

The July 21, 2009 regular meeting of the Town Board of the Town of Halfmoon was called to order by Supervisor Wormuth at 7:00 pm in the A. James Bold Meeting Room at the New Town Hall, 2 Halfmoon Town Plaza with the following members present:

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

The Town Board Workshop was held in the Board Room at 6:15 pm; no action was taken. The Supervisor led the Pledge of Allegiance.

At 7:01 pm the Supervisor opened the public hearing for the Swatling Falls Planned Development District. She opened the hearing to the public for comments; no one wished the notice be read.

The Supervisor stated the Swatling Falls PDD has been before the Town Board previously, referred to the Planning Board and received a positive recommendation from the Planning Board.

Scott Lansing, Lansing Engineering, stated the project is located at 162 Upper Newtown Road and the overall parcel is 94.79 acres. He stated there is vacant land, agricultural land, single-family homes but mostly agricultural lands throughout the area. They have taken a look for Army Corp. wetlands, 5.51 acres located in the lower portion of the project near McDonald Creek. He stated there are forested areas, nice hillsides and rolling terrain, existing agriculture area and a very nice specimen tree and the biggest attribute is a waterfall in the northwestern portion. He stated the applicant is proposing 4 basic uses for the parcel, 2 family units twin homes, carriage homes, traditional homes and an estate lot that the current owner of the property wishes to retain and reside in. He stated the Carriage homes, which are single-family homes and will be moderately priced and, will be on the northeastern portion of the parcel. He stated the size would be 10,000 square foot minimum per lot. He stated they are proposing middle-sized Traditional neighborhood single-family homes that will be situated along the eastern property line in the southern portion of the parcel. He stated they would have 10,000 square foot minimum per lot. He stated there would be two-family homes that will be duplex town homes and will be along the northern property line. He stated they would be 20,000 square foot minimum per lot and 10,000 square foot minimum per individual unit. He stated individual ownership is proposed for each side of the units.

He stated there would be a total of 100 units in the cluster development and will include roadways to be designed and constructed to Town standards and, be dedicated to the Town. He stated public water and sewer would be extended to the project and, storm water would be managed on site. He stated they calculated and determined that 97 units would be permitted under conventional calculation and this is 7 units extra that they are requesting the Board's consideration for.

He stated what they are proposing to off set this, as a community benefit, would be the open space provided, proposing approximately 45.07 acres of open space. He stated there is an error in the narrative and it stated 56 acres. He stated there is also the Waterfall in the back portion of the parcel, which is a beautiful natural feature and will be incorporated into the open space. He stated there is public parkland they are proposing as Town owned open space and, a trailhead and a trail system throughout the entire project and is proposed to be within a Town owned corridor and would be open to all residents of the Town.

Supervisor Wormuth asked the date of the map being displayed; Mr. Lansing stated it is since the last meeting they had with the Planning Board but they don't have a date on the map it is more of a conceptual rendering but believes it was the beginning of July.

Attorney Murphy asked if there is anything distinctive about that version versus the other versions; Mr. Lansing stated the only addition is the addition of screening on the northern portion lands of Fisher and everything else is exactly the same; Attorney Murphy asked if he had a version that has the latest revision date; Mr. Lansing stated no this is not typical and there is not a date on it.

The Supervisor opened the hearing to comments from the public; there were no comments and she closed the hearing at 7:10 pm. She stated they have asked the applicant to be a part of sitting with the planning department and some members from the Town Board at a workshop meeting which is to be held next week to go over the general overlay of traffic and how it will flow out of this and several other projects so they can take an overlook look at how traffic will come from Upper Newtown Road down onto Route 236.

Councilwoman Parker stated she still has the same concerns, it is nice and adds to our open space, but who is going to police the 27.3 acres with the trails, waterfall and the McDonald creek and is a big concern.

Councilman Hotaling stated there was a comment that there will be forced main and asked if it was two ways. Mr. Lansing stated they have a couple of options, one is an independent option where they would have a pump station and pump out Upper Newtown Road and then connect to Saratoga County Sewer District. He stated they are trying to work with the adjacent project to the east to share a pump station and share a force main and that applicant has control over the land to the west of the land where they could have a pump station and pump a little shorter route through the lands of Abele and then Betts Lane. He stated this is their preferred option.

Supervisor Wormuth asked if they do the shared option with the adjacent land owner does it preclude the people on Upper Newtown Road from being able to access the sewer; Mr. Lansing stated yes it would from Upper Newtown Road out to the SCSD because the force main would most likely allow people to be able to tie in and if they share a pump station and force main they would be able to serve people in the immediate area but would limit the service area on Upper Newtown Road.

Councilman Hotaling asked, regarding water, if they would tie in with Upper Newtown Road; Mr. Lansing stated that is correct and extend water throughout the entire project.

Supervisor Wormuth asked if there is a homeowners association for any of project; Mr. Lansing stated there is and the applicant will provide details and present the amenities.

Lou Lecce stated the only thing the HOA will be doing would be maintaining trails that are not going to be Town owned that runs between the homes. He stated they are all Town dedicated streets. He added also the open space.

Attorney Murphy stated she would need a copy of the HOA proposal because the Town has had problems in the past where the HOA is responsible solely for open space and the residents and the HOA decided it is not while their while to pay the dues because they don't see any direct benefits for their particular home and it causes some issue. She stated what they are looking for in the HOA language is penalty language where if they don't pay their fees then a lien is taken on their property. Mr. Lecce stated the HOA land does not get taxed to the HOA but gets taxed to the homeowner; Mrs. Murphy stated it depends on how the development is designed and sometimes there are separate parcels that are owned by the HOA.

Supervisor Wormuth asked for clarification on the trails that are on the HOA lands that the HOA would be maintaining those; Scott Lansing stated that all of the trails in the project have an area of land around them that would be dedicated to the town and would be town owned and operated and available to everyone in the public and they would not be HOA, he stated they would be HOA lands but he trails would be dedicated to the Town for ownership operation and maintenance. Supervisor Wormuth asked what specifications are they proposing; Mr. Lansing stated they are proposing stone dust or a bark mulch trail and they are committed to work with the Planning Board on and the Trails committee to see how they link up with other trails and what type of construction they would want to see. Supervisor Wormuth stated the Town Board has had issue with the Town owning and maintaining trail systems within a subdivision that are mainly utilized by the people in the subdivision so she is not sure that is the direction to go with this. She stated her initial understanding was that there is an area on the 27 acres where the waterfall would be and the trail had parking that the Town might take and maintain the trails there but she is not sure the Board wants to be responsible for the trails in the other areas throughout the HOA.

Councilman Hayner stated he would agree and this was a concern he brought up and thanked the Supervisor. Mr. Lansing stated they are open to do it either way and will be up to the town; Supervisor Wormuth stated they would have to see it broken out and have further

discussion with our parks department as well as looking at the specifications in our Trails Master Plan so they are sure what they are committing to.

The Supervisor asked, regarding the town roads, how long is the northern most cul-de-sac; Mr. Lansing stated it is probably eight or 900 feet; the Supervisor stated she would definitely want to get some comments from our Highway Superintendent on the layout of the roads if they are going to be Town dedicated roads and would like to give him the opportunity to comment before the Board takes formal action.

Mr. Lecce stated if the trails are going to be owned by the HOA and if they are going to build them to Town specs then the Association dues may be out of whack to be affordable for the homeowners to pay for and if the Town makes the HOA pay for the maintenance of those trails in addition to being built to Town specs; the Supervisor stated if the HOA is maintaining them she is not sure they would require them being built to Town spec's. She stated her concern is more, if they are to be turned over to the Town what the specifications are and deciding what maintenance is involved in them so the Town can decide whether or not that is a venture they can take on. She stated they would want to see them utilized and they have a wide range of spec's so they would want them to build them to one of those spec's but if they were going to be maintained by the HOA the Town would have less of a concern of which one they pick and would just want to make sure they were quality trails for the neighborhood.

Supervisor Wormuth stated they would need more information on the trails and need the Highway Superintendent to have an opportunity to review the plan and make comments. She asked for a map with the most current date and then they could come back at a future time and cover everything all at once.

Scott Lansing asked if there would be a meeting regarding the trails with the planning staff or members of the Town Board; Supervisor Wormuth stated they will take a look at the map and get a feel from the Board and contact him to set up a time to meet with the planning staff.

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

Councilman Polak reported that Hazardous Waste Day will be September 26<sup>th</sup> from 8 am to 4 pm and applications are available in the Town Clerks office.

Councilman Hotaling reported there would be fireworks tomorrow night and there will be a car cruise show and the concert will be the BelAires.

Councilwoman Parker reported they started paving today at the Town Park and will probably pave most of the week and it looks great.

Supervisor Wormuth opened public privilege for discussion of agenda topics.

Tom Fron, Dolce & Biscotti Bakery, asked if the Board has reviewed the letter sent to the Board regarding the proposed amendment to the sign ordinance and wants to stress a couple of points. He stated they are hoping the Town will consider a more flexible sign ordinance that looks at individual properties and not the Town as a whole. He stated it doesn't help them because they don't have great visibility to the road and they are hoping there will be some type of method that a business can apply for a variance. He asked if the Board has any questions or comments.

Supervisor Wormuth stated his letter has been received and filed in the Clerk's office and copies sent to all of the Board.

## **DEPARTMENT REPORTS – month of June**

1. Town Clerk

Total fees remitted to the Supervisor - \$5,502.41  
*Received and Filed*

2. Town Justice Tollisen

Total cases - 269 Total fees remitted to the Supervisor - \$40,163.00  
*Received and Filed*

## **CORRESPONDENCE**

1. Received from Krause's Restaurant & Grove notification of intent to renew their liquor license.

*Received and Filed with the Town Clerk.*

2. Received letter from Mary Baldi-Fron, Owner-Dolce & Biscotti, regarding proposed sign ordinance.

*Received and Filed with the Town Clerk, copied to Town Board*

3. Received letter from Thomas McCarthy, Town Attorney, Town of Clifton Park regarding proposed law on Outdoor Wood Burning Boilers Law which will be the subject to a public hearing held on July 20, 2009 at 7:10 pm at the Clifton Park Town Hall.

*Received and Filed with the Town Clerk, copied to Town Board and Code Enforcement.*

## **OLD BUSINESS**

Public Hearing held 7/7/09 - Sign Ordinance amendment

Councilman Hotaling stated he would suggest postponing action on this for two meetings to provide time to review and investigate the Sign Ordinance deeper. Supervisor Wormuth stated this could be postponed to the August 18<sup>th</sup> Town Board meeting

### **RESOLUTION NO. 169**

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

RESOLVED, that the Town Board will postpone action on the Sign Ordinance amendment to the August 18<sup>th</sup> Town Board meeting to allow for further review.

The Supervisor stated, for clarification, one of the things Mr. Fron requested was that the proposed sign ordinance allow for a variance for a specific piece of property and the current sign ordinance allows for a variance to applied for through the ZBA at any point to any of our planning or code laws and they have the right to apply for a variance based on a specific property. She stated whether or not that would be granted there is certain criteria that would have to be met but the sign ordinance as it exists now and as it is proposed in the draft both allow him to apply for a variance; Mr. Fron stated it is his understanding a variance never gets approved; the Supervisor stated she doesn't know if a specific sign variance has ever been awarded without looking at it but variances are very often approved by the ZBA and usually one of the criteria is that it not be a self created hardship.

Attorney Murphy stated in order to obtain a variance with regards to a local law there is, by New York State statute, criteria that have to be met in order for a variance to be granted. She stated the ZBA is an independent body not subject to any contact from this Board and this Board can't speak as to how they are going to act.

## **NEW BUSINESS**

### **RESOLUTION NO. 170**

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

RESOLVED, that the Town Board approves and orders paid all vouchers for all funds listed on Abstract dated July 21, 2009 totaling \$1,010,377.43.

### **RESOLUTION NO. 171**

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

RESOLVED, that the Town Board approves the Supervisor's Report for month of June 2009.

### **RESOLUTION NO. 172**

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

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

A resolution is needed to create the following budget amendment of appropriations and revenues in the Special Revenue Fund for engineering fees for on site quality inspections. These funds are developer's monies held in escrow by the Town in a regular checking account and used for

the payment of costs for that particular project. This resolution is necessary to comply with proper accounting procedures as set forth by NYS Department of Audit and Control.

Debit: Estimated Revenues 25-510 \$8,651.26  
Subsidiary: 25-4-2189 Home & Community Services \$8,651.26  
Credit: Appropriations 25-960 \$8,651.26  
Subsidiary: 25-5-1440.40 Engineering Contractors Inspections \$8,651.26

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

NAME	AMOUNT
Timberwick II Ph III	\$4,653.25
Halfmoon Village/Yacht Club	402.00
Stone Crest Preserve	2,230.01
Stone Crest Preserve	155.00
Stone Crest Preserve	450.50
Sandy Rock	134.00
Werner & Searles Subd	626.50
TOTAL	\$8,651.26

Transfers from Appropriations:

From Account	To Account	Amount	Reason
10-5-1990.40 Contingency	10-5-3310.20 Traffic Signs Contractual	\$1,700	Transfer of appropriations needed to cover purchase of (2) welcome signs prior to receiving grant monies
10-5-1910.40 Unallocated Insurance	10-5-1420.41 Attorney Legal Fees PCB	\$24,500	Transfer of appropriations needed to cover legal expenses for Hudson River Dredging
20-5-5112.22 Improvements Capital Outlay-Chips	20-5-5112.21 Improvements Capital Outlay	\$100,000	Transfer of appropriations within own budget to cover Chips expense in improvements

A creation of appropriations is necessary to create the project budgetary accounts for the Crescent Trail Feasibility Study. The Town of Halfmoon will conduct a feasibility study of potential trail alignments to extend the Crescent Trail along the Mohawk River in the vicinity of the Interstate 87 bridge. The project will study the physical limitation, environmental constraints and social concerns related to extending this section of the Crescent Trail. The project will result in a conceptual plan for the trail route with preliminary cost estimates, identification of potential funding sources, and plans for construction implementation and management. The cost of this feasibility study is \$50,000 of which \$25,000 will be grant monies and the balance will be a match by the Town of Halfmoon.

Debit: Estimates Revenues 35 – 510 \$50,000  
Subsidiary: 35-4-4889 - \$25,000 Culture & Recreation Capital Grants  
35-4-5031 - \$25,000 Interfund Transfers  
Credit: Appropriations 35 – 960 \$50,000  
Subsidiary: 35-5-7989.2 – Capital Outlay; Other Culture & Recreation - \$50,000

RESOLUTION NO. 173

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

RESOLVED, that the Town Board authorizes renewal of the following Mobile Home Park Licenses for the 2009-2010 licensing year, per inspection and approval of the Code Enforcement office: Vosburgh Mobile Home Park, Turf Mobile Home Park.

*Supervisor Wormuth stated, relative to this resolution that she would like to thank the Code Enforcement office and they continue to be vigilant with the Mobile Home Parks in our community in making sure they meet the standards for codes every year and making sure they are safe places to live. She stated she appreciates all their hard work and continue to see building permits and requests for other standard inspections and they continue to keep up with all of them.*

RESOLUTION NO. 174

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

RESOLVED, that the Town Board approves the June 2009 Water Report for water usage as submitted by the Director of Water.

RESOLUTION NO. 175

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

RESOLVED, that the Town Board approves proposal from Clough, Harbour & Associates to provide engineering services for the Water System GIS Mapping in the not to exceed amount of \$4,800.

RESOLUTION NO. 176

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

RESOLVED, that the Town Board schedule a public hearing for August 4<sup>th</sup>, 2009 at 7 pm for zoning amendment to Article 5, Section 165-14, C-1 Commercial District.

RESOLUTION NO. 177

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

RESOLVED, that the Town Board appoints Kurt Schneider as Highway Department MEO at Grade 5, Step 1 effective immediately.

*Supervisor Wormuth stated Kurt is currently employed for the highway department as a laborer and based on a position that opened as a result of a employee retiring Kurt will move up as an MEO.*

The Supervisor opened public privilege for discussion of non-agenda items; no one had comments or questions.

On motion of Councilwoman Parker seconded by Councilman Polak the meeting was adjourned at 7:30 pm.

Respectfully submitted,

Mary J. Pearson  
Town Clerk

7/21/2009

