

The December 2, 2008 regular meeting of the Town Board of the Town of Halfmoon was called to order by Supervisor Wormuth 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.

Supervisor Wormuth opened the public hearing at 7:00 pm for the Fellows Road PDD Amendment, the notice was read as follows:

“Please Take Notice that a public hearing will be held by the Town Board of the Town of Halfmoon at the Town Hall, 2 Halfmoon Town Plaza, in the Town of Halfmoon on the 2<sup>nd</sup> day of December 2008 at 7:00 pm or as soon thereafter as the matter may be heard to discuss the proposed modification to the approved Fellows Road Planned Development District, (Fellows Road) in the Town of Halfmoon. Detailed plans are available for review at the Halfmoon Town Clerk’s Office, 2 Halfmoon Town Plaza. Please take further notice that at such public hearing any and all interested persons will be heard.”

The Supervisor stated this proposal was sent to the Planning Board and the amendment has received a positive recommendation from the Planning Board and this public hearing so the Board may hear input from the public on it before deciding whether this amendment should be included as part of the local law.

Scott Lansing, Lansing Engineering, stated with him is Bruce Tanski, the applicant for the Fellow Road parcel. He stated the existing PDD was approved about two years ago and the overall parcel is approximately 80 acres, splits on both sides of Fellows Road and, was approved for 355 units. He stated the applicant changed the size of some of the apartment units and ended up with 321 units. He stated the breakdown is 176 apartment units on the east side, 141 town homes on the west side and 4 duplex units on the northeast side of the parcel. He stated the community benefits for that PDD included 60 acres of land along Vosburgh Road and the dedication of 6.71 acres of land in the northeast corner of the parcel to the Town for open space; the termination of the western leg of Fellows Road and the realignment of Fellows Road to Route 146 to create safer access to Route 146; the extension of the sanitary sewer and, the applicant upgrading the size of the line going through to the 146 corridor to allow for the capacity of this area to go through the pipeline; the pump station was also upgraded; the applicant proposed to provide \$400.00 per unit within the PDD. He stated what the applicant is proposing for the PDD modification, which encompasses 22 acres of the existing PDD, were eight 3 unit buildings for a total of 24 units, the modification is to include five 11 unit apartment buildings and, they would be the same apartment buildings that are being built on the east side of Fellows Road. He stated water, storm and sewer would be similar and water would be extended from the Fellows Road corridor into the project; storm water would be managed in approximately the same locations with slight modifications; sanitary sewer would be extended from the same sewer line with a low-pressure force main to service the units.

He stated the community benefits for the project would be the same that were proposed with the PDD and, will be 60 acres of open space, the 6.71 acres, the \$400.00 per unit and the realignment of Fellows Road. He stated the applicant is proposing two other things, which would be the additional \$400 per unit for the additional units and, will go from 24 units to 55 units, an additional 31 units and, would be an additional \$12,400 to the town for their use. He stated in addition the applicant is proposing the extension of the sewer line along Fellows Road and, then up Gauthier Drive to serve the existing residents currently served by individual septic systems and will be much more economical. He stated they have worked with the Planning Board and received a positive referral and they have addressed the Planning Board and the Town engineer’s comments.

He stated there is one change they made since the Planning Board meeting that the applicant is proposing. He stated he did meet with adjacent residents across the street on Fellows Road who were concerned with the location of the access road and they have moved it closer to

the north in an attempt to address the comments from the property owner. He stated there is still the same number of units, density and the same basic road configuration and, if approved they would work with the Planning Board during site plan review to implement the minor change in the layout.

John Hickok, 43 Fellows Road, stated he is still concerned about the apartments across from his house because there was suppose to be 24 units and now there is 55 units and, the number of cars and people has tripled and doesn't think this is the way to go. He asked if the road is suppose to be upgraded and stated nothing has been done since this started two years ago. He stated at a Planning Board meeting a red light was mentioned but it was said that wasn't going to happen and with this many more units something should be done because it is hard getting off the road.

Supervisor Wormuth stated, for clarification, what was agreed to when the original PDD was approved was that one leg of Fellows Road would be terminated and, the other would be re-routed to a different area where there was better site distance. She stated the discretion for the timing of that was left with the Town Board and, the Board has already requested Mr. Tanski to submit those plans to our engineers for review. She stated the engineers have done an initial comment letter requiring additional information, which will be worked out and finalized over the winter months so in the spring the construction can happen.

The hearing was closed at 7:10 pm.

Councilman Hayner asked if the driveway is going to point at their house or moved over away from it.

Mr. Lansing stated they moved it as far to the north as they could without any NYS DEC impacts.

Supervisor Wormuth asked if it still lines up with where the driveway would be adjacent to the house.

Mr. Lansing stated he doesn't believe it lines with the driveway and believes it is offset by 40 or 50 feet.

Councilman Polak asked if this will go back to the Planning Board and stated one unit looks close to the retention pond.

Mr. Lansing stated they did have to swap the storm water management area to the south side and would have to maintain 25 feet from the storm water management area to the building in accordance with DEC standards.

Supervisor Wormuth asked where they are at with the design upgrades to Fellows Road. She stated she saw a letter from Clough a week ago saying there was additional information that was lacking.

Mr. Lansing stated they have worked with Mike Bianchino from Clough Harbour and he stated they will require additional information and, they have advanced the plans as far as they can to this point. He stated Mr. Bianchino is coordinating with DOT and they will check this location and verify that they do concur that this is the best location for the intersection and the site distance and, will get back to him with their findings and determination. He stated they would have a meeting to talk about the realignment, DOT's comments and, any outstanding comments so they have a clear direction on the final design for the roadway.

Councilman Polak stated he would like Mr. Lansing to coordinate with the Town Highway Superintendent so he is aware of what is going on and, provide some type of timeframe to him.

Mr. Lansing stated that Mr. Bianchino mentioned the highway garage and the impacts and, they would like to have them at the meetings as well to coordinate the plan.

Bruce Tanski stated they had it staked out with off sets and he met with John to give him an idea to set up enough time because there are piles to move and a couple of buildings. He stated the major problem is a couple of NYSEG telephone poles that need 3 or 4 months to go through their engineering and, is in the process now.

Councilman Hayner asked, based on the plans and what has been built so far, is there an estimated timeline when they expect Fellows Road to be completed.

Mr. Tanski stated their plan is to start it in the spring and, Kingsley Arms is going to do the work and everyone is impressed with their work. He stated if they start the first part of April it will be done by May or June at the latest.

Attorney Murphy commented that in order to close off that Town road it will require Town Board action so if the applicant has the intention of beginning the closure by April the plans need to be to this Board within a month previous.

Councilman Hotaling asked, as far as the Phase I project, what percentage will be completed before the road is closed.

Mr. Tanski stated he would like to build these without looking for any CO's for maybe one or two buildings and, not before May or June but would like to have the opportunity to get a CO on 1 or 2 buildings in case the DOT work takes a lot of time.

Supervisor Wormuth asked if he is saying that he wants to continue to build out the rest of the project and have the rest of the project built prior to May of next year.

Mr. Tanski stated no; he doesn't expect to but would like to have them started but not CO'd by May of next year. The wording Phase I refers to the ones being built now. He stated the existing apartments they are doing now would not be done before May or June of next year and there will be at least five buildings not done on the existing project.

Attorney Murphy asked, for clarification for the legislation, is he proposing to this Board the limitation to only two certificates of occupancy for the amended area on the PDD legislation.

Mr. Tanski replied that was correct.

Mr. Hickok stated at the Planning Board he said he wasn't getting any more CO's until the road was done

Attorney Murphy stated, for clarification, at the first meeting where the proposal was put before the Planning Board he did say that he would do none and, after that at the next Planning Board meeting where the issue was discussed Mr. Tanski realized that NYSEG was having delays with regard to movement of the poles so he requested that the Planning Board allow for a specific amount at that point. She stated she explained to him that it was not the Planning Board's decision with regard to when the road would be closed.

The Supervisor stated the Board has the option of approving the PDD amendment, of taking some time to internalize the comments heard tonight, of asking the applicant to provide additional information or asking the attorney to provide detailed copy of the legislation for full review prior to approving it.

Councilman Polak stated he would like to approve this amendment as the applicant has submitted. He stated the applicant has addressed all the comments, outside of the traffic, addressed all the comments from residents as far as fencing, changing alignment of the entrance to the parcel, he has tried to accommodate everybody. He stated outside of the plans going back for further review of the Planning Board he doesn't see an issue.

Motion by Councilman Polak, seconded by Supervisor Wormuth to open for discussion.

Councilwoman Parker stated she feels they need to know when the closure is going to be and not just April or May. She stated they need specific clarification as to how people on the ends of Fellows Road are going to be affected and how they are going to be able to ingress and egress from their property and, if there is going to be a traffic light and where will it be on 146.

Councilman Hayner stated he agrees with Mrs. Parker and feels they should tighten up the time line and get a good feel for when this road will be taken care of.

The Supervisor stated a motion and second was made to approve the amendment and feels it is appropriate right now to vote on that and, based on the vote, to make a different motion.

#### RESOLUTION NO. 290

Offered by Councilman Polak, seconded by Supervisor Wormuth, Vote of the Board: Ayes: Wormuth, Polak, Noes: Parker, Hotaling, Hayner Carried.

RESOLVED, that the Town Board does not approve the amendment to the Fellows Road Planned Development District as proposed at this time.

Supervisor Wormuth asked if Councilwoman Parker would like her comments to be a motion to ask the applicant to provide additional information.

#### RESOLUTION NO. 291

Offered by Councilwoman Parker, seconded by Councilman Hayner, Vote of the Board: Ayes: Parker, Hotaling, Hayner Noes: Wormuth, Polak Carried.

RESOLVED, that the Town Board requests the applicant to provide and submit additional information on the proposed amendment to the Fellows Road Planned Development District

#### REPORTS OF BOARD MEMBERS AND TOWN ATTORNEY

Councilman Hotaling reported he wanted to thank everybody for their help for the food drive for needy families in Town, supplying over 97 families; he thanked everybody who helped with the Holiday Parade; Thursday night will be the tree lighting ceremony; the water line is hooked up at the Water Plant for the fresh water source for the dredge with the rest of it still under construction.

Councilwoman Parker reported that December 14<sup>th</sup> is the Senior Citizen Holiday dinner at the Mechanicville Elks; tomorrow is the Senior's monthly meeting at 1 pm.

Councilman Hayner reported that the Town received approval from the Department of State of funding for the Hudson River Waterfront Park in the amount of \$187,500 which will need to be matched in the future and congratulates and thanks Nelson Ronsvalle and Kim for all their work on that grant. He stated this will have to be built within the next 3 to 5 years and will include a picnic pavilion, restrooms, a small dock to launch small boats, parking, barbeque areas; he visited the new kiosk at the Crescent Trail and it is a great job and an excellent kiosk with a lot of Halfmoon history and, he learned a lot of things. He stated it was a great job by the parks department and the Halfmoon Trails committee for all the work they did. Also, he stated it was funded by the Mohawk Towpath Scenic Byway. He reported that next Thursday night there is an Open Space committee meeting to up-date the committee as to where they left off and discuss the upcoming agenda for 2009. He stated it is open to the public and there are a few vacancies and he can be contacted through the Supervisors office.

Supervisor Wormuth reported on two change orders for the Town Park project. She stated one is for Farina Electric in the amount of \$2,451 to provide sub-metering at the pump house for the exterior light poles. She stated the poles are powered through the pump station, which is owned by the sewer corporation so there will be sub-metering pump for those exterior lights. She stated another is in the amount of \$2,320 also for Farina Electric to supply and install a disconnect at the program building per NYSEG requirements, which changed from the time the building was originally designed. She stated the change order committee approved them and this is an update.

Town Attorney Murphy asked the Board to consider a resolution to schedule a public hearing to amend the Animal Control Ordinance. She stated currently there is a provision in the ordinance that requires the Town Clerk's office to charge a \$5.00 fee for people who have failed to get their dog license if that failure is discovered by our enumeration procedure. She stated the Clerk and many of the residents have requested that it be amended to allow the Clerk to waive that additional fee if the dog has moved into the Town of Halfmoon within six months and was properly licensed and has a valid license from the community they previously lived in.

#### RESOLUTION NO. 292

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

RESOLVED, that the Town Board sets a public hearing for an amendment to the Town Animal Control Ordinance with regard to the fee surcharge being assessed during the enumeration process for December 16<sup>th</sup> at 7:00 pm.

The Supervisor opened public privilege for discussion of agenda topics; there were no comments.

DEPARTMENT REPORTS – month of November

1. Town Justice Wormuth  
Total Cases – 577  
Filed.

Total fees remitted to the Supervisor - \$26,645
2. Building  
Total permits – 41  
Filed.

Total fees remitted to the Supervisor - \$10,815
3. Fire Code  
Total permits – 19  
Filed.

Total fees remitted to the Supervisor - \$723.00
4. Town Justice Tollisen  
Total cases – 288  
Filed.

Total fees remitted to the Supervisor - \$30,362.

CORRESPONDENCE

1. Received from At The Park, Inc., 1707 Route 9, notification of their intent to file with the NYS Liquor Authority for an Alcoholic Beverage Control Retail License.
2. Received from Lansing Engineering, PC, Project Narrative and Conceptual Sketch Plan for proposed Falcon Trace of Halfmoon Senior Housing, PDD, Fellows Road
3. Received from State of New York Department of State notification of receipt and filing of Local Law No. 6-2008, Howland Park PDD.

NEW BUSINESS

RESOLUTION NO. 293

Offered by Councilwoman Parker, seconded by Councilman Hayner Adopted 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 December 2, 2008, totaling: \$594,134.82

RESOLUTION NO. 294

Offered by Councilman Polak, seconded by Councilman Hayner, Adopted 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	\$9,907.10
	Subsidiary: 25-4-2189 Home &Community Services		\$9,907.10
Credit:	Appropriations	25-960	\$9,907.10
	Subsidiary: 25-5-1440.40 Engineering Contractors Inspections		\$9,907.10

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

NAME	AMOUNT
Arlington Heights	\$9,536.85
Pino Comm/Lt Ind Park PDD	370.25
TOTAL	\$9,907.10

A resolution is needed to appropriate funds available to the Town of Halfmoon per agreement with Saratoga County by its Youth Bureau for expenses incurred in sponsoring activities for local youth in conjunction with Youth Week 2008.

DEBIT:	Estimated Revenues	10-510	\$2,200
	Subsidiary: 10-4-3820 - \$2,200 Youth Programs		
CREDIT:	Appropriations	10-960	\$2,200
	Subsidiary: 10-5-7140.40 - \$2,200 Recreation Programs		

A creation of appropriations is necessary to increase the project budgetary accounts for the Crescent Park Trail (Canal Road Bike Path). This increase is for estimated construction costs in the additional amount of \$460,000 of which \$231,600 will be federal funds.

Debit: Estimated Revenues 35-4-510 \$460,000  
Subsidiary:35-4-3897.00 - \$231,600 Culture & Recreation Capital Grants 35-4-5031 - \$228,400 Interfund Transfers  
Credit: Appropriations 35-5-960 \$460,000  
Subsidiary: 35-5-7989.20 – Capital Outlay; Other Culture &Recreation - \$460,000

Transfers between Appropriations:

From Account	To Account	Amount	Reason
30-5-8340.20 Transmission & Distribution Meter Purchases	30-5-8330.42 Purification Contractual Chemicals	\$20,000	Transfer of appropriations needed to cover expenses thru year end
10-5-1355.42 Assessment – Star Contractual	10-5-1330.40 Receiver of Taxes Contractual	\$3,150	Transfer of appropriations needed to cover postage of tax bills for 2009
10-5-1990.40 Contingency	10-5-1330.20 Receiver of Taxes Equipment	\$100	Transfer of appropriations needed to cover expenses thru year end
10-5-1220.10 Supervisor Personal Services	10-5-8160.10 Transfer Station Personal Services	\$5,000	Transfer of appropriations needed to cover payroll thru year end
10-5-1990.40 Contingency	10-5-5010.41 Superintendent Highway Contractual	\$2,500	Transfer of appropriations needed to cover expenses thru year end
10-5-1310.10 Finance Personal Services	10-5-1310.40 Finance Contractual	\$2,000	Transfer of appropriations within own budget to cover expenses thru year end

RESOLUTION NO. 295

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

RESOLVED, That [Mindy Wormuth](#), as [Town Supervisor](#) of the [Town of Halfmoon](#) is hereby authorized and directed to file an application for funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of the Recreational Trails Program, in an amount not to exceed [\\$250,000](#) and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to the [Town of Halfmoon](#) for the [Champlain Canal Towpath Trail](#) and, if appropriate, a conservation easement to the deed of the assisted property.

RESOLUTION NO. 296

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

**WHEREAS**, the Town of Halfmoon is applying to the Hudson River Valley National Heritage Area and the Hudson River Valley Greenway for a grant under the Hudson River Valley Quadricentennial Implementation Grant for a project entitled “Interpretive Materials for the Historic Champlain Canal” in the Town of Halfmoon,

**WHEREAS**, the grant application requires the applicant municipality to obtain the approval/endorsement of the governing body of the municipality;

**NOW THEREFORE BE IT RESOLVED**, that the governing board of the Town of Halfmoon hereby does approve and endorse the application for a grant under the Hudson River Valley Quadricentennial Implementation Grant Program, for a project known as Interpretive Materials for the Historic Champlain Canal in the Town of Halfmoon.

## RESOLUTION NO. 297

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

RESOLVED, that the Town Board authorizes to request the Commissioner of Public Works in the County of Saratoga and the Department of Transportation to study Cemetery Road for a possible speed limit reduction, and further

RESOLVED, that the Town Board send the necessary paperwork to the appropriate divisions

## RESOLUTION NO. 298

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

RESOLVED, that the Town Board authorizes the Town Supervisor to consent to the amendment to the Certificate of Incorporation of Halfmoon Housing Development Fund Company, Inc., Bishop Hubbard Apartments, pursuant to the Not-for-Profit Corporation Law and Private Housing Finance Law.

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

Mike Bielkiewicz, 3 Spruce Wood Court, stated that this week the foundation for a duplex was placed in their development and is the last vacant lot of single family houses and is a non-owner occupied duplex and they are all shocked. He stated it doesn't seem like they were notified ahead of time that this was going to happen. He stated everyone he spoke to in the Town was very nice and he was treated very professionally and he appreciates that. He stated he doesn't understand how something like this happens and, if it is a mistake is it something that can be fixed, and how is this allowed for a duplex to be put into a development where everything else is single-family residence.

Attorney Murphy commented that they are looking into the situation specifically and she has been asked to research legal issues and she will be doing this for the Board. She stated, in general, if a lot fits our zoning for a specific size then a duplex building permit can be issued without any additional public input or public comment. She stated his situation may have some different nuances that make it proper or improper and she will look at that.

Mr. Bielkiewicz stated based on lot sizes a developer and modify the environment of the community and it seems like when they design a layout for development at that time they should be able to say they are all going to be single family residences.

Attorney Murphy stated that will be what she will research to see if that occurred in his specific subdivision but in general, once a subdivision is granted so long as the appropriate dimensions exist in the parcel then a duplex is a permissible use through a building permit without additional need of approval of the Board. She stated she will research is there is some limitation in association with this specific subdivision.

Mr. Bielkiewicz stated he will respectfully ask that the Board consider, if possible, to change this legislation because they are going to send up with a patchwork quilt across the town. He stated they moved from Clifton Park because they didn't like the way things were coming together and it looked like Halfmoon had it together but this shakes their confidence a little and it sounds like a glitch.

He stated behind them between Lape Road and Spruce Wood Court there is a request to put in a cluster of duplexes and, from the Planning Board meeting they said they want to restore the farm house and put in a couple of duplexes with a shared driveway. He stated he doesn't know if they will be owner occupied duplexes or not but the fact they are being surrounded by duplexes is unsettling. He stated the availability for developers to change at their will the R-1 rules seems like it ties your hands to the way things grow in the Town and he was told they could do anything they wanted to as long as they had the space.

Supervisor Wormuth stated they can't do anything they want, the option is a single family home is allowed on a certain lot size that has water and sewer and a duplex is also an allowable use for that same lot size which the same services but it doesn't allow just anything they want.

Mr. Bielkiewicz stated at a later meeting they said they want to restore the farmhouse and it is a very dilapidated house and originally they were going to tear it down because it is so far

gone. He stated if they decide during the attempt to restore it that they can't then that opens up the opportunity for another duplex.

Attorney Murphy stated it would depend on the lot size and would be a Planning Board issue.

Mr. Bielkiewicz stated if they were to decide to sell their house the fact that there is a duplex three doors is not an attractive thing to new buyers and asked if there will be an adjustment in their assessments and include everybody on the street.

Attorney Murphy stated it would be difficult to show a direct economic link between the positioning of a duplex on a property and the change in the assessment. She stated it is always something he could bring before the Board of Assessment Review in an effort to grieve his assessment and reduce the value. She stated they are an independent body and they make those determinations independently of this Board.

Scott Lansing asked, regarding Correspondence Item #2, they were under the impression that they would be able to provide a presentation to the Board to give an introduction to the Falcon Trace project.

Supervisor Wormuth stated that will be under New Business at the next Town Board meeting.

On motion by Councilman Hayner, seconded by Councilman Hotaling the meeting was adjourned at 7:40 pm.

Respectfully submitted,

Mary J. Pearson, Town Clerk



