development, and that's basically what we
12 are saying now.

13 So with that I'm glad I could serve
14 the community and get into some heated
15 discussions. Thank you.

16 MR. EINSTEIN: Thank you.

17 MR. BOLD: Do you want Chris to
18 respond?

19 MR. DE CERCE: No, you go ahead.

20 MR. EINSTEIN: I'm sorry. You spoke
21 already?

22 UNKNOWN SPEAKER: I just wanted to get
23 a copy of the GEIS. I believe I have done

24 Freedom of Information. The question is to
1 Mr. Chauvin. Basically of the \$.25/page is
2 for the labor and reproduction costs. I
3 think if you could provide her the
4 electronic copy, because I assume it must
5 be on CD, and it has to be Microsoft Words,
6 or Corell or one of them with little or no
7 cost whatsoever. There would be minimal
8 cost. That might be what you want to do
9 for her. Okay?

10 MR. EINSTEIN: That's something else
11 we would consider. In the back, first, and
12 we will come back over here.

13 MR. SILVERSTEIN: Bob Silverstein,
14 Mann Boulevard. I just had a question and
15 again the lady raised this earlier. The
16 whole GEIS could be put on an Adobe file
17 that could be accessed over the Halfmoon
18 website. I think that would be a great
19 asset and then people could have access
20 when they want that available. I don't
21 know.

22 My other question was about the
23 mitigation. You basically had a base line
24 of special equivalent dwelling unit. What
1 does that unit involve? And I guess my
2 question is, is a 4 bedroom home the same
3 cost as a two bedroom, or a trailer, or

4 etcetera?

5 MR. EINSTEIN: Yeah, the equivalent
6 dwelling unit. If it's a residential unit,
7 whether it's a multiple family unit, or
8 it's a single family unit, they are treated
9 as single units from a residential
10 perspective.

11 From the commercial and industrial,
12 it's a conversion based on water usage.
13 It's a comparison between the water usage
14 of typical industrial and commercial and
15 that of residential.

16 MR. DE CERCE: Other comments?

17 MR. EINSTEIN: Here first and then we
18 will come up here. Yes?

19 MR. RUCHLICKI: Route 9, Thomas
20 Ruchlicki. Mr. Campbell brought up one of
21 my questions that I had after looking at
22 that document. This 20 percent open space
23 that's going to be regulated for mining and
24 logging, is that within a PPD or does that
1 effect private landowners? Is that going
2 to effect me and my woodlot, if I want to
3 go in there and log it this year?

4 MR. EINSTEIN: Are you going to
5 develop it?

6 MR. RUCHLICKI: No.

7 MR. EINSTEIN: It's for future
8 development. So if you were going to

9 develop your land, and you had land that
10 was part of the 20 percent open space, and
11 you wanted to take that land and mine it or
12 log it, we are suggesting that it
13 shouldn't.

14 But if you are already developing your
15 land and doing other things with your land,
16 if you want to do that on your own personal
17 piece of property, no, this doesn't apply
18 to you.

19 MR. RUCHLICKI: The way it reads is
20 not clear in the document. It's kind of
21 sketchy. That's way why I wrote it down.

22 MR. EINSTEIN: It's a good question.

23 MR. RUCHLICKI: The way it reads 20
24 percent or more, if you own 50 acres, 20
1 percent of that is not going to be
2 regulated?

3 MR. EINSTEIN: No, only if you have a
4 development proposal.

5 MR. RUCHLICKI: My other question --

6 MR. EINSTEIN: I'm sorry? Oh, or a
7 mining permit, that's right. I'm sorry.

8 MR. RUCHLICKI: My other question is
9 you had a list of culverts and the expense
10 per culvert for this storm water management
11 problem. Each was listed out and costed.
12 Now I just spoke to Ken here last week. I

13 didn't see the culvert on Kennedy Lane on
14 that list, and we know that that's an issue
15 up in that end of town above Stewart's.
16 Remember I spoke to you?

17 MR. DE CERCE: The culvert on Kennedy
18 Lane is going to be addressed. It simply
19 needs ruffraff(sic) along the side of the
20 bank away from Route 9.

21 MR. RUCHLICKI: What I would also like
22 to see is that I don't really know what the
23 device is, there's some type of a silt
24 retention area in that right in Meyersbrook
1 just north of Dater's Tavern. I would like

2 the town to revisit that, modify it somehow
3 because I don't think it's esthetically
4 pleasing. If it's one of the natural
5 resources for the -- in the document the
6 town identified as being maintained and --

7 MS. PARKER: You have 15 seconds.

8 MR. DE CERCE: We will check on that,
9 Tom. However, I believe that's under the
10 jurisdiction of DEC.

11 MR. RUCHLICKI: I didn't think it had
12 anything to do with that unit. That's why
13 I brought it up.

14 MR. DE CERCE: We will check it out.
15 You had a couple of other hands, Chris.

16 MR. EINSTEIN: Yes, I believe up here
17 first.

18 MS. FLOUNT: Elisha Flount, 223 Cary
19 Road.

20 My question is about the impact on the
21 wildlife in this area. I know you
22 mentioned wetlands. As we all know
23 wetlands flood. Wildlife is going to be
24 pushed out of those wetlands. Where is
1 that wildlife going to go as they
2 pushed out? And they have already been
3 pushed out.

4 MR. EINSTEIN: That's a good question.
5 Well there's a couple of things we have
6 incorporated in the plan that deal with
7 that.

8 First of all we have a conservation
9 area of corridors and greenways to try to
10 get at that issue. The main greenway we
11 show is from the Anthony Kill down to some
12 wetland areas to the south, and that will
13 provide a nice corridor in there. Also
14 trying to incorporate this 20 percent
15 quality open space or quality open space in
16 general, the definition of quality open
17 space is having it continuous, not
18 fragmented. To try and provide some
19 buffers on streams and wetlands just like
20 what you are talking about. Animals do use
21 wetlands. They are a great habitat, but

22 most wildlife do not bed down in wetlands.
23 Okay. They go elsewhere. They go to
24 upland areas. So your point is well taken,
1 and there is some mitigation in there for
2 this.

3 MS. STANIAK: Terry Staniak, 137
4 Johnson Road. I'm hearing an awful lot,
5 and on the map, also, about how you are
6 assuming that all these people that live in
7 this area that do have property, that they
8 are going to sell as far as being
9 developed.

10 Then I also see these acres have
11 proposed pathways, greeneries and all this
12 through public land. That's privately
13 held, not public land. How are you going
14 to go about assuming this property that
15 people have been on for generations and
16 they don't want to sell?

17 MR. EINSTEIN: That's great if you
18 want to keep your land. Especially if you
19 have a large piece of land and you want to
20 keep it so you are farming it, or you just
21 want to keep it as open space. I think it
22 would be great if the town came up with a
23 way to help compensate you so you could do
24 that.

1 UNKNOWN SPEAKER: Excellent idea. I
2 would like it a lot.

3 MR. EINSTEIN: And that compensation
4 comes through the purchase of development
5 rights, perhaps transfer of development
6 rights through incentive zoning, what I
7 talked about earlier. The plan we show is
8 conceptual and identifying the town, the
9 study area in a developed condition.
10 Imagine it's developed. And if it's
11 developed, then what we are suggesting is
12 there should be some trail systems
13 incorporated in those development plans.
14 Not necessarily across your property.
15 Okay.

16 MS. STANIAK: Well I'm just hearing a
17 lot about development. If this is being
18 done to help out the developer more than
19 the private landowner who owns acres.

20 MR. EINSTEIN: It's a problem of
21 dealing with an area through the SEQRA
22 process. What we are trying to do is
23 project what's going to happen under
24 current conditions. I can't predict what's
1 going to happen as a result of
2 comprehensive planning or of the master
3 planning process. It's ongoing. Maybe in
4 a year or so we will have an idea of what
5 land usage, what's valued by the community.
6 What we are trying to do is get ahead of

7 the development process here, the
8 development trends, and plan for what might
9 happen. If less than that happens, that's
10 fine, that's great.

11 MS. STANIAK: So a developer coming in
12 who wants to build 200 houses, but this
13 person has been on their farm 20, 30 years,
14 who is going to outweigh there? The
15 developer coming in, or the person who owns
16 land? That's what it's going to come down
17 to, the guy who wants to change for the
18 benefit of more, or the private owner.

19 MR. EINSTEIN: There is a process to
20 help folks who want to keep their parcels
21 and that's through easements, and it's a
22 way of helping you. I mean obviously taxes
23 go up, right? Taxes are probably pretty
24 high right now for your parcel of land. If
1 you own land, it's probably very difficul
2 And through this transfer of development
3 rights, it's a tool to help those folks
4 that want to preserve a piece of land for
5 future farming or whatever you intend to do
6 with it in terms of open space. That's
7 what's available. Otherwise you don't have
8 control over what your neighbor does on
9 their property, aside from the existing
10 regulations that are in place.

11 So if they are going to develop their

12 land or they want to develop their land,
13 they are. If you want to preserve -- what
14 we are trying to say is, if you want to
15 preserve your land, then there maybe an
16 option for you too.

17 MR. DE CERCE: Mrs. Staniak and I had
18 a discussion this morning just in use of
19 the terms made. I just want to assure you,
20 again, this never came up in our committee
21 sessions. Those terms were never terms
22 that were used. Jim?

23 MR. BOLD: Yes, absolutely. I
24 absolutely concur.

1 MR. DE CERCE: Okay. I saw a hand go
2 up really early on and it's been missed.
3 Yes?

4 MS. SOLOWSKI: My name is Kathleen
5 Solowski, Tabor Road, Town of Halfmoon.

6 There were a couple of things that
7 came to mind as you were doing your
8 presentation. It seems to me as though the
9 town is leaning toward the industrial
10 development only in the north end of the
11 town. Is that the Town Board's thought at
12 this point? Is it only the north end of
13 the town where industrial development would
14 be because of Sysco coming in and because
15 of a couple of others things coming in, is

16 that what you are pushing?

17 MR. EINSTEIN: No, the town isn't
18 pushing anything. We are just trying to --
19 we are trying to project. It's difficult
20 to project because it's kind of crystal
21 ball stuff.

22 MS. SOLOWSKI: Are you limiting
23 industrial development to the north end of
24 town?

1 MR. EINSTEIN: No.

2 MR. DE CERCE: Where he is going is
3 originally what we decided that we were
4 working on was the present zoning and
5 whatever was zoned we worked within the
6 boundaries of those zones.

7 MS. SOLOWSKI: Okay. Something else
8 was mentioned about deed restrictions. Now
9 if there is deed restrictions on property,
10 how is that going to effect assessment? Is
11 it still going to effect that market value
12 quote? Because there is a lot of my
13 property that I went through and they said
14 there is nothing I could do with it,
15 crevices, a lot of it. And this is --
16 well, you know, that's what I got. You put
17 deed restrictions on property how is that
18 going to --

19 MR. EINSTEIN: Well deed restrictions
20 would be placed on, for example, if you

21 developed your land.

22 MS. SOLOWSKI: I'm not going to
23 develop my land. The only thing that can
24 be done --

1 MR. EINSTEIN: We are talking about
2 development proposals here. Development
3 proposals are what trigger the SEQRA
4 process, and that's what we are trying to
5 get ahead of.

6 MS. SOLOWSKI: What about Saratoga
7 County Sewer right now is at capacity. We
8 read it all the time in the paper. No more
9 can be added to it. We can't do anything
10 with it. Wilton is waiting for it,
11 Saratoga is waiting for it, Clifton Park is
12 waiting for it. And now you are saying
13 this is all going to be part of the sewer
14 system. I don't think so. At least not
15 for a long while.

16 MR. DE CERCE: That section, Kathy,
17 isn't in a problem area right now.

18 MS. SOLOWSKI: There's no sewer there.
19 I have a trunk line, no sewer.

20 MR. DE CERCE: Jim, go ahead.

21 MR. BOLD: Chris showed one proposed
22 major gravity sewer line flowing almost due
23 north through the central area. That sewer
24 line would dump into the main, what's

1 called the Saratoga Intercept, which is an
2 approximately 54-inch diameter pipe.

3 MS. SOLOWSKI: I have it going through
4 my whole property right now.

5 MR. BOLD: During the recent capacity
6 study done at the county level that segment
7 of the system is not experiencing any kind
8 of capacity restrictions either now or in
9 the near future. All of the things that
10 you have been reading about various
11 limitations of capacity, they do not apply
12 to that section there.

13 MS. SOLOWSKI: This is the limitation
14 going down to the treatment center?

15 MR. BOLD: No ma'am.

16 MR. DE CERCE: No, it's right now --
17 in our town it's at Grooms Road and the
18 possibility of somewhere else.

19 I saw the Mayor's hand up earlier.

20 MAYOR HIGGINS: I am Mayor Tom Higgins
21 of the Town of Mechanicville. I'm with
22 Supervisor Sgambati. And I want to thank
23 you and counsel for allowing me to voice
24 some concerns we have.

1 December 17th we had a flood as many
2 of you know, you had suffered losses, too.
3 We have reason to believe that some of our
4 problems resulted from building in our area
5 adjacent to our railroad yards. And I

6 wrote a letter to the Town of Halfmoon
7 Planning Board and the Town of Halfmoon
8 town counsel.

9 We were assessing it. We hadn't
10 reached a decision yet. If there was more
11 problems in that area that you would take
12 into consideration that the fact that it
13 does come into our railroad areas and
14 causes extensive flooding.

15 I was also led to believe that
16 Meyersbrook, some of this water in this
17 development would go into Meyersbrook,
18 which would in turn go into Anthony Kill.
19 And that could have a very serious effect
20 on citizens along Saratoga Avenue and
21 Railroad Avenue.

22 So I would just like to ask you to
23 please take into consideration any water
24 drainage runoff that would effect that
1 area. I thank you for your time.

2 MR. EINSTEIN: The gentleman over
3 here.

4 MR. KRAWZEWSKI: My name is John
5 Krawzewski, 11 Johnson Road. All this is
6 based on statistics, and one question that
7 I have in regards to your statistics: The
8 growth that you are projecting, is that
9 based on the growth that you experienced

10 within the entire town of Halfmoon?

11 MR. EINSTEIN: Yes, that's correct.
12 It's based on reviewing building permits
13 from both residential, commercial, and
14 industrial development over an 11 year
15 period town-wide. And then those -- that
16 town-wide rate was developed, in other
17 words, of units per square footage per year
18 for the entire year, and then adjusted
19 initially by 50 percent, and then we added
20 some known development to it.

21 MR. KRAWZEWSKI: Well I find that the
22 northern half of this town is primarily
23 agricultural. A lot of the development
24 that's occurred thus far in the last 10
1 years was primarily south of this building,
2 all in wooded lots; a lot along Route 9 and
3 other areas not in the rural parts of our
4 town. I would like to see statistics taken
5 on the growth that's developed in the
6 northern half in the last 10 years and
7 project that. All these projects, traffic
8 lights, widening of roads, are they really
9 necessary? I see the possibility of
10 perhaps, and I go through this intersection
11 probably once a day, the intersection of
12 Pruynhill and Farm to Market. You proposed
13 a traffic light there. Wouldn't it be a
14 simpler solution to suggest a four way stop

15 sign? Currently my father rides on
16 Pruynhill to Farm to Market Road. We
17 operate a farm on that road. Traffic going
18 through there is easily going along at 60
19 miles per hour. If you are looking at a
20 lower cost exclusion, review the speed
21 limit, traffic. If you can travel along
22 that road at 60 miles per hour, obviously
23 capacity is sufficient.

24 And going along with another comment
1 of Mrs. Staniak, I have heard you are
2 approaching this whole issue from the view
3 point that all the landowners want to have
4 development. I think there's a lot of
5 people in this room who would like to
6 preserve the agricultural basis that we
7 have. (Audience clapped.)

8 UNKNOWN SPEAKER: Absolutely!

9 MR. EINSTEIN: That's great. That's
10 excellent.

11 MR. KRAWZEWSKI: That's why we live
12 here.

13 MR. EINSTEIN: That's great and I hope
14 that is able to continue. As I said
15 previously, we are trying to incorporate
16 some things to help you do that. Right now
17 you don't have any tools to help you do
18 that, you don't.

19 You had some other issues unless you
20 want me to answer those.

21 MR. KRAWZEWSKI: One other comment.
22 You are saying roughly \$3000 would be
23 charged for all this development. I
24 frankly don't see the need for it.

1 MR. EINSTEIN: It's tough to imagine
2 the town or this portion of the town
3 developed at any given point in time. It's
4 tough to imagine that, but the development,
5 what is currently before the board and what
6 we know is coming down the pike, can -- I
7 showed you in the map there. That's a
8 pretty significant amount of development in
9 the study area, almost all at once.

10 MR. SLISH: That's already approved,
11 what you are saying?

12 MR. EINSTEIN: No, it's not.

13 MR. KRAWZEWSKI: All these
14 improvements are only fostering the ability
15 to develop. There's absolutely no effort
16 here to fight to preserve.

17 MR. SLISH: If you want your grandson
18 to have a piece of the land now you have to
19 pay -- he has to pay \$5000.

20 MR. DE CERCE: Please one at a time.
21 Way in the back.

22 MR. D'ALLESSANDRO: John
23 D'Allessandro, 24 Oregon Trail.

24 I wanted to ask the question that kind
1 of dovetails with a lot of the questions
2 that's been asked already. As I said, this
3 study was based on current trends in
4 development. What method is going to be
5 put in place if those trends change? We
6 are going through our master planning
7 process right now. That, in fact, could
8 lead to stricter or some statutory changes
9 in the zoning law. Potential for a great,
10 great deal of change. After the inputs and
11 conclusions of GEIS what could make this a
12 living document and go then to reality.

13 MR. EINSTEIN: The mechanism is in
14 place that when the recommendations come
15 from the comprehensive planning process,
16 when they come out, if there is a
17 significant change either way, then the
18 document that we are producing here may
19 need to be revisited in terms of a
20 supplemental GEIS.

21 If the result of the land use
22 recommendations is to address density, then
23 the environmental impacts of that are less
24 significant than what we have -- than what
1 we are addressing. The document is still
2 valid with the possible exception of maybe
3 taking a look at the mitigation costs again

4 because if it's a significant change, then,
5 you know, maybe not as much development
6 will occur over the 20 years that we have
7 projected.

8 MR. D'ALLESSANDRO: In regards to the
9 mitigation costs just based on projected
10 development, that's a significant amount of
11 money ultimately to be -- I assume that's a
12 dedicated fund which can only be used for
13 these?

14 MR. EINSTEIN: That's correct.

15 MR. D'ALLESSANDRO: Is there going to
16 be any mechanism put in place that protects
17 the division of that fund percentage-wise,
18 what you used to calculate that \$3000
19 figure?

20 MR. EINSTEIN: Are you talking about
21 in terms of the categories, for example,
22 what's designated for sewer, what's
23 designated for --

24 MR. D'ALLESSANDRO: Yeah.

1 MR. EINSTEIN: Yeah, they are
2 typically set up as separate categories.
3 The money would go to that particular fund.

4 MR. DE CERCE: The board will make
5 those reactions based on your reactions.
6 The board -- this is a draft, and the board
7 will look at this, take your reactions, and
8 start movement in that area. In addition,

9 the master plan group is going to be using
10 this as a live set of recommendations.

11 Thank you.

12 MR. D'ALLESSANDRO: I understand it's
13 going to change. In the study is there any
14 recommendation of who is going control this
15 fund? The concerns that I would have is
16 that as the reality changes from the
17 projections of the document, and we come to
18 a point in time where we need an
19 intersection or you need a sewer, you have
20 to have something in place to preserve that
21 money to be there when you need it.

22 MR. DE CERCE: Counselor, do you have
23 any input?

24 MR. CHAUVIN: The money will go into

1 dedicated fund and general fund, and it
2 will only be used for the purposes
3 identified in the GEIS. Also it is
4 anticipated there will be, on some type of
5 regular basis, there will be a reevaluation
6 of the mitigation fees in order to make
7 sure that they are keeping pace with
8 development, or if development is not
9 proceeding at the pace of the GEIS, then
10 they can be reduced.

11 As to the specifics of when and how it
12 will be done, Clough Harbour will have to

13 do that based on how the development
14 actually occurs, and how the development
15 corridors are created. And that will be
16 only be as growth occurs, and the Planning
17 Board, of which you are long term members,
18 approve projects, and that will be
19 determined, of course, by where the
20 utilities go and the projects are approved.

21 MR. DE CERCE: Thank you.

22 MR. D'ALLESSANDRO: I have just --

23 MR. DE CERCE: No, you are beyond your
24 time. If there is time you can do it
1 again. There is a lady in the back.

2 MS. PINO: (Inaudible) Pino, part
3 owner of property at Route 146, former
4 (inaudible) center.

5 And I would like to make a correction
6 in your GEIS. I know in one of the maps
7 under the Land Use Zoning section you have
8 that zoned as recreational use. In fact,
9 it's residential, a building with two
10 apartments. You have identified that as
11 recreational use, and I think that that
12 correction needs to be made because you are
13 going to probably (inaudible) first of all
14 because it isn't the zoning of that area,
15 it's agricultural.

16 And the second reason my concern is

17 that it should be corrected I don't know to
18 what extent you use that as recreational
19 land in figuring out what you had and what
20 you were going to have in the future,
21 whatever projection you made based on
22 availability of that adjusting to the
23 reality.

24 And one other quick question. I
1 wondered if it's at all possible to extend
2 the time for the comment period a little
3 bit given the thickness of the book and the
4 availability of it. It seems it would be
5 helpful if more, for those of us
6 interested, would have a little bit more
7 time to look at it. Thank you.

8 MR. EINSTEIN: Just to make a point of
9 clarification. The map that you are
10 referring to, that is not the map that we
11 used, not the current zoning, and not the
12 map we used to devise our development
13 projections. That's a plan of the
14 recreational areas.

15 MS. PINO: This one back here?

16 MR. EINSTEIN: Oh, oh, I'm sorry. I
17 thought you were referring to the other
18 plan.

19 MR. BELMONTE: Pete Belmonte, Belmonte
20 Builders, Route 9 in the Town of Halfmoon.

21 I'm a land developer. So I'm one of

22 the parties that many of you expressed
23 concerns about maintaining control of. I
24 understand what the complications of sprawl
1 are. I have lived in many parts of the
2 country where sprawl is well beyond what
3 imagination is. They make t.v. stories
4 about it.

5 Trying to control sprawl is a very
6 important thing, but I think taking
7 individual 10, 20, 50 acres of land and
8 clustering houses on that piece of land and
9 leaving 20 percent of it vacant or green
10 space is not the solution to sprawl.

11 The solution to sprawl is when you
12 plan 100,000 acres or 80,000 acres and you
13 keep construction in one portion of it and
14 you keep very large natural habitat where
15 the population can use it. I don't think
16 this is the solution to the problem that's
17 being identified.

18 But I do think there is a lot of
19 strength to the program that's been put
20 together. I think taking residential
21 dwellings and moving them off of the main
22 road and creating a buffer between the
23 house and the Farm to Market Road or
24 wherever it maybe is a very good idea. And
1 creating buffers to the streams since

2 development is starting to move more and
3 more into areas where it wasn't easy to
4 develop before. We are contending more
5 with streams and low lying areas. I think
6 creating buffers is a good idea.

7 Creating 20 percent green space and
8 putting walking paths through it, which are
9 going to be very fragmented, because you
10 have some people expressing they want to
11 maintain agricultural, and the person next
12 door may want to take the opportunity to
13 develop a haven for the land. We are going
14 to have a bunch of these paths that start
15 and stop and stop and start and those paths
16 will become long overgrown and
17 dysfunctional. Whose going to take care of
18 them? Whose going to maintain them 50 to
19 100 feet off Route 9 or Farm to Market
20 Road? Is it just going to become a dumping
21 ground and unsightly? There's a lot of
22 questions about whose going to maintain
23 this property that needs to be answered.

24 Cost: Based on taking 20 percent
1 green space, any landowner that has any
2 ambition to sell their property in the not
3 so distant future, and many of you said you
4 may not be, but you are just one
5 generation. You plan on passing that
6 property to your children who may not want

7 to live in Halfmoon, New York. They may
8 want to live in Los Angeles, California or
9 some other city and liquidate that property
10 for whatever financial gain they can gain
11 for it. Well you just devalued that land
12 by a minimum of 20 percent plus the impact
13 fee --

14 MS. PARKER: Fifteen seconds.

15 MR. BELMONTE: That is different in
16 Halfmoon than it is in other towns. Don't
17 look short term, look long term in making
18 these commitments. I think the plan the
19 way it is right now is asking for a great
20 deal of things in a very brief period of
21 time. I think it's too much, too fast.
22 (Applause.)

23 MS. PARKER: Time.

24 MR. DE CERCE: Another Board member of
1 another Committee member, Mr. Koebbeman, I
2 saw you waving your hand before.

3 MR. KOEBBEMAN: I actually wanted to
4 address that question that came up earlier
5 about getting all these improvements done
6 right away.

7 I don't believe that it is intended
8 to -- that all these improvements like the
9 traffic light at the intersection. This is
10 not all going to happen right now, but it's

11 all based on the way we see this projection
12 going, the projected growth.

13 For people who are concerned about the
14 rate of growth I think the big thing to
15 notice is that there's been -- really we
16 have given up on the idea of preserving the
17 rural or even semi-rural character of town.
18 This is going to be a suburb. It's going
19 to be suburban and I think it's close to
20 the sprawl that you mentioned,
21 Mr. Belmonte, I agree with you. Let's
22 think long term and many of these things
23 that are in here are for the developer
24 because it's going to improve property
1 value.

2 If that trail corridor can be
3 developed, that's a tremendous asset for
4 the developers and for the landowners, if
5 it can truly be done. It's not mandated
6 because it's pretty much going to be pretty
7 much left up to the Planning Board to
8 implement this through flexible
9 negotiations with the developers.

10 But we had, as everyone said, we had
11 many struggles on the committee trying to
12 get a balance. Personally I feel the
13 balance came down too much on the side of
14 development in many areas. But there were
15 proposals put forth that would have

16 preserved the semi-rural character. It
17 didn't happen. If people disagree with
18 that, now is the time to make comments
19 about it and in your written comments.

20 MR. DE CERCE: Bill, give your name
21 and address, please.

22 MR. KOEBBEMAN: Bill Koebbeman, 359
23 Farm to Market Road.

24 MR. PAPURA: Dave Papura, 121 Johnson
1 Road. 89

2 Chris, one of the concerns that I have
3 is school has not been mentioned here at
4 all. What are we doing to help our school
5 system, the Mechanicville School District,
6 in dealing with all this growth that
7 Mr. Belmonte just mentioned? Let's look
8 forward and preserve what we have now. Our
9 children may or may not want to live here,
10 but if they don't remember a decent
11 upbringing by not being packed in with
12 houses and packed in at school at the same
13 time, how are we dealing with that? That's
14 what I want to know. Nobody has mentioned
15 school, what's going to happen in that
16 respect.

17 MR. EINSTEIN: Right. School and many
18 other issues that haven't been mentioned
19 tonight. It's a problem of time,

20 unfortunately, but we do address schools in
21 the Generic Environmental Impact Study,
22 both Mechanicville School District and the
23 Shenendehowa.

24 I guess to get at your question in
1 terms of -- we have talked to them. We
2 know that there are some capacity issues.
3 But we also know that there are some plans
4 in place to take care of those problems. I
5 guess the best way, or the only way that we
6 can really look at the impacts are through
7 the fiscal impacts. The cost of sending
8 children to the school system versus the
9 revenues generated by the development that
10 occurs.

11 And fiscal analysis has indicated that
12 based on the current value of housing
13 that's occurring in Halfmoon, the impacts
14 are going to be beneficial to the school
15 system. So what that gets at is that there
16 should be some monies to deal with the
17 issues of providing sufficient space. And,
18 you know, these are projections, how it's
19 going to happen. We had to base this
20 analysis on the current value of housing,
21 which right now may be a little bit high.
22 I don't know. But that value is going to
23 go up, you know, as the years go on. And
24 right now the fiscal analysis indicate

1 that it's beneficial. That's the best I
2 can do.

3 MR. DE CERCE: The gentleman between
4 Mr. McBride and Mr. Chotkowski.

5 MR. CHOTKOWSKI: Rod Chotkowski, 42
6 Johnson Road.

7 Basically it seems like this whole
8 plan is set up basically for developer
9 mitigation fees to make it easier on
10 developers. What about -- there is a lot
11 of people in this area whose families have
12 grown up on farms. There is generations of
13 them. Why are they making it easier for
14 the developers? Why are they being
15 punished for all their lives, generations
16 on the farm? They want to pass acreage to
17 a child, their grandchild, why do they have
18 to pay \$2800 to make it easier on
19 developers? It seems they are the people
20 that have been around the town, lived their
21 life in the town, and they are basically
22 getting screwed because you are trying to
23 make it fair on everyone, but it's not fair
24 to people who have lived here for many
1 years. You are making it more fair for
2 developers coming in. There's got to be a
3 way to do it where there's still
4 multi-family housing paying the mitigation

5 fee, or if you want to subdivide more than
6 two lots a year or something, let the
7 mitigation go for something like that.
8 Instead of punishing someone who wants to
9 give their child an acre of land they have
10 to pay \$3000 and tax money, along with the
11 building permits and everything else.

12 And plus I also have a question the
13 only way these comments are going to be
14 acknowledged is if we send written
15 correspondence? Because everybody in the
16 room may want to keep that in my mind.

17 MR. BOLD: We will take under
18 consideration all of these comments and we
19 will develop a response to every comment.
20 Your verbal comment is just as valid as a
21 written comment.

22 MR. EINSTEIN: And it's being recorded
23 this evening verbatim, and we will have a
24 record of it. And we will go back to that
1 record as we look at -- in preparaton of
2 the final generic GEIS.

3 MR. DE CERCE: Your hand was up before
4 and then the lady behind you.

5 MS. FOLEY: Connie Foley, I live on
6 Ushers Road.

7 How many developers right now are
8 interested in the north part of the town,
9 have got something before the Town Board,

10 or Planning Board to develop this land?

11 MR. EINSTEIN: I don't have the answer
12 to that. Jim or Mike?

13 MS. FOLEY: Is it two or three
14 developers?

15 MR. EINSTEIN: I don't know.

16 MR. BOLD: Just a minute. Mike is
17 working on it here.

18 MR. BIANCHINO: I think it's six.

19 MS. FOLEY: Well six developers are
20 interested in this land. They are going to
21 pass on this \$2000-\$3000 to every person
22 buying a house? That's not fair to
23 somebody who wants to give their child a
24 lot.

1 MR. DE CERCE: Thank you.

2 MS. WYSOCKI: I looked through the
3 document and there's a lot in there.

4 MR. DE CERCE: Okay. I'm sorry, name
5 first.

6 MS. WYSOCKI: Rosemary Wysocki, Farm
7 to Market Road.

8 On page -- Roman numeral IV-V, it
9 talks about it being difficult to
10 (inaudible) for protection for the
11 environment, and I have some suggestions
12 for the Committee. I would like them to
13 strongly consider this. The thought that

14 DEC is a protection agency, that they are
15 going to enforce something is not really
16 true the way most of us in this room
17 probably think of it. I know that for a
18 fact because I have talked to the officials
19 themselves, three or four of them, that's
20 not the case. What they say is if your
21 town, your municipality wants a certain
22 type of protection, they set the standards,
23 then DEC will be there.

24 So that's what I would like to see in
1 the Generic Environmental Impact Study t
2 DEC will be asked to review proposals, to
3 check site plans, and make sure things like
4 storm water are adequately addressed.

5 Also soil, land, and water
6 conservation, that agency will help
7 developers look at things like buffers,
8 storm water control. They will even work
9 with municipalities. They will prescribe
10 what kind of grasses to plant, fish, what
11 kind of forest it takes. So our
12 environment will be protected so we will
13 have the minimum amount of disturbances to
14 the area. I would like that in there as
15 well.

16 Also regarding Conservation law #15
17 which protects agrarian rights. That means
18 that if a stream goes through your

19 property, you do have rights. People below
20 you, above you, developers they cannot
21 alter that. I think the town should be
22 behind the town's people who are negatively
23 effected. For those who are developing let
24 them know that they will be held
1 accountable to this lot.

2 MR. DE CERCE: Okay.

3 MS. WYSOCKI: Do I have more time?

4 MR. DE CERCE: Okay, yes.

5 MS. WYSOCKI: One hundred foot buffers
6 for (inaudible) and any wetland mitigation
7 fees, if you can keep them in the town,
8 that would be great. Rather than money
9 going outside of our town.

10 MR. DE CERCE: Ma'am.

11 MS. TIER: Susan Tier, Tabor Road.

12 I was hoping when this Committee and
13 the study was being proposed that one of
14 the goals would have been, speaking in
15 terms of for an ideal growth community,
16 would be larger building lots. A half acre
17 really kind of startles me as starting out
18 with the (inaudible) indicated that because
19 people moved here because of the rural look
20 and surrounding spaces. And I don't know
21 who is calling the shots. It doesn't seem
22 like the builders should be the ones doing

23 that, or that giving up 20 percent of an
24 area of green space in return for half acre
1 lots, I don't know if you have to beg the
2 builders to build here. I respect what
3 they are doing. I think they have built
4 some lovely homes, and are creating a nice
5 mixed community which we all appreciate.
6 But they are also business men, and I think
7 that the community should be a little more
8 in charge of this.

9 Also, I wonder if, you know, you are
10 having fewer houses, you know. I was
11 hoping, though, they would consider one to
12 three acre lots, minimally. The houses
13 going up are beautiful. They are larger,
14 and larger. I think they are looking
15 pretty strange on one half acre lots, like
16 a monopoly game. I wonder if you have
17 fewer houses per area, if it would cut back
18 on the cost of improvements you feel you
19 need because you will have fewer people
20 here.

21 I have one last comment to make. I am
22 personally not happy about the cost being
23 the same for multi-family dwellings as a
24 single family dwelling. I would be
1 concerned that builders would make that
2 more of a choice to save money, and, you
3 know, I think individual family homes

4 create a climate that we are all looking
5 for a majority of the time.

6 MR. DE CERCE: Thank you. One here.

7 MR. ABELE: Chris Abele, Lower New
8 Town Road.

9 I'm a developer like Pete Belmonte,
10 although I'm small potatoes compared to
11 Pete. But, you know, I'm proud of what I
12 do. I'm kind of sick of being, as a
13 developer, being looked down upon. I think
14 we contribute a lot to the town. We
15 satisfy a market demand, and, you know, we
16 provide housing for people. And most of
17 the developers in this room are local
18 people, and they want to be proud of what
19 they do.

20 In addition to that, I would like to
21 say that I think the study is a good step
22 on the part of the town. I think it shows
23 creative leadership. I think it shows
24 foresight. I think it's a proactive
1 approach, and there is a lot of real good
2 things in there. And I commend the town
3 for looking forward.

4 Along with what Pete Belmonte said, in
5 other parts of the country they have a
6 different view of things. They have a
7 master plan, community approach to things

8 and whether we want to believe it or not
9 looking ahead is going to preserve the real
10 value of this town. What you are going to
11 do is you are going to create good
12 communities and they are going to be well
13 thought out. And look it, Halfmoon has a
14 lot of good things going for it. It has a
15 great location, a good tax base, and a good
16 quality of life. It's not a question of
17 when -- it's not a question of if, it's of
18 how and when.

19 And this study, I would say this too,
20 there's a lot of people in this town who
21 have different opinions, and I don't think
22 any one side is going to be totally happy.
23 And when you have that you are probably
24 pretty close to the truth and pretty clos
1 to serving the needs of the people.

2 And I would say to the people who are
3 farmers and lived here their whole life,
4 God bless them, and they should be
5 respected. But along, again, with what
6 Pete says, don't preclude the possibility
7 that in the future -- the future generation
8 of your family might want to go a different
9 route.

10 And I do think that there's a lot of
11 specific proposals in the GEIS that would
12 allow you to still maintain your way of

13 life without foregoing that future
14 possibility. Life is all about options,
15 and, you know, you might think one way
16 today, but you don't know what's coming
17 down the pike.

18 I thank everybody for letting me
19 speak.

20 One last thing I do know that other
21 towns in the area are looking into putting
22 a vote to the people to possibly bond, you
23 know, purchases of open space. And, you
24 know, I would be in favor of that. That
1 you.

2 MR. DE CERCE: Thank you. Lady in the
3 back Mrs. Chotkowski.

4 MRS. CHOTKOWSKI: Bernadette
5 Chotkowski, Vly Road.

6 Speaking now about the home builders
7 mitigation fee, is that going to do away
8 with White(sic) usage fee that we are now
9 paying for the use of the sewer and water
10 lines that are coming in? Is that going to
11 do away with the fee I'm paying now?

12 MR. EINSTEIN: No.

13 MRS. CHOTKOWSKI: No? Then --

14 MR. DE CERCE: Are you referring to
15 the ad valorem fee we once all paid on the
16 sewer? We are not paying it today.

17 MRS. CHOTKOWSKI: I'm saying the usage
18 tax. When it runs by my land, I'm not
19 going to get the use of it, but I'm still
20 going to have to pay taxes on it.

21 MR. BOLD: What road do you live on,
22 ma'am?

23 MRS. CHOTKOWSKI: McBride -- well
24 Johnson-McBride.

1 MR. CHAUVIN: You will be assessed --
2 you will be assessed for one unit, and you
3 will be entitled, when the line goes by --

4 MRS. CHOTKOWSKI: But my house isn't
5 there, but I'm going to have to pay for it
6 going by my house, but I'm not going to get
7 the use of it. Will this fee that -- you
8 are not planning to do away with that fee?

9 MR. EINSTEIN: No.

10 MRS. CHOTKOWSKI: Why not?

11 MR. CHAUVIN: No, they are entirely
12 separate. One is a mitigation fee, the
13 other is not a mitigation. It's for the
14 future improvement.

15 Ed, could you address the issue of
16 vacant land and the water?

17 MRS. CHOTKOWSKI: Isn't one of the --
18 isn't that inclusive of the water and
19 sewer -- isn't that money going to pay for
20 that along with the road and lights and all
21 that other stuff?

22 MR. BOLD: The only thing going by
23 your property on Johnson Road is the water
24 line. Everybody in the water district has
1 to pay the debt retirement, or a portion of
2 it whether it's vacant land or you have --
3 it has a house.

4 MRS. CHOTKOWSKI: That's what I'm
5 saying. I'm going to be paying on it now,
6 this additional fee that you are now
7 proposing. If I sell an acre of land, the
8 person is going to have to pay \$3000 to be
9 punished to pay for roads and highways and
10 other things. Why should I have to pay
11 again?

12 MR. BOLD: Maybe Chris could tell you
13 what that mitigation fee is for.

14 MR. EINSTEIN: The mitigation fee is
15 for the future development that occurs.

16 MRS. CHOTKOWSKI: Right.

17 MR. EINSTEIN: Okay. It's for the
18 impacts that will occur as a result of what
19 we project for development, okay? That's
20 what they are for, and that's what
21 mitigation fees are for. And if you build
22 a house on -- if you subdivide a piece of
23 property, or build a house on your land, as
24 it stands right now, you will have to pay a
1 mitigation fee.

2 MRS. CHOTKOWSKI: Okay. Is that going

3 to start as soon as the plan is developed?
4 As soon as I sell a piece of land, somebody
5 is going to have to pay that fee, and
6 I'm -- someone is still going to have to
7 pay the other fee when they are paying for
8 the same thing? I'm going to charge
9 somebody \$3000?

10 MR. EINSTEIN: It's not the same
11 thing. They are two separate things. One
12 is a mitigation fee for the projected
13 development.

14 MRS. CHOTKOWSKI: The fee you are
15 talking about is for the same thing I'm
16 talking about.

17 MR. DE CERCE: Counsel, can you help
18 us answer that better?

19 MR. CHAUVIN: The only way I can help
20 the answer better is the current fee you
21 are paying on a percentage basis is for the
22 water district, Water District 15, and
23 everyone in the district has to pay for
24 that.

1 What you are talking about is a small
2 percentage of the mitigation fee going for
3 future water lines in the north section of
4 the town, and all the other mitigation
5 issues that they have raised that raise it
6 up to \$3000. They are totally different
7 fees. Fees for the GEIS are for future

8 development in that area, and as Chris
9 explained, that's so everyone who goes to
10 the area pays the fair share, rather than
11 the last one in having to pay for it.

12 Just to make it clear to everyone
13 here, the Board did not want to impose the
14 fee on one to four residents. The law is
15 such that at this point in time, if we
16 don't impose it on everybody, the courts
17 have thrown it out completely and that then
18 would throw out the entire complete
19 project. We would try to mitigate that,
20 but right now based on what the Board wants
21 (inaudible) based upon one to four
22 buildings in fact in other jurisdictions
23 where they tried that, the high court the
24 entire project has been thrown out.

1 MR. DE CERCE: Thank you. Yes.

2 MR. TANSKI: Bruce Tanski, 11
3 Pruynhill Road.

4 First I would like to commend the
5 board on the job they have done, but I have
6 some definite issues. I think that the
7 public isn't being told the whole truth
8 here, not that anybody is trying to do
9 anything that's not right, but it's my
10 understanding that a water line going
11 through a piece of property, if the water

12 district is only a hundred feet from that
13 line if somebody comes in to build, they
14 have to pay an additional \$1500 on top of
15 the \$2800. Plus it's also my understanding
16 that there's a \$500 park and recreational
17 fee. That brings the total to almost
18 \$5000.

19 The second thing is I did a little bit
20 of research on some of the local towns and
21 you have got a rental unit -- there is
22 nothing in here for town houses, apartments
23 or condominiums. Most of the towns around
24 use half an EDU, but the Town of Halfmoon
1 has opted to use one EDU per residence
2 which tells me that this town doesn't want
3 anymore apartments, anymore town houses, or
4 anymore condominiums. There is a lot of
5 property along 146 or places like that
6 where this could go.

7 I think the town should look at what
8 Mr. Chauvin said. I think if Dan McCarthy
9 wants to sell his grandson a piece of
10 property, there should be some way of him
11 not having to pay that fee. As far as
12 people not being able to build along the
13 road, if you have got a farm like Roman
14 Johnson who has 2000 feet of frontage or
15 like Dan's farm, they should be able to
16 sell lots along that road. I'm not saying

17 that every lot should be sold, but these
18 people have been paying taxes on this land
19 for years, and years, and years, and this
20 is an opportunity to get some money back in
21 a reasonable amount of time without having
22 to go through a lot of studies and
23 everything else. I think that's something
24 that the town should look at

1 As far as the buffer zones go, I have
2 a problem with the 100-foot buffer at the
3 top of the ditch because some of these
4 streams are wide open. It would limit a
5 lot of area that things could be done on.

6 As far as the other things, I think we
7 have to look to the future, and I don't
8 think we can hurt the people in this room.
9 We can't hurt the people, and we can't hurt
10 the developers. When I first agreed to
11 this, I was one of the ones against it.
12 I'm willing to go along with it if it's
13 fair to everybody. I don't think it's fair
14 to the developers, certain aspects of it,
15 and it's certainly not fair for the people
16 who have owned land for generations.

17 I think people have to be able to read
18 this book. I think we need another
19 meeting, and I know the board probably
20 doesn't want to.

21 MS. PARKER: Fifteen more seconds.

22 MR. TANSKI: This is my living,
23 Chris's and Peter's, and this is the people
24 that own all this land. I think we need
1 more time. (Applause)

2 MR. DE CERCE: Chris, I didn't
3 recognize you. One more.

4 MR. ABELE: Chris Abele. A couple of
5 quick comments. Positive things on the
6 report. I think the fact that the costs
7 are equitable, and that the last man in
8 doesn't pay everything is very fair.

9 I agree with encouraging clustering
10 because clustering is really the antithesis
11 of sprawl. So the more flexibility you
12 have and the more involvement with the
13 Planning Board early on creates better
14 development. It's the master plan versus
15 the piece meal approach. It's just a great
16 idea and takes all the utility concerns in
17 up front. I applaud that.

18 On the negative side, you know, and
19 this is along with what Bruce said, people
20 pay taxes and they have rights of
21 ownership. To what extent is this
22 diminishing their rights of ownership?

23 Another key point, and I think Bruce
24 alluded to it was there's a lot of people
1 in Halfmoon who might choose to upgrade

2 their housing situation and a \$5000 bill on
3 top of a lot, it might preclude them from
4 doing that. So we have to take care of the
5 people in the Town of Halfmoon and beyond
6 for housing.

7 The wetlands thing, I think that was
8 addressed by Dean. You know that's fully
9 regulated by the DEC, and by the Army
10 Federal Corp.

11 In the report, which I did try to read
12 a little bit of it, it talked about the
13 visual impact. I mean, you know, visual
14 impact, if he owns a piece of property and
15 I'm viewing off of it, but I'm not paying
16 any taxes, where is the justification?
17 There is a lot of good issues you know and
18 it's a very controversial subject, and, you
19 know, they are very complicated, and they
20 are hard for a lot of people to understand,
21 but I know we are on the right path.

22 And I think that's all I got other
23 than to say I really applaud the leadership
24 of the town for taking the initiative

1 One last thing is Halfmoon has a lot
2 of land to develop unlike neighboring towns
3 where it's not done, but the print is
4 there. Halfmoon has the ability to really
5 do some creative planning and development

6 to make it a great place to live.

7 MR. DE CERCE: Yes, right here.

8 MR. SAMPSON: Mike Sampson,
9 Christopher Way.

10 There's been two mentions of wetland,
11 and I would like to caution the Board and
12 the Committee to make sure you stay
13 involved with wetland issues. It was
14 suggested that we could depend on the Army
15 Corp of Engineers and the state to regulate
16 development in those areas.

17 I live in the development of Halfmain
18 Manor North, and we are living proof of a
19 wetland issue that went wrong. Our
20 development was fine. For violations I
21 invite anyone of you on any given day to
22 come to our neighborhood. There is a
23 stream that runs through our sewer which I
24 think is a disgrace. I have neighbors that
1 have gone through multiple sump pumps
2 because there is 24 hour a day water that
3 has to be pumped away from their
4 foundations. One of my neighbors had a
5 basement flood because the sump pump burnt
6 out when he wasn't aware of the fact.

7 So please keep your finger on the
8 pulse of the wetlands because we can't
9 depend on these other agencies and there
10 have been violations.

11 MR. DE CERCE: Thank you. Dean?

12 MR. CAMPBELL: I would just like to
13 make a comment. I haven't understood from
14 day one what is the time pressure, and now
15 I feel like we are doing the same thing.
16 Here we are rushing this process with one
17 public hearing and written comments two
18 weeks from now. This document was
19 generated under incredible time constraints
20 and lack of review time, and I never got
21 it. And I'm sure the board has it's
22 motivation for that, but as a Committee
23 member, relax. It's a huge document, a lot
24 to digest, a lot of questions here tonight
1 To read the document, it's something the
2 town can be really proud of, but I have
3 never understood the rush.

4 MR. DE CERCE: Thank you.

5 Mrs. Solowski?

6 MS. SOLOWSKI: May I assume the Board
7 will do the same kind of study and update
8 the master plan for the other areas of town
9 other than the north end, or are we the
10 only part of town that's going to have it
11 done?

12 MR. DE CERCE: Probably the concept of
13 doing a GEIS ought to go on throughout the
14 whole town. However, it was a cost factor,

15 and it was an idea and a concept to take
16 one segment. If we are successful here,
17 and it works, we will probably consider
18 another section as well. We can't do it
19 all at the same time.

20 MS. SOLOWSKI: The only thing I'm
21 saying if anyone wants to develop an acre
22 of land in the north end of town and has to
23 pay \$5000 to do it, why shouldn't someone
24 down on Crescent Road or down in Crescent
1 or Waterford Park also have to pay \$5000 to
2 upgrade their roads, their culvert, their
3 water supplies because with the building,
4 it's all the same.

5 The other thing I want to say is what
6 happens if I develop, say, I build another
7 house on my property, and I pay \$5000, and
8 10 years down the road from now I don't get
9 any of these improvements you are talking
10 about? What happens? I paid my \$5000 to
11 help everyone else, or am I going to get a
12 rebate? That's the problem. Because I
13 know there are sections of the northern end
14 of the town that are not going to see some
15 of these improvements. They may not need
16 them.

17 And the other thing I would like to
18 say to you is perhaps you should check the
19 maps and see that the property from Ushers

20 Road to Route 9 in the Town of Clifton
21 Park -- Tabor Road -- Ushers Road
22 intersects Tabor Road and then Ushers Road
23 goes to Route 9, that's the Town of Clifton
24 Park.

1 MR. EINSTEIN: You are alluding to the
2 fact that that had to be upgraded. That's
3 the Town of Clifton Park, but you knew
4 that.

5 MR. DE CERCE: Thank you. Yes.

6 MR. DE VOE: Larry Devoe, Two Point
7 Road.

8 I have got a few questions. Is there
9 any consideration for these people in that
10 end of town for reduction in their
11 assessment on this land because it's going
12 to the developer? The developer is not --
13 or the buyer is not going to pay this \$3000
14 fee. It's going to come back to the land
15 owner because down are going to go the
16 values. The things I have seen here and I
17 don't know, I don't recall, you indicating
18 what the minimum square footage per lot
19 might be. But it seems to me the amount of
20 wetlands there are in these areas and I'm
21 totally against cluster development,
22 actually pushing cluster development. That
23 is your future slums 25 years down the road

24 for this town. And all you have got to do,
1 if you don't believe me, is go around and
2 circle the local area and see some of
3 these areas that are in that 25 and 30
4 year -- that were not really clustered, but
5 they are on these little small postage
6 stamp lots, and they are in trouble. I
7 think the mitigation fee is too high simply
8 because it's going to force them into that
9 type of development along with the
10 wetlands.

11 One other thing when you get into
12 purchasing some of these green ways, the
13 town takes the responsibility of policing
14 those. And that can be a real problem if
15 you don't have the access to them. That I
16 think can be a real problem down the road.
17 Not only for the residents but the expense
18 of the town.

19 I'm sure that if you want to spend
20 three hours I can go on further. They have
21 done a great job. Jim, you have gone a
22 good job, your normal, absolute deal, and
23 there's been a lot of great questions here
24 tonight, and a lot of good comments. But
1 there is some things here that really
2 bother me, and I have to look at it a
3 little closer. I will have a few more
4 comments later on.

5 MR. DE CERCE: Thank you.

6 MR. MURRAY: Am I to understand that
7 this is going to circumvent the new master
8 plan?

9 MR. DE CERCE: No, this is going to be
10 part of -- the master plan is going to use
11 this document.

12 MR. MURRAY: Only as a guide.

13 MR. BOLD: Let me clarify that a
14 little bit. Chris has put together a
15 series of recommendations that have come
16 out of this study that will be given to the
17 Master Plan Committee which, of course, you
18 and others are going to be part of. The
19 Master Plan Committee may or may not use
20 some or all of those recommendations. They
21 are just that. They are recommendations.
22 We do not direct the Master Plan Committee.
23 That's a totally separate group. That's
24 all they are is recommendations.

1 MR. MURRAY: Well I think that a lot
2 of the people in this room feel that this
3 is going to be etched in stone. You are
4 only using it as guideline. I mean I hear
5 all the comments. People think you are
6 going to close this up in April, and, okay,
7 this is going to be grandfathered in.

8 MR. EINSTEIN: There's two levels of

9 implementation. The first level is this
10 process, whatever we end up with in terms
11 of findings, we are going to prepare a
12 final Generic Environmental Impact
13 Statement and we are going to have a set of
14 findings. And those findings are going to
15 guide what will be required of the projects
16 that come in, development projects that
17 come into the town.

18 And if those projects, if those
19 developers decide that they want to be part
20 of the Generic Environmental Impact
21 Statement as opposed to doing their own
22 environmental impact statement, then they
23 are going to have to meet what the findings
24 are, what's in this document, however it
1 eventually comes out.

2 MR. MURRAY: That document can be
3 altered when the master plan is made.

4 MR. EINSTEIN: That's a possibility,
5 yes. Land use particularly might change
6 because we couldn't -- we didn't feel
7 comfortable getting into that arena without
8 having community involvement that's going
9 to occur as far as part of the master plan
10 process.

11 MR. POLAK: Hey, Tom, in my spare time
12 I did go through this document. I probably
13 have got, like, 25 hours. I think it was

14 nice of Jim and Chris to relay a lot of
15 things to the Master Plan Committee. These
16 are things I have questions on, this
17 document that relates somewhat where the
18 suggestions of the Master Plan Committee,
19 certainly we are going to evaluate them.
20 Are we going to adopt all of these things?
21 Certainly not. But we are going to look at
22 them because it's an overall part of the
23 scope of the process.

24 MR. MURRAY: Well don't you think
1 maybe you should move it up to the 1st of
2 May or something? You are going to have an
3 organizational meeting of the Master Plan
4 Committee and all that, you know.

5 MR. CHAUVIN: We would have to change
6 the SEQRA timing schedule because there are
7 SEQRA dates set in the state environmental
8 equality action. That's something we have
9 to address in terms of -- that was --

10 MR. MURRAY: But some of the projects
11 before the Planning Board are contrary to
12 the plans now. If you accept them, will
13 all these planned developments go into
14 effect?

15 MR. DE CERCE: It's not those kinds of
16 things that are already before the Planning
17 Board. If they are implementing those

18 items before the Planning Board, they will
19 continue to implement them as they had
20 started.

21 MR. MURRAY: Well, I mean, I was at a
22 Town Board meeting there and they
23 implemented a kind of cluster housing and I
24 didn't know that was -

1 MR. DE CERCE: It was most likely the
2 selection of individuals who proposed it.

3 MR. MURRAY: Okay.

4 MR. DE CERCE: Tom and then
5 Mr. Summers and then Mr. McBride.

6 MR. RUCHLICKI: This is real simple.
7 When are we going to have the next public
8 meeting? Set us the date tonight, Ken.

9 MR. DE CERCE: We don't have a date
10 yet. The Board will decide whether or not
11 we are going to have one.

12 Jim, can you help me answer that?

13 MR. BOLD: We do not currently have
14 another meeting scheduled.

15 MR. RUCHLICKI: I'm asking for one.

16 MR. BOLD: I can't do that tonight.
17 What we have to do is take all these
18 comments, digest them, and react to them.
19 That is a very important step for us to
20 take. That's our next order of business.

21 MR. DE CERCE: Mr. Summers.

22 MR. SUMMERS: My name is Charles

23 Summers. I have property on (inaudible)
24 Road.

1 I was just wondering if this thing
2 could be prolonged a little longer? That
3 was my question. It seems to me the board
4 could go along with that. There is a lot
5 of people who have questions. Maybe you
6 would be kind enough to give us some more
7 time on it, and we can come over and hash
8 it over a lot more. There's a lot more
9 that could be brought out. A lot of it we
10 didn't know about yet. So my opinion is I
11 think we should extend it and notify the
12 people at least one more time.

13 Thank you very much.

14 MR. DE CERCE: Thank you.

15 Mr. McBride.

16 MR. MC BRIDE: Thomas McBride, McBride
17 Road. I know everything has got to have a
18 boundary. Is the road the boundary, Farm
19 to Market, or the property of the people on
20 Farm to Market?

21 MR. EINSTEIN: It's -- you are talking
22 about the land south of Farm to Market
23 Road, south of Anthony Kill and Vosburgh
24 and 146? Yes, it's those properties that
1 are adjacent to the roads.

2 MR. MC BRIDE: So property on the

3 other side of the Farm to Market is in --
4 in this. The road is not the boundary?

5 MR. EINSTEIN: The road is not the
6 boundary, that's correct.

7 MS. O'GRADY: Henrietta O'Grady, 444
8 Churchhill Road.

9 I just wanted to be sure there were
10 remarks made, public remarks made. When
11 the GEIS was first introduced to the public
12 at the Town Board meeting there were some
13 public remarks made at that time about
14 certain areas to be included in the GEIS,
15 and there were certain recommendations I
16 just would like to be sure that the Town
17 Board takes those remarks into
18 consideration. In addition to the public
19 hearing that's been held here tonight.

20 MR. DE CERCE: You are talking about
21 the scoping process?

22 MS. O'GRADY: Yes.

23 MR. DE CERCE: I think we took those
24 remarks, did we, at the time?

1 MR. EINSTEIN: Yes, if you are
2 speaking of the scoping, essentially those
3 remarks were taken into consideration.

4 MS. O'GRADY: Thank you. I just want
5 to be sure.

6 MR. DE CERCE: Yes. Bruce Tanski.

7 MR. TANSKI: I would just like to say

8 I don't think there is anybody in this room
9 that's not proud to live in this town, and
10 I think we have to realize that we are
11 along the Northway corridor and we are
12 going to get an influx of people, and we
13 are not going to change that.

14 And I think the Town Planning Board
15 has done a remarkable job following the
16 Master Plan. I know personally if I drive
17 through Dean's development I am in awe of
18 what I see there. When I drive through the
19 plaza across from Burger King, I'm in awe
20 of some of these buildings. I think the
21 town has done a remarkable job following
22 the Master Plan. I think the town should
23 look a little more at following the Master
24 Plan and not use as much information that'
1 in this book.

2 There. Is a place in the north end of
3 town that's never going to see sewers,
4 never going to see water. If some of these
5 people like Nick or Dan, if they are not
6 going to see the sewer or the water, they
7 should have the right to some kind of a
8 mechanism where they can sell us the
9 frontage lot.

10 I think the Master Plan has been a
11 great tool in this town, and I think every

12 where that we have developed, I don't think
13 there is anywhere that the town is unhappy
14 with what they have done, from what I can
15 see.

16 MR. DE CERCE: Thank you. Yes.

17 MR. D'ALLESSANDRO: I guess I'm a
18 little confused. Why was the choice made,
19 in some respects it seems like the tail is
20 wagging the dog. Since the recommendations
21 we made in the master plan process could
22 potentially bring something to the fee. So
23 why was the order -- what was the reason
24 for the timing?

1 MR. EINSTEIN: Do you want me to take
2 that, Jim?

3 MR. BOLD: Okay.

4 MR. EINSTEIN: The problem with
5 waiting until the master plan process is
6 completed is the length of time, and the
7 amount of development that we know is
8 coming in to the study area. I think that
9 was the primary concern because we want to
10 get ahead of some of this development that
11 is slated to come in, and provide
12 recommendations and the means of growth
13 management tools to deal with this.

14 The recommendations that are made in
15 here, as I said before, are not really land
16 use recommendations other than the ideas of

17 providing some growth management tools,
18 which I suspect that the Committee will
19 embrace at least to some degree because I
20 think it is a concern in the town. So that
21 was the primary reason, the urgency with
22 respect to development that's coming in.

23 MR. D'ALLESSANDRO: Well on that
24 point, being a member of the Plannig
1 Board, I guess I apologize for being so
2 ignorant. What is this massive development
3 that is supposedly before us? I understand
4 there are three, four projects. So what's
5 beyond that? What could have been coming
6 in, racing in, before this?

7 MR. EINSTEIN: Well it's a domino
8 effect. If you get these developments
9 which there is a number of them, they are
10 shown on the map in the back if you care to
11 see them on the way out. These
12 developments will probably have water and
13 sewer, and some, they are probably going to
14 get, in some cases, they are going to have
15 force mains in terms of sewer, but they are
16 going to have water and sewer. If that
17 happens, what happens to the next parcel
18 adjacent to it? It's pretty close by and
19 then it's, maybe, well maybe I can develop
20 this parcel, and so on, and so on, and so
21 on. I think that was the concern, really,

22 the domino effect.

23 The fact that you have water contracts
24 are in place. That's going to extend water
1 to approximately a third of the study area.
2 And then again the fact that you have the
3 major trunk line up there that at least one
4 project or potential project is probably
5 going to tie into and again there's a
6 domino effect there.

7 So that basically is the gist of it.
8 And I don't think that in terms of the
9 recommendations, the ultimate
10 recommendations of the Master Plan, I
11 suspect what will happen, if anything, is
12 that they will result maybe even in less
13 density in this area than what we are
14 suggesting. And if that's the case, as I
15 said before, the document is still valid.
16 Although we probably will need to go back
17 and reevaluate the mitigation fees which
18 Bob has already talked about, the fact that
19 that's going to have to be evaluated on a
20 periodic basis. Thank you.

21 MR. BIANCHINO: If I could just say
22 one thing, if I may. I'm Mike Bianchino
23 from Clough Harbour. In case anybody
24 didn't know me, I'm the guy who operated
1 the lights. Just so -- that's not the only

2 reason I was here.

3 One other point I want to make about
4 that issue that Mr. D'Allesandro brought up
5 is as the Planning Board was reviewing
6 projects one at a time in this corridor,
7 it's very difficult or impossible for the
8 board to look at the cumulative impacts of
9 those projects.

10 As Chris had said earlier, we look at
11 one project, we look at the impacts of what
12 that project are on the environment, on the
13 traffic, on the local residents. And we
14 don't necessarily combine that impact with
15 the next project, with the next project,
16 because SEQRA restricts the way we can do
17 that.

18 The other reason for a GEIS is to
19 allow the Planning Board or the Town Board
20 in this case to look at the cumulative
21 impacts by looking at the land that's
22 available, looking at a possible
23 development scenario and analyze the impact
24 of that development through that corridor.
1 And in that way we can establish mitigation
2 measures. So that as projects come in
3 there will be a basis for how development
4 can be handled -- handle is not the right
5 word. How as development comes in, we can
6 identify what potential concerns will be

7 throughout the corridor, and how each
8 project, in it's own way, can mitigate
9 those concerns. So it allows more of an
10 overall view than more of a site-by-site
11 view of the development.

12 MR. DE CERCE: The other part and just
13 to further explain that, I think it was one
14 of the things we talked about originally
15 when we decided to do this.

16 If you just take about 12 of these
17 blocks and imagine them as your parcels,
18 and the first one comes in and decides
19 there's going to be some development there.
20 Immediately there are some steps that our
21 engineers and our Planning Board insist
22 that we do, and they are appropriate steps.
23 One of them is, and I will just talk about
24 traffic, and it's about \$10,000, I
1 understand, to do a traffic study. And we
2 say, do a traffic study. And when we
3 complete that traffic study, there really
4 isn't a significant impact to change the
5 road. Okay. Well, I'm not sure that
6 that's totally accurate in my way of
7 thinking, but with the standard that we
8 have, it's accurate. So then somebody
9 comes in, the same person or another
10 person, and buys the next parcel, which

11 might be yours, and you might decide to
12 sell that. And they do the same thing, and
13 immediately we go back and say you need to
14 do a traffic study and \$10,000 comes out
15 and goes into a traffic study with similar
16 results. And then your son or daughter
17 comes along because he or she is coming of
18 age and wants to do the next one or one
19 near it and it might be smaller than either
20 of those two. All at once \$10,000 comes
21 out of the pocket and now we need a traffic
22 signal on one of these road intersections,
23 and we need a wider road, or we need
24 something different because that effects
1 the traffic. It's not fair. It's not fair
2 to you who are using the road and it's not
3 fair to the individual who came in last.
4 So that's another reason that we are
5 looking at this pretty strongly.

6 I don't see any hands that are looking
7 to address Mr. Einstein any further and I
8 therefore close the public hearing at 9 --
9 I'm sorry.

10 MR. HIGGINS: John Higgins, Cary Road.

11 I'm a member of the Planning Board and
12 also I was a member of the GEIS Committee.
13 And as Dean said, I'm very proud of what we
14 did. I think we worked very hard, and I
15 think a lot of it is in the document and a

16 lot of it should be taken into
17 consideration.

18 A couple of things, I was here when
19 the Town Board originally set the date for
20 the adoption of this. I understood at the
21 time that there was some urgency. I agree
22 with Dean. I think if you look at the
23 people that addressed it tonight, a lot of
24 that urgency seems to have relaxed. There

are some projects before the Planning Board

2 that are exempt from this, but we should
3 also look at some of the recommendations of
4 the study. But I really feel that the Town
5 Board needs to readdress the dates and give
6 the people some time to look at this and
7 allow for a little bit more discussion.

8 Number two, I seem to be the member of
9 the Planning Board that is the most
10 concerned about runoff. I know most of the
11 people in this room that have property have
12 all experienced the same thing I have where
13 we are getting increased runoff from
14 developments, and nobody seems to be
15 concerned about it. I definitely think
16 that this study did address it. It does
17 talk about it, but we need to talk about it
18 even a little bit more.

19 And the last thing, I just also want

20 to mention that I agree or I understand the
21 legal aspects of it, but it just seems to
22 make me feel wrong or bad. If I want to
23 give a piece of property to my son to build
24 a house and I have to spend \$3000 for
1 and sewer that I will probably never see in
2 my area or at least not for a few years.

3 Thank you.

4 MR. DE CERCE: Thank you. Dan.

5 MR. MC CARTHY: Well I have the same
6 thing with this mitigation. It's closer to
7 \$5000 by the time you add all this stuff
8 up. I want to build a house in the middle
9 of this summer over on a pice of my
10 property and I'm going to have to pay
11 \$5000. I'm still going to have to drill a
12 well, still going to have to put a septic
13 system in, and you take my \$5000 and I'm
14 never going to see that water come up my
15 road unless Peter's Dad wants to do
16 something with the property down below me,
17 and that's the only way I'm going to see
18 it. And I don't think it's fair, and you
19 people can't do nothing about this because
20 if you let me go, then he is going to say
21 you are treating him unfairly. And so then
22 he takes it to court and he beats me. So
23 what you are saying to me is you are going
24 to have to pay that \$5000. That's what it

1 is, roughly. And I got four kids that want
2 lots, so there is \$20,000 that I'm going to
3 have to pay after I have been paying taxes
4 for over 30 years. And I'm already -- I'm
5 going to have to sell it in order to retire
6 because it's already more than my Social
7 Security will be when I go to retire. The
8 taxes on it will be more than my
9 retirement, and I will have to sell it.
10 Personally -- and really to be personally
11 honest, you are putting us, against the
12 whole rest of the town, you are putting me
13 at a \$5000 disadvantage. He can come down
14 here on this end of the town and he can
15 build down here and it doesn't cost him
16 that \$5000. It may cost him \$3000 for the
17 fees that are down here, but you are
18 putting the north and south end of town at
19 a disadvantage.

20 And the other thing, as long as I'm on
21 a roll here, when you first started this
22 you said everything above 146, the
23 boundaries you defined, you said everyone
24 was going to have to pay that, but not
1 everybody is going to have to pay that
2 because you have a lot of stuff that's
3 going to be grandfathered in there that's
4 not even in the ground yet. There's no
5 permits left pulled, there's no -- there's

6 nothing there, there's no infrastructure
7 there's no piping in there, none of this.
8 And those people are going to cause just as
9 much traffic problem as I'm going to cause
10 up on my end.

11 Okay. I'm done.

12 MR. DE CERCE: Mrs. Pino.

13 MS. PINO: I have another question.

14 MR. DE CERCE: I'm sorry. Hold it a
15 second. Dan, we need your name and
16 address.

17 MR. MC CARTHY: Dan McCarthy, 116 Cary
18 Road.

19 MR. DE CERCE: All right. Thank you.
20 Mrs. Pino.

21 MS. PINO: If we go before the Town
22 Board now to get that zoned commercial,
23 that entire parcel, is that "development"
24 and does that subject us to the mitigation
1 fees

2 MR. DE CERCE: You are talking about
3 the parcel that's on top of the hill out of
4 Mechanicville on Route 146? It's on the
5 west side?

6 MS. PINO: Yes, and it's currently not
7 zoned entirely commercial. We would like
8 to at some point, whenever it's possible,
9 to get it zoned commercial. When we do

10 that, is taking that step considered
11 development for the purposes of triggering
12 the mitigation fee? In other words if we
13 do get that all zoned commercial, do we
14 have to pay a mitigation fee based on what
15 the commercial --

16 MR. EINSTEIN: The mitigation fee is
17 based on the number of units that you
18 develop, not on it's zoning change.

19 MS. PINO: So the zoning change
20 doesn't trigger the mitigation fee?

21 MR. EINSTEIN: No, it doesn't. Not
22 unless it contains a proposal, and you are
23 going to move right on into site review.

24 MR. DE CERCE: Any other?

1 MR. DE VOE: I would assume -- didn't
2 I understand that the fees were connected
3 directly to the building permit? Is it a
4 building permit or is it lots? If you
5 subdivide a lot do you have to pay the
6 (inaudible) or the mitigation fee when you
7 (inaudible)?

8 MR. EINSTEIN: We haven't established
9 that, how that would be done. That hasn't
10 been established yet.

11 MR. TANSKI: I thought in the report
12 it said Certificate of Occupancy. I
13 think -- I'm pretty sure it's in the
14 report.

15 MR. EINSTEIN: Yeah, I think it's in
16 the report. You may be right. It's a big
17 report. I hope it is.

18 MR. BOLD: I think it's currently in
19 the report as being on the CO, not on the
20 subdivision.

21 MR. DE CERCE: Gentleman in the back.

22 MR. CAPUANO: Joseph Capuano, Warner
23 Road. I had a question about the 20
24 percent of the land, is that within the

study area or is that a parcel of land

2 subject to this study?

3 MR. EINSTEIN: Are you speaking of the
4 20 percent quality open space?

5 MR. CAPUANO: Is that for growth and
6 utility?

7 MR. EINSTEIN: Oh, the 20 percent
8 reserved for growth and utilities. That
9 was a process of developing the
10 projections.

11 What we did was we took a raw parcel
12 of land and we did our best to extract the
13 developing constraints, the mappable
14 wetlands, and steep slopes, primarily those
15 are the two things that we used, and then
16 we subtracted 20 percent of the buildable
17 area for roads and utilities.

18 MR. CAPUANO: So it's the entire study

19 area?

20 MR. EINSTEIN: Yeah, it is. It's just
21 a way of coming up with development
22 projections. If you can get away on your
23 property -- you know you are going to
24 develop your property, if you can get away
1 with less than 20 percent or whatever is
2 required for roads and utilities, great.

3 MR. CAPUANO: I just wanted to know,
4 as a land owner, if that's a wetland issue
5 as well.

6 MR. EINSTEIN: It's a process used to
7 come up with the development potential
8 within the study area. It really wasn't
9 even used to come up with development
10 projections. What we did was we did a
11 build-out for the study area on the
12 available land so we could compare our
13 development projections with the buildup
14 because if your development projections say
15 you have "X" amount and it's more than what
16 is available in the study area, then you
17 have a problem and you have to back off.
18 As it turned out, I think it was about 50
19 percent. Our 20 year projections would
20 accomplish about 50 percent of potential
21 build-out in the study area.

22 MR. DE CERCE: Thank you very much. I

23 close the public hearing at 9:50. Thank
24 you all of you for coming. I really
1 appreciate your input. We are going to
2 work on that.

3 Before you leave: The intent of this
4 group was because of the pressures that are
5 coming on in that particular area on
6 development, and I can't reveal all the
7 ones -- I think Mike said six projects.
8 There are lots more that are knocking on
9 the door. If we don't plan for where those
10 projects are going to go and how they are
11 going to fit, we are not going to have a
12 good end product. And that's why we are in
13 that process.

14 End of the above proceeding.

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C E R T I F I C A T I O N

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4

I, SANDRA L. CAMPOLI, Shorthand

5

Reporter and Notary Public in and for the State of

6

New York, do hereby CERTIFY that I recorded

7

stenographically the foregoing public comment taken

8

at the time and place herein stated and the

9

proceeding public comment is a true and accurate

10

transcript hereof to the best of my knowledge and

11

belief.

12

13

14

15

SANDRA L. CAMPOLI

Supervisor DeCerce opened public privilege for discussion of agenda topics.

Henrietta O'Grady, Church Hill Road, stated, relative to Marina Woods Senior Apartments, that sidewalks be considered for this project so people can get around.

REPORTS OF BOARD MEMBERS AND TOWN ATTORNEY

Councilman Tollisen reported on the expansion of the Halfmoon Senior Center. He stated he has met with the Planning Board members and showed them the expansion and Councilwoman Parker met with the Senior Board of Directors. He stated a resolution would be needed for the proposal from Butler, Rowland Mays to create an appropriation for the sum of \$15,278 for architect fees for the expansion of the Senior Center project. He stated the contract agreement would be signed by the Supervisor and subject to the review of the Town Attorney's office.

RESOLUTION NO. 182

Motion by Councilman Tollisen, seconded by Councilwoman Parker, adopted by roll call vote: Ayes; DeCerce, Polak, Bold, Tollisen, Parker

RESOLVED, that the Town Board approves Contract Agreement with Butler, Rowland Mays, Architects, LLP to provide architectural services for the expansion of the Halfmoon Senior Center in the lump sum amount of \$15,278 plus reimbursable fees, and further

RESOLVED, that the Town Supervisor be and he is hereby authorized to execute said contract subject to the review and approval of the Town Attorney's office.

Councilman Tollisen reported on the Polish Dinner, sponsored by the Halfmoon Senior Center, on April 22nd, from 2pm to 4pm. He stated the ticket cost is \$10.00 and they will have a traditional Polish dinner.

Supervisor DeCerce reported that Mr. Wojtowicz's brother gave him a message stating the Governor's Proclamation regarding April 27th being Autism Awareness Day. He stated he passed this on at the County and today it was passed as a County resolution that April 27th is going to be dedicated as Autism Awareness Day. He asked Mr. Wojtowicz's to pass this information on to his brother.

Supervisor DeCerce reported he was asked to find a point person on the West Nile Virus and asked the Board for recommendations.

Councilman Tollisen asked if this could be referred to the Health and Public Safety Officer.

DEPARTMENT REPORTS

1. Building Department

Total Permits - 20 Total Fees Remitted to the Supervisor - \$1800.00
Filed.

2. Fire Marshal
Total Permits - 4 Total Fees Remitted to the Supervisor - \$ 120.00
Filed.

CORRESPONDENCE

1. Received from Chaucer's Restaurant and Banquet House, 1691 Route 9, Halfmoon, notification of intent to renew their liquor license.

2. Received from Halfmoon Senior Citizen Associati on financial statement for month ending February 28th, 2001.

3. Received the following letter from Halfmoon Historical Society President, George Hansen:

4. Received the following letter from Mapleridge Homeowners Association President, Tom Reddy:

Supervisor DeCerce stated each Board member has a copy of this letter for reaction. He stated they would need to research this matter.

5. Received from New York State Electric and Gas information on their six point Energy Policy Proposal – copies available.

6. Received from Donald Boyajian request for extension of period of time from which substantial progress must be made towards the development of Boyajian Planned Development District.

Action was tabled to the April 3, 2001 Town Board meeting.

7. Received request from John Wojtowicz, Inc. for amendment to PDD legislation to extend time period for substantial completion pursuant to Section 13C of Local Law No. 6 -1996, amendment excludes parcel for proposed commercial site.

Action was tabled to the April 3, 2001 Town Board meeting.

8. Received from Hometown Lanes, 994 Hudson River Road, Halfmoon, notification of their intent to renew their liquor license.

OLD BUSINESS

1. Tabled, January 16, February 6 & 20, March 6, action on resident drop off at Town Transfer Station of automobile tires, not allowing commercial, at charge of \$2.00 per tire.

Councilman Polak reported he is waiting for verification of insurance from the company who will pick up the tires.

Action was tabled to the April 3, 2001 Town Board meeting.

2. Tabled, March 6, received from VanAlstyne Associates, Narrative and Site Plan for Autumn Oaks Planned Development District on Cemetery Road, for a 32 unit residential multiunit project.

Discussion ensued on the project and will be researched. Action was tabled to the April 3, 2001 Town Board meeting.

3. Tabled, March 6, received from Belmont Development Corp., Narrative and Site Plan for proposed amendment to Halfmoon Club Planned Development District Marina Woods Senior apartments on Marina Drive.

Supervisor DeCerce stated this can not be addressed unless the Board address's the amendment to Local Law No. 6 -1996. Councilman Polak reported that another public hearing should be held on the request for the amendment for the Halfmoon Club PDD.

Attorney Chauvin provided clarification stating there was a PDD for the Halfmoon Club that has expired but, pursuant to the legislation that authorized the PDD the right was reserved, even after the expiration, to extend the date for substantial completion with or without a public hearing. He stated there is another application to further amend the PDD and permit a change and to allow Belmont Development Corporation to put a new section in the PDD. He stated that can't be done because the PDD was not extended and no longer exists. He stated it would be appropriate to have a public hearing to determine if we are going to extend the PDD. He stated the extension needs to be done before dealing with the amendment because there is no PDD to amend until they extend it.

Councilman Bold commented that the reason he is hesitant is because the particular proposal makes him uncomfortable with the density of the two acre parcel.

Supervisor DeCerce commented that what he understood was that they were trying to extend their PDD which would put them back into the potential to come within the bounds of our regulations.

Discussion ensued and the Board determined further review of the project is needed. Action was tabled to the April 3, 2001 meeting.

4. Tabled March 6, received from Smith Road Development LLP. Narrative, Conceptual Layout and Site Plan for proposed single family residential community planned development district on the south side of Farm to Market Road.

Councilman Bold reported he has reviewed this project.

Action was tabled to the April 3, 2001 meeting.

5. Tabled March 6, received from Farm to Market Road Development LLP, Narrative, Conceptual Layout and Site Plan for proposed single family residential community planned development district on the north side of Farm to Market Road

Action was tabled to the April 3, 2001 meeting.

6. Received from Town Planning Board notification of positive recommendation to the Town Board for Saab of Halfmoon Site Plan for Lot 1, SEDC PDD amendment.

Councilman Bold asked if there were modifications made to the site plan.

Discussion followed and it was determined that an amended site plan was not submitted. A public hearing will need to be scheduled when the necessary paperwork is submitted.

Action was tabled to the April 3, 2001 meeting.

NEW BUSINESS

RESOLUTION NO. 183

Motion by Councilwoman Parker, seconded by Councilman Tollisen, adopted by roll call vote:
Ayes: DeCerce, Polak, Bold, Tollisen, Parker

RESOLVED, that the Town Board approves the Supervisor's Report for the month of February, 2001, as presented.

RESOLUTION NO. 184

Motion by Councilman Polak, seconded by Councilwoman Parker, adopted by roll call vote:
Ayes: DeCerce, Polak, Bold, Tollisen, Parker

RESOLVED, that the Town Board approves and orders paid all vouchers for all funds listed on Abstract No. 3, totaling:

General	\$100,191.19	Water	\$ 38,171.88
Highway	\$ 27,833.97	Capital	\$1,055,938.75
CHRSO	\$ 2,610.40		

RESOLUTION NO. 185

Motion by Councilman Bold, seconded by Councilwoman Parker, adopted by roll call vote:
Ayes: DeCerce, Polak, Bold, Tollisen, Parker

RESOLVED, that the Town Board authorize letting bids for Water Meters, American Made Brass Fittings and Mueller Brass for the Water Department, and further

RESOLVED, that said bids be opened April 3, 2001 at 7:00 pm.

RESOLUTION NO. 186

Motion by Councilman Tollisen, seconded by Councilwoman Parker, adopted by roll call vote:
Ayes: DeCerce, Polak, Bold, Tollisen, Parker

RESOLVED, that the Town Board enter into Agreement with the Halfmoon Senior Citizen Association, Inc. for term effective April 1, 2001 through March 31, 2002 in the budgeted amount of \$49,466.

RESOLUTION NO. 187

Motion by Councilwoman Parker, seconded by Councilman Bold, adopted by roll call vote:
Ayes: DeCerce, Polak, Bold, Tollisen, Parker

RESOLVED, that the Town Board authorizes the Supervisor to make the following Budget Creation and Transfer between Appropriations:

RESOLUTION NO. 188

Motion by Councilwoman Parker, seconded by Councilman Bold, adopted by roll call vote:
Ayes: DeCerce, Polak, Bold, Tollisen, Parker

RESOLVED, that the Town Board amends Resolution No. 164 -2001 and Resolution No. 165 - 2001 for temporary appointment of David Floud as Assistant Dog Control Officer and Rabies Control Officer, to change the appointment to be until March 17, 2001.

RESOLUTION NO. 189

Motion by Councilman Parker, seconded by Councilman Polak, adopted by roll call vote: Ayes: DeCerce, Polak, Bold, Tollisen, Parker

RESOLVED, that the Town Board authorizes compensation to David Floud for any and all contractual services provided to the town for up to and including March 17, 2001.

Councilman Tollisen requested that this resolution be amended to include a set dollar amount.

RESOLUTION NO. 190

Motion by Councilman Tollisen, seconded by Councilman Polak, adopted by roll call vote:
Ayes: DeCerce, Polak, Bold, Tollisen, Parker

RESOLVED, that the Town Board amends Resolution No. 189 and authorizes compensation to David Floud, in conjunction with his current salary and rate of pay, for services provided to the Town for up to and including March 17, 2001, in the not to exceed amount of \$1,337.05.

RESOLUTION NO. 191

Motion by Councilwoman Parker, seconded by Councilman Tollisen, adopted by roll call vote:
Ayes: DeCerce, Polak, Bold, Tollisen, Parker

RESOLVED, that the Town Board appoints Beth Abramson as part time Animal Control Officer for the Town of Halfmoon, to be paid prorated annual salary of \$15,000 effective retroactive to March 19 and terminate December 31, 2001 and further,

RESOLVED, that the Town Board authorizes Mrs. Abramson to be paid mileage in the amount of 34.5 cents per mile when using personal vehicle for Town business .

Councilwoman Parker commented that eight people were interviewed for this position and feels that Mrs. Abramson will do the very best for our Town.

Supervisor DeCerce introduced Beth Abramson.

Councilman Bold declared, relative to the next resolution, that the gentleman doing the work on the Senior van is his wife' s nephew.

Councilman Polak reported that the additional work was discovered after they got the fenders off the vehicle and saw structural damage. He stated it was looked at by the Highway Superintendent and the Highway garage mechanic and it was determined to be necessary to have done.

RESOLUTION NO. 192

Motion by Councilman Polak, seconded by Councilwoman Parker, adopted by roll call vote:
Ayes: DeCerce, Polak, Bold, Tollisen, Parker

WHEREAS, Resolution No. 172 -2001 authorized the repairs to the rear side panels and painting of the 1994 Ford Senior Express Van , and

WHEREAS, the work was performed by Miracle Shop, Clifton Park, at their low quote of \$5,600, and

WHEREAS, it was determined that additional necessary work to the under frame of the 1994 Senior Express Van was necessary, now therefore be it

RESOLVED, that the Town Board amends Resolution No. 172 -2001 authorizing Miracle Shop, Clifton Park, to perform repair work on the Senior Express Van in the amount of \$5,600 and authorize the additional necessary work to the under frame in the amount of \$1,200.

The Supervisor opened public privilege for discussion of non -agenda items. No one had questions or comments.

There being no further business the Supervisor adjourned the meeting at 10:50 pm.

Respectfully submitted,

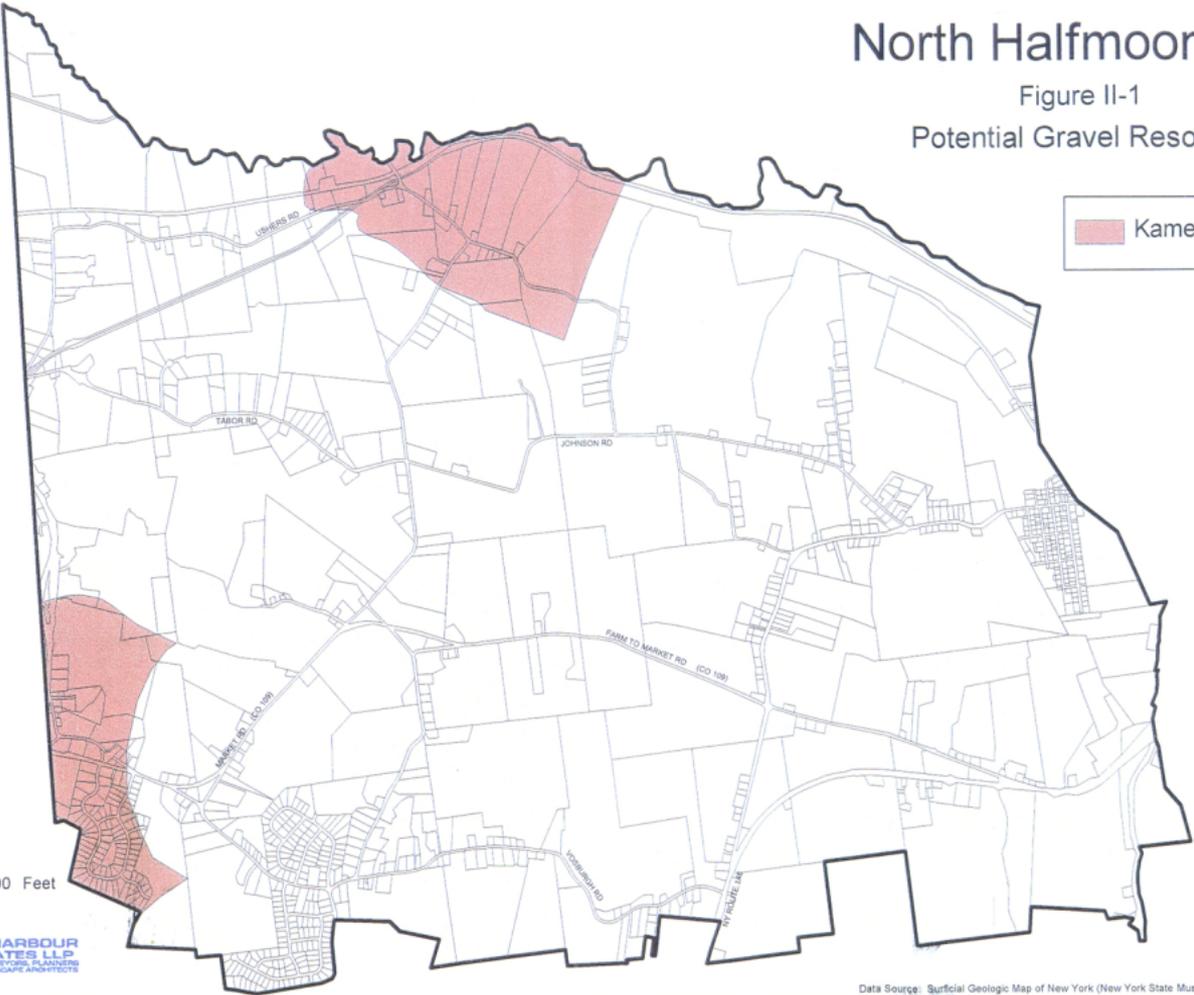
Mary J. Pearson
Town Clerk

3/20/2001

North Halfmoon GEIS

Figure II-1

Potential Gravel Resources



Map Prepared by
Clough Harbour & Associates LLP
ENGINEERS, SURVEYORS, PLANNERS
& LANDSCAPE ARCHITECTS

June 2001





North Halfmoon GEIS

Figure II - 2

Conceptual Four-Lot Subdivision Along Existing Road

