

The August 15, 2012 regular meeting of the Town Board of the Town of Halfmoon was called to order by Supervisor Wormuth at 7:00 pm in the A. James Bold Meeting Room at the New Town Hall with the following members present:

Melinda A. Wormuth, Supervisor
Walter F. Polak, Councilman
Paul L. Hotaling, Councilman
Craig A. Hayner, Councilman
John P. Wasielewski, Councilman
Lyn A. Murphy, Town Attorney
Matthew J. Chauvin, Deputy Attorney
Lynda A. Bryan, Town Clerk

Matthew J. Chauvin, Deputy Attorney- Excused

The Town Board Workshop was held in the Board Room at 6:30 pm; no action was taken. Supervisor Wormuth led the Pledge of Allegiance.

PRESENTATION FOR THE KENSINGTON AT HALFMOON PDD

Supervisor Wormuth introduced Mr. Bill Hoblock from Capital District Properties who will be presenting the project this evening.

Bill Hoblock: I am here to introduce the Kensington at Halfmoon PDD. The Board has this book; every board that I am going to put up will be in the book. The book has the Narrative, the supporting documents required by the Zoning Code, the Aerial Vicinity map, the Site Plan, the elevation, and the existing conditions survey.

Let's start with the property, exhibit one, this is the aerial vicinity map. It is 17.39 acres of vacant land. It is here on Stone Quarry Road, here is Route 9, and it sits just south of Stone Quarry and west of Route 9. The surrounding land usage, to put the property in context, all of the immediately adjacent residents on Stone Quarry are two family homes, and everything that surrounds it to the south and to the east, all of the other surrounding adjacent properties are either Industrial or Commercial, because that's all a C-1 zone.

The top adjacent parcel is Tire Warehouse and U-Haul, Carlito's Auto, a small engine repair shop and The Classic Sheds that was just built. This adjacent parcel is the small retail strip, just north of the self-storage place. Then to the south it is light industrial park where you have Lyon's Contracting, United Rental & Sales Heavy Equipment, Bast Hatfield, and the Pump Store. The piece just next to it, to me it looks like it will be Phase II of that Industrial Park, because there is a bridge built, it's been cleared, nothing is there yet but it looks like it is the last lot on that side of the street and that runs up to the south side of the parcel.

Now, directly across Stone Quarry Road, you are going to see Hudson Ridge PDD, that's ours. The Hudson Ridge PDD is a multi-family top of the market rental community. That is ours; we modeled it after our project in Wilton called The Paddocks of Saratoga to be truly the best in the market of rental apartments. I was before this board for a long time about this project. We talked a lot about what it was going to be and what it is going to be, and a lot about the Public Benefits that I will come back to that later. But, I always said that it was going to be modeled after The Paddocks, so if anyone hasn't been up there, I urge you to please go up there and see what is going on up there. It is a lot easier to see what we do and what is happening here, than me just standing up here and saying that it is going to be real nice. We do what we say we are going to do.

The overall picture here is, we have taken the Hudson Ridge PDD and we have rebranded it as The Kensington at Halfmoon

Supervisor Wormuth: Moorings of Halfmoon first.

Bill Hoblock: That was our old name. We have rebranded it as The Kensington at Halfmoon. Now, this PDD that we are here for tonight is called The Kensington at Halfmoon PDD, because as I will get into, this PDD is really going to act as an extension of the Hudson Ridge PDD, or I will call it The Kensington, but really The Hudson Ridge. So what we have here as far as the PDD tonight it is going to be a seamless extension, or proposing it to be a seamless extension to the Kensington, which is a top of the market apartment community.

The history of this parcel back in 2006, the Planning Board approved a 10 lot, single family home sub-division. That was subsequently abandoned, and that is when we purchased the property about 4 years ago and that parcel is zoned R-1 Residential. That kind of leads to the timing of this PDD application because we have owned the property for about 4 years, we have been intentionally been holding off on presenting anything until we were under way on Hudson Ridge across the street.

When you drive by there, we did the vast majority of the site work at Hudson Ridge last year. We also did some off-site work which I will get to a little bit later. We are going to start going vertical with the building construction this fall. So now this application is timely because before I came in and presented this, which I said before is an extension of it, I wanted to make sure we have a hard scheduling of going vertical, I wanted to make sure we have a hard scheduling of the utilities, so what I am talking about what this all about, we are at a better time frame.

So that is exhibit one, that is the overview of the parcel where it is. If you look at exhibit 2 in your book, that's the site plan. We just took that overall vicinity site plan map and just enlarged it. The site is 17.39 acres. It is 9 residential buildings, they are all identical, they are all 10 residents per building, so you have 90 total top of the market apartments. Of the 10 units in each building, there are 8 in building direct access garages, and the 2 residents that don't have in building direct access garages, they have a private garage next to the building.

We paid close attention to density and coverage. The buildings themselves, with respect to coverage of the buildings is less than 2 acres of the entire site, so that is about 10% of the site, which is a third of what is permitted under the code, the code permits 30%, we're a third of that. You take roadways and parking, that covers an additional 11 % of the site. So when you take full coverage of anything impervious, whether it is building, whether it is roadway, that leaves 75% of the site, $\frac{3}{4}$ of that site remains open and green, with a wetland buffer that runs along the bottom.

The density, the Town of Halfmoon code permits a residential PDD to have a max density of 10 dwelling units per gross acre, with 17.39 acres, that allows a maximum density of 174 units; we are proposing about half of that at 90. That is also half of the density; if 10 is permitted per unit, we are half that. That is also about 5 to the acre; it is equivalent to Hudson Ridge across the road. Hudson Ridge was 6 to the acre, here we are at 5, and generally what you see in the area.

The overall site design remains street trees, ole English period style cast lamps, sidewalks, but the majority of it is ecological. It is going to be open, it's going to be green, we are maintain our natural features as much as we can and that is $\frac{3}{4}$ of the site which is a lot more than you usually see.

The last board that I have, now that we have gone through the overall area vicinity map and site plan, are the building themselves. This is exhibit #3, this is the building. It is the same building that is across the road, but again to act as seamless extension. If you look at that, again, please go see The Paddocks. The fit, the finish, the exteriors, interiors, it is as high a quality as can be built, and is built in this

area and that is exactly what we are building here. The residence themselves, when you get inside, and I urge you to see them, they are all spacious floor plans, very large. They are built to the standards of something that you would buy as opposed to rent. The kitchens themselves have granite countertops, stainless appliances, pendant lamps, and tile backsplashes, throughout the apartments. You have wood floors, you have tile, and you have oversized windows, so it is far, far, from your traditional apartment that people think of. That is why I say please, please come see what we have done at The Paddocks, because that is what exactly we are doing here.

The amenities to this PDD, everyone here because it is really is an expansion of across the street with access to the Clubhouse across the road in Hudson Ridge, which is going to have exactly what we have just finished up in Saratoga. Again, go up and see it and you will see it. It has a private movie theater room, state of the art fitness center, billiards room, meeting great room, a huge resort style pool, a yoga Pilates exercise room, everything is complementary to our residents. That is exactly what we are finishing up north, so please take a look at it.

We see a lot of empty nesters, people downsizing who no longer want any maintenance with owning a home especially after the last half decade that we have been through. These are people who sometimes aren't even here year round, they might just have a home here because their kids are here, and their grandkids are here. When they leave, we take care of their residences, when they come back in the spring from Florida and they are back for the summer. We also see a lot of young professionals, whether it is a single female, single male, or a young couple together, and we also see a tremendous amount of relocations coming to the area. A lot of professionals obviously it is in connection with what is happening in Luther Forest or those suppliers with what is going on down at the Nano College. You have a tremendous amount of people coming in from all over the world to this area, we see it every day. When they come here, they want a place to live and they want a really nice place to live while they get settled and kind of get acclimated to the area.

It is something that we have seen, it is something that we know, that type of person is like someone who has been in a house for their whole life and is downsizing and demands quality, and that is what we bring.

Utilities: Let me go back to the area of the vicinity map, exhibit 1 will probably be the easiest. Water in connection with the Hudson Ridge PDD, we brought water from Route 9 right to the site. We are going to loop it all the way down Stone Quarry to Woodin, so water will be at the site. Sewer again, in connect with Hudson Ridge, we brought, or bring sewer from the Birchwood pump station right down Stone Quarry Road, so you are going to have sewer on Stone Quarry Road at the site. Storm water management, it is the preliminary design retention basin. We're very cognizant of the new regulations and everything that we implement will be in accordance with those.

Public benefit; most of the public benefits, water, sewer, traffic issues, etc., in this needed area, we have undertaken with Hudson Ridge as our obligation. Those public benefits, I guess can only be described as numerous and significant. Let me just run through them quick so you know what they are, so you don't say that you bring water and why don't you do sewer?

The traffic improvements that we're doing are two fold. The world's worst intersection is down on Stone Quarry and Woodin Road is being completely redesigned. That is the entire road is being cut down, the rocks being taken away and that will actually, first time ever be a functioning intersection. That is being taken care of by us. On the other side of the road, the issue on the Stone Quarry Road approach to Route 9, has always been two fold. There is a hump in the road, so what we do is, as the traffic engineers call it; vertical realignment. It is basically

taking the hump out of the road, so as you are going to Route 9, you can see it. As you notice the stop signs on Stone Quarry are actually elevated because the road is so high. We are completely realigning that road and we are also adding a right turn lane at Stone Quarry onto Route 9. It is all done in coordination with the town as well as the DOT, because there is some on Stone Quarry Road. So those are your traffic improvements.

The sanitary sewer, what we are doing at Hudson Ridge, because there is no sewer down there now. There is a major capacity issue on the Grooms Road, Guideboard Road trunk line, I will call it. What we are doing is, we are pulling out two of the lines and actually connecting them directly into the county trunk lines. That was a major backup for the county that we are taking care of and improving that part of the system. When that is done, there is capacity also for future developments, so that is taken care of.

Another sewer improvement that we have actually completed already, we did it last year; there was a septic issue down on VanDenBurg Park. We ended up putting a grinder pump down in the park. We ran a sanitary sewer line all the way up Woodin to Ponderosa and that is done. We provided tap in's to everyone along that road. Lastly, not only are we bringing it to this site, we are then as a public benefit for this, we are bringing it all the way down Stone Quarry to Woodin Roads and provide tap in's for all the people on Stone Quarry Road who didn't have public water. I ran you through all of those public benefits to show you that this area is pretty much taken care of. We worked as many issues as we possibly could. What that leads us to do in connection with this PDD is examine other potential benefits in other parts of town. In our initial discussions with the town, with the different utility departments, we were aware of some Plank Road water issues that we are exploring. Another potential benefit is on improvements in the town Recreational facilities in some way, shape, or form, but certainly as with all of these applications, the discussion of the public benefit will progress as the application advances through the process with the Town Board and the Planning Board.

Let me end with why, from a land use perspective, this multi-family community is appropriate for this piece of property. If you look at the Town Comprehensive Plan, this parcel sits in what's known as the core area in the Comp Plan. The core area is targeted for development versus other parts of the town, given its central location in the town, given its access to Route 9, the main spine in town, given the existing utilities. In addition, if you look at the Comprehensive Plan it does mention multi-family being appropriate along the Route 9 vicinity as opposed to some other spots. If you look at this and if you look at this aerial map, you see that this parcel, it is actually an in fill piece of property when you look at it, as opposed to some other parcels in town and some other parts of town. It is not a farm field, it is not a cornfield; it is a true in fill piece of property.

When you look at the surrounding uses that I have mentioned before with the adjacent parcels on Stone Quarry being two-family, all of this adjacent being industrial, being commercial, you see what this piece of property is from a land use perspective. It is your classic transition piece. It is your classic transition parcel where you have your retail, your commercial, your industrial, and as you come out of there, you move into multi-family, and as you get further along the way, you get single-family. It's very apparent; it's an ideal piece of property for multi-family, especially for an extension to the Hudson Ridge PDD. The surrounding uses and zoning makes this a challenge for single-family homes. I have gone through those uses, especially when you get into commercial and industrial uses, it makes it a challenge. If you look at this from a zoning, from a land use perspective, you know, a true top of the market multi-family community that acts as a seamless extension to Hudson Ridge which will all be the Kensington of Halfmoon across the road, really is the best and the highest use for this property.

I thank you for your time tonight and if you have any questions.

Supervisor Wormuth: Thank you. Are there any questions or comments from the Board?

Councilman Hotaling: You had mentioned your road improvements for the Halfmoon Ridge project, is there any other ones that were close where you would have to do something, another improvement

Bill Hoblock: No, what I did, we had a traffic engineer, Creighton Manning, we went through, and there isn't one improvement that was required from a traffic perspective in this area. The one improvement that was discussed a lot was a light at Stone Quarry Road, and DOT will not allow a light there. They do not have the cross traffic from Stone Quarry. That was the only other improvement that was discussed. We had meetings with DOT, the town was involved, and DOT said you've got to meet the numbers before we can consider it and the numbers are not even close to what they need.

Supervisor Wormuth: It is just like with Sheldon Hills. Those of us who drive it every day know it is needed, but DOT says it meet the standards.

Councilman Hotaling: Also you touched on water and sewer, you did not mention anything about gas.

Bill Hoblock: Gas, I am not aware of an issue down there

Councilman Hotaling: I mean, is there gas to use?

Bill Hoblock: There is gas there, absolutely. And actually gas in two places, you have gas on Woodin and gas on Route 9. So there is no looping needed. WE have met with Niagara Mohawk because in connection with the full improvement of the Woodin, Stone Quarry Road, there is a gas line there that we have to dig deeper. So gas is not an issue.

Councilman Hotaling: and do you believe that you are going to have to blast at Kensington like you did

Bill Hoblock: Most likely

Councilman Polak: The sewer that you are running, is that all by pressure, or low pressure, it's not gravity is it?

Bill Hoblock: Which one? The

Councilman Polak: Stone Quarry over to Woodin

Bill Hoblock: That is only the water line. The sewer is in two places. The sewer on Woodin Road, that we fixed the ball fields, is a two inch, force main. There is a grinder pump at the ball field up to Ponderosa. The sewer that we are running from the top, from the Birchwood pump station, that is on-site gravity pressure into the Birchwood pump station.

Councilman Polak: OK, from the new addition, that'll go over to the original site?

Bill Hoblock: Correct and it would be a pressure line. There is no way you could do that gravity

Councilman Polak: There is nothing going down Stone Quarry Road?

Bill Hoblock: You are correct.

Councilman Polak: Certainly, the road improvements at Route 9 and Stone Quarry are something that has been needed to be done for years from a safety issue. And also the rock cut on Woodin Road at the Stone Quarry intersection that has been an ongoing issue. John and I and the engineers have been going out there several times just looking at how we can better that. There may be another improvement that we can look at with our engineers and our Highway Dept. and it is that there is a culvert on Woodin, just up the road from the intersection of Woodin and Stone Quarry that is going to need replacing. We may want to take a look at that.

Bill Hoblock: OK

Councilman Polak: The 10 lots sub-division, I do not know why that never flew. I do not know whether residents in a single home there did not want to be next to the power lines?

Bill Hoblock: It doesn't help

Councilman Polak: It wasn't the easiest access out to the Northway. I do not know why that never developed as a single family.

Bill Hoblock: When you look at the surrounding uses, it is a challenging single family site. Very challenging.

Councilman Wasielewski: Mr. Hoblock, Clubhouse, Pilates, Granite countertops, why rentals and why not owner occupied units?

Bill Hoblock: It is what we do

Councilman Wasielewski: You do not build any condo's

Bill Hoblock: No, what we do is, we build top of the market rental communities. We take them from the beginning to where I find the property, I acquire it, I have been here for a long time, going through the entitlement process. We design it with the architects and engineers. We hold, we manage, and we don't buy and build these and flip them. We are long term holders. That that also does, not to get off tangent but, that means that if we cut corners on quality construction, it is our headache, so we don't do it, because we do not need the headaches later on down the line. That frankly helps the residents know that they are moving into something where the owner has a stake in it. Frankly, you asked and that is the answer. There is a demand, a very large demand. We see it, we see it everyday

Councilman Wasielewski: Do you have an estimated rentals at this time

Bill Hoblock: Estimated rentals similar to The Paddocks, where our one bedrooms are about \$1300, and our two bedrooms are in the \$15, \$16, \$1700 range, and you get larger two bedroom with den, we don't have three bedrooms that go about \$1900. So, they are not inexpensive, we don't make excuses for that. It is the product that we put out there, it's a quality product. The only way that you can build to the quality that we build, is to get higher rents.

Councilman Wasielewski: Fair enough, thank you

Councilman Hayner: I just wanted to thank you Bill, for the very thorough presentation. I was very helpful go through each piece and the things that you agreed to do with Hudson Ridge. Certainly with the public benefits, those are tremendous. I just wanted to ask, when do you expect to do road improvements

Bill Hoblock: The road improvements have to be done before we get our first CO. Right now with most of the site work being done and going vertical in the next 45 to 50 days. I can't imagine that we are going to do those road improvements this fall, because you get into the asphalt, plants start to close down the end of October. So that will be first thing in the spring. As the PDD legislation, ALL public benefits have to be complete before we can get our first CO.

Councilman Hayner: Great, thank you.

Supevisor Wormuth: Bill, for the Kensington site, if you were to just to do a standard sub-division of single family homes, how many lots can

Bill Hoblock: EDP ran the numbers, and I apologize not having the EDP here, I always like to have the engineers here, it's August and family vacation time occur. Single family homes, using the gross, you have 32 lots, two family homes are also permitted use there, you can get up to 42.

Supervisor Wormuth: Thank you

Councilman Polak: On the existing site, with the fence and the pit bull tied to it, I couldn't get in there. Have you started any of the infrastructures there?

Bill Hoblock: A pit bull? Oh, absolutely. If you are looking at the side of it, everything is in. Your water, your sewer, your storm water, there was a tremendous amount of site work on the site.

Councilman Polak: I knew that you were working in there but

Bill Hoblock: What we did is that we brought that certain site, until we were ready to, we stopped it; we paused, so when we do restart it this fall, we immediately go vertical. There was a lot of site work done.

Supervisor Wormuth: At this point the options are to ask the applicant to come back with more information or as our PDD law states, refer it to the Planning Board for review.

Councilman Polak: I do not know what more information he can give than what he has done tonight. I would like to send it to the Planning Board. That way there they can get a look at it, make comments, and our engineers get a chance to look at it and make comments as well.

Supervisor Wormuth: The only thing that I would like to add Bill, just so that you are aware obviously, we are going to have to continue to work on the public benefit. We certainly recognize the amount of public benefit that you did for the other project, but adding acres to it and adding more units to it, is certainly going to mean adding more public benefit to the project, so we are not going to count what you did before for the other project as part of this one.

Bill Hoblock: Understood

Councilman Wasielewski: Before we move on, is it an appropriate time for public comments?

Supervisor Wormuth: We don't usually; it's not a public hearing. We will certainly have time at the Planning Board, and as it comes back to the Town Board to do that.

RESOLUTION NO. 178

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

RESOLVED, that the Town Board approves to send the Kensington at Halfmoon PDD to the Planning Board.

Bill Hoblock: Thank you for your time tonight.

REPORTS OF BOARD MEMBERS AND TOWN ATTORNEY

Councilman Polak: Just a reminder to our residents about the Fall Cleanup. It's going to be starting in September, the week of the 11th and the week of the 18th,

during our regular landfill days. Anyone participating will need a permit. Those of you that have received the permit in the spring that is also good for this fall.

Also, we are going to have the Hazardous Waste Day September 8th. You have to file the application by September 5th. Lynda has some applications here this evening at the counter, and also you can pick them up at her Clerk's Office. They are also on-line at cliftonpark.org. Those are the things that will be going on through the Highway Department.

Supervisor Wormuth: There is a link on our web-site for those applications also Walt.

Councilman Hotaling: I would like to thank John Pingelski and his Senior Dispatch crew with all that has gone on at Bishop Hubbard, they still maintain taking care of our seniors, getting them to their doctors' appointments and get their groceries. It is nice to have that available for our community.

Next Wednesday night, there is going to be a concert at the Town Park. The band is called Crying Out Loud and there will be fireworks to follow.

If you can make an attempt, please check the Clifton Park-Halfmoon- Ambulance they will have a rig in attendance. They have some programs that they are working on and take a visit. Thank you.

Supervisor Wormuth: They only thing that I have this evening is an update from Bishop Hubbard and DePaul Housing Management. Many of you know 54 of our residents have been displaced due to a fire at that facility. They are looking at September 4th as a move in date. As Mr. Hotaling mentioned we are continuing to provide as many services as we can and keeping them as comfortable as possible. There will be volunteer opportunities, if anyone is interested, in coming and helping the residents move their belongings back into their apartments. We will post that on the web-site.

I know many people send accolades to the fire departments, but this could have been a much worse disaster, had the fire departments not responded as quickly as they did. Luckily there was no loss of life or real personal property in the apartments. Everything was contained to the general area of the fire. Thank goodness none of our firefighters were hurt. Again, kudos to the Highway Department for transporting everyone and those who came in to help set up emergency shelters, work with the Red Cross to get the people relocated in a short period of time. I am very, very proud to work with a team that shows we care about our residents in that manner. In a 12 hour period, to have people relocated in safe housing, is a pretty phenomenal expectation. So we have done it more than once, and if we have to do it again and I hope we don't, but I know we can.

Councilman Hayner: Just a reminder that August 16th is the next meeting of the Town of Halfmoon Ethic Committee. It will be at 7:00 pm. We do meet in the room right next door to us, however if there is a lot of people, we will move into the Town Board Room. Thank You.

PUBLIC PRIVLEDGE (for discussion of agenda topics)

DEPARTMENT REPORTS – month of July

1. Building

Total # Permits – 120 Total Fees Submitted to Supervisor - \$24,073.00

2. Fire Code

Total # Permits – 27 Total Fees Submitted to Supervisor - \$1,272.00

3. Town Clerk - Total Fees Submitted to Supervisor - \$10,362.17.

CORRESPONDENCE

1. Received from the Town Planning Board Resolutions approving the following: Change of Tenant for C&S SIDING INC. located at 5 Old Route 146, for AMERICAN PARA PROFESSIONAL SYSTEMS, INC. located at 1471 Route 9, for THE CAROSELLO TREATS & SWEETS located at 1602 Route 9, for SARATOGA ACADEMY of the ARTS & SCIENCES located at 23 Executive Drive, for IROQUOIS HEALTHCARE ASSOCIATION, INC. located at 15 Executive Drive, and for NATIONAL LIFE INSURANCE COMPANY located at 1407 Route 9, and regarding final approval of the WINDSOR WOODS MAJOR RESIDENTIAL SUBDIVISION.

Received, Filed, Print & Copy to Planning

2. Received from Ani Sherman, copy of a letter to the Editor of her response to the July 27, 2012 article by Glenn Griffith concerning information put out by the Future Halfmoon group.

Received, Filed, Print & Copy to the Board

RECEIVED

AUG 06 2012

TOWN OF HALFMOON
Office of the Supervisor

August 1, 2012

RE: Future Halfmoon

To the Editor,

In response to the article dated July, 27 2012, by Glenn Griffith. I would like to point out that the definition of Gossip is information that is shared on rumor and innuendo. Not facts.

I have been following Mrs. Stephenson and her group, and find that this is all they are able to come up with? I'm, tired of the press reporting it as facts. This group scares me. They have been able to stir up so much trouble with their "gossip". I would hate to be another target for them. The squeaky wheel gets oiled, or something like that. While their targets continue to quietly go about their work.

Please try to print facts. I know that this might involve more work for a reporter. However, let's try this. How many good, permanent jobs has Mr. Tanski brought to this community? How many small businesses are thriving in the Halfmoon area? How much affordable housing is provided? How invested are Mr. Tanski, and Mrs. Wormuth. Do they both live in the community? Have they raised their families in Halfmoon? Do they work in Halfmoon? Do they have the best interest of the community at the heart of their decisions? How much time and money have they both donated to residents and their causes?

Start there.

Mr. Tanski and Mrs. Wormuth have been held in the spotlight since the past election. There continues to be rumors that they are somehow doing something illegal. Yet, they have both been thoroughly investigated and yet nothing has been uncovered...

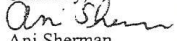
Look around you. The new businesses on Old Route 146 are all doing well. Not to mention the aesthetics. All of Mr. Tanski's properties are extremely well maintained, and highly successful.

Both Mrs. Wormuth and Mr. Tanski have done so much for the families and business in Halfmoon. Try to put together an article about that.

If you need my help, I would be glad to assist you.

Please stop the harassment by, members of a group that do not live work or play in Halfmoon.

Sincerely,


Ani Sherman
25 Burning Bush Blvd.
Ballston Lake, New 12019

518-466-6200

3. **Received** from American Legion Mohawk Post 1450, 275 Grooms Road, Halfmoon, notification of their intent to renew their liquor license.

Received, Filed & Print

4. **Received** from John Miche, President of the Halfmoon Baseball League, a letter thanking the Town Parks Department for their efforts in maintaining the baseball fields, stating that the facilities are among the finest in the area.

Received, Filed, Print & Copy Park's Department & Mr. Bold is here wishing to read the letter.



August 1, 2012

Ms. Mindy Wormuth
Supervisor
Town of Halfmoon
2 Halfmoon Town Plaza
Halfmoon, New York 12065

Subject: Town Parks Department
Baseball Field Maintenance & Preparation

Dear Supervisor Wormuth:

The Halfmoon Baseball League would like to take this opportunity to thank Paul Maiello and the entire staff of the Town Parks Department for their efforts maintaining the baseball fields at both the Town Park and Woodin Road this season. Our facilities are among the finest in the area and we hear numerous compliments from travel teams that visit our parks. These compliments are a testament to the attention paid to the fields and park areas to provide a clean and safe environment for playing and watching games.

We look forward to the upcoming fall ball season and continuing to work with the Town on various ideas to further enhance these facilities.

Sincerely,



John Michne
President
Halfmoon Baseball League

cc: Halfmoon Baseball League Board of Directors

5. **Received** from Lynn & Vincent DiCerbo, James Morgenstein, Charles S. Petraske, and Anthony & Ann Marie Frank, concerned residents all living in the Estates of Halfmoon, letters about the possible changing of the postal designation from Mechanicville to Clifton Park.

Received, Filed, Print & Copy to the Planning Board

*Agnd, T.B
Toonett.*

LYNN M. DICERBO
VINCENT M. DICERBO
64 STONE CREST DRIVE
MECHANICVILLE, NEW YORK 12118

RECEIVED

AUG - 2 2012

TOWN OF HALFMOON
Office of the Supervisor

August 1, 2012

Hon. Mindy Wormuth – Supervisor
Town of Halfmoon
2 Halfmoon Town Plaza
Halfmoon, New York 12065

Lindsay Zepko – Planner
Town of Halfmoon
2 Halfmoon Town Plaza
Halfmoon, New York 12065

Re: Estates at Halfmoon Subdivision
Mailing Address

Dear Supervisor Wormuth and Ms. Zepko:

We are the owners of the new home constructed by Toll Brother located in the Estates at Halfmoon Subdivision in the Town of Halfmoon.

I understand that there have been discussions about the postal designation for the homes in the Estates at Halfmoon.

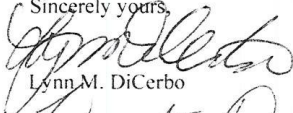
We currently have a Mechanicville postal address. As a Town of Halfmoon resident with a significant investment in our home, I strenuously support changing the postal designation from the Mechanicville postal address to a Clifton Park postal address (since there is no post office in Halfmoon) to preserve our investment. In addition, we have had delivery persons and contractors we've hired call us because they were lost, as they thought we lived in the City of Mechanicville. The post office address of "Mechanicville" is confusing and has greatly inconvenienced us. There could even be instances where the post office returned the mail to the sender because the address stated Halfmoon instead of Mechanicville. Finally, the Clifton Park post office is more accessible to our home. We don't even know where the Mechanicville post office is located!

We understand that in making this change, we are solely responsible for notifying all necessary parties of the address change, updating our billing address with all parties sending mail to our home and incurring any costs associated therewith.

We thank you for considering our request.

Please do not hesitate to contact me if you should have any questions.

Sincerely yours,



Lynn M. DiCerbo



Vincent M. DiCerbo

8/1/12

6. **Received** from John Pingelski, Town Highway Supervisor, the schedule for the Clifton Park Hazardous Waste Day on September 8 from 8:00-4:00 pm at the Clifton Park Transfer Station located on 22 Ray Road. Registration forms available at the Town Clerk's Office.

Received & Filed

7. **Received** letters from Bob & Pat Radliff, Dorothy M. Stephenson, Edward P. Stephenson, Edward W. Stephenson, Joseph Christopher, and Hannah Christopher, urging the Town of Halfmoon to impose a moratorium on development.

Received, Filed, & Print

Page 1 of 1

Mindy Wormuth - letter of concern

Copy TB
8/15/12 Correspond

From: "Bob Radliff" <bobrad@nycap.rr.com>
To: <mwormuth@townofhalfmoon.org>
Date: 8/6/2012 9:13 PM
Subject: letter of concern

August 6, 2012

Dear Mindy,

As Halfmoon residents, we urge the Town of Halfmoon to impose a moratorium on development so that our community can take the time to consider, draft and adopt updated land use plans that are not adequately addressed by current laws.

Over the past decade the Town of Halfmoon has experienced rapid and exponential growth since the Comprehensive Plan was last updated in 2003. Suggestions for growth management outlined in the 2003 plan were never implemented and the 2003 draft plan is woefully outdated, whereas the current zoning laws are both not effective as a tool for growth management and at the same time loosely adhered to because of overuse of the PDD process.

Homeowners are already enduring the hardship of a negative impact on property values, infrastructure, school overcrowding and several other quality of life issues such as congestion, increased commute times, increased truck traffic, noise and increased wear and tear on roadways. The PDD process allows developers to engage in developing community benefits along with developments, but these benefits have fallen short of benefiting the town as a whole.

A moratorium is necessary to protect residents from further erosion of what remains of the rural character of the town and future negatives associated with the growth trajectory that the town has enabled over the course of the past years.

It is time that elected officials of the Town of Halfmoon create a new plan and delineate zoning codes to clearly communicate a vision for the remaining parcels of land left to be developed. Land use choices for the community should be made by the community, it seems that currently developers are making land use choices as there is no clear protocol to follow.

Sincerely,

Bob & Pat Radliff

110 Werner Rd.

Phone: 664-3499

8. Received a letter from Candie & Jeff DeLong, urging the Town of Halfmoon to impose a moratorium on development, and updating the town's website.
Received & Filed

Page 1 of 2

Mindy Wormuth - Fwd: Cary Road

copy TB

8/15/12 correspond.

From: "Candie & Jeff DeLong" <cjdelong9@gmail.com>
To: <mwormuth@townofhalfmoon.org>
Date: 8/7/2012 8:50 AM
Subject: Fwd: Cary Road

----- Forwarded message -----

From: Candie & Jeff DeLong <cjdelong9@gmail.com>
Date: Tue, Aug 7, 2012 at 8:26 AM
Subject: Cary Road
To: mwormuth@townofhalfmoon.org, chayner@townofhalfmoon.org, wpolak@townofhalfmoon.org, jwasielewski@townofhalfmoon.org, photaling@townofhalfmoon.org

August 7, 2012

Town of Halfmoon Elected (by the people) Official,

As a lifetime third-generation Halfmoon resident and 25 year home owner on Cary Road, I urge the Town of Halfmoon to impose a moratorium on development so that our community can take the time to consider, draft and adopt updated land use plans that are not adequately addressed by current laws.

Over the past decade the Town of Halfmoon has experienced rapid and exponential growth since the Comprehensive Plan was last updated in 2003. Suggestions for growth management outlined in the 2003 plan were never implemented and the 2003 draft plan is woefully outdated, whereas the current zoning laws are both not effective as a tool for growth management and at the same time loosely adhered to because of overuse of the PDD process. I am personally offended that my own residential zoning was changed to industrial while I sit here in my home with no notice of this change by you. You have opened the door to change a purely residential part of the community into an industrial zone which of course impacts none of you.

Homeowners are already enduring the hardship of a negative impact on property values, infrastructure, school overcrowding and several other quality of life issues such as congestion, increased commute times, increased truck traffic, noise and increased wear and tear on roadways. Cary Road was destroyed by the last development on this street, evidenced by the road having to be totally redone this year. The PDD process allows developers to engage in developing community benefits along with developments, but these benefits have fallen short of benefiting the town as a whole. Most 'benefits' seem to enrich the next developer by extending water/sewer down country roads so another and then another development can be built. We used to have apartments on this road, the majority were torn down and replaced with lovely single family homes. I believe the residents have 'spoken' with their own money and clearly do not want more apartments, duplexes or multi-family homes in our neighborhood.

A moratorium is necessary, and well overdue, to protect residents from further erosion of what remains of the rural character of the town and future negatives associated with the growth trajectory that the town has enabled over the course of the past years. It seems we also need protection from our own town elected officials.

It is time that elected officials of the Town of Halfmoon create a new plan and delineate zoning

codes to clearly communicate a vision for the few remaining parcels of land left to be developed. Land use choices for the community should be made by the community, it seems that currently developers are making land use choices as there is no clear protocol to follow.

Whether perceived or true, the developers are running the town. You must have no taint of 'pay to play' to be a respected official of the town. When are we going to see what the Ethics Board has been developing. Despite promises to the contrary, we cannot even access the minutes of these meetings. In addition, it is time for the town website to be updated in a timely manner. Many times I read the Board minutes and you reference an activity that has already taken place months ago.... Please listen to your constituents and give us the information we need on a timely basis. Thank you (I hope) for giving me the opportunity to speak, and thank you Craig for voting against sending Outlook Ridge forward in the process. You showed a courage in listening to residents which your other board members seem to lack.

Sincerely,

Catherine (Candie) Groat DeLong, 221 Cary Road, Halfmoon (664-5463)

Town of Halfmoon Resident

file:///C:/Users/mwormuth/AppData/Local/Temp/XPgrpwise/5020D6BCDom_HalfmoonP... 8/13/2012

9. Received a letter from Matt Corbiel, stating his opposition and concerns for the Stephenson Ridge Development.

Received, Filed, Print & Copy Planning

RECEIVED
AUG 07 2012

TOWN OF HALFMOON
PLANNING DEPARTMENT

8/15/12
converged.

7/1/2012

To whom it may concern,

My name is Matt Corbiel, I am writing this letter to show my opposition and concerns for the Stephenson Ridge Development. Upper Newtown Rd is a quite native neighborhood with little traffic. With 2 other developments already being worked on, and now Stephenson Ridge in the planning stage. It will take this peaceful stretch of road and cause it to become a collector road.. Not safe to walk or ride a bike on. This development will cause the quality of life all these people have known for 50 years, too diminish. Lights and noise pollution from the developments and the overcrowding of Upper Newtown Rd. will make it a less then desirable place to live. DO NOT infringe upon the rights of these people, and their way of life. Protect why they have settled and lived here for so many years. Your job is to protect the people's best interest, but it seems that the developers and builders along with the town are all corrupt. You say you do traffic studies... then why is traffic so bad? Makes me wonder why I would believe anything the town does is for the good of the people. Stop this development NOW!

Sincerely,

Matt Corbiel

7-4-12

CC: Town of Halfmoon Planning Board Members

10. Received from Bollam, Sheedy, Torani, & Co. Inc. Town Auditors, financial report for year ending December 31, 2011.

Received, Filed, Print & available in the Clerk's Office & Copy to the Town Board

11. Received from Beth Abramson, the Town's Animal Control Officer, her monthly report.

Received, Filed, Print & I think that Mr. Wasielewski will do an update on that at the next meeting, as we just received it this afternoon

OLD BUSINESS

RESOLUTION NO. 179

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

RESOLVED, the Town Board authorizes the Cardin Residential PDD a further one year extension of the September 1, 2011 date by which the construction within the PDD must commence.

NEW BUSINESS

RESOLUTION NO. 180

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

RESOLVED, that the Town Board approves and order paid all vouchers for all funds listed on Abstract dated, August 15, 2012 totaling \$1,006,503.14

RESOLUTION NO. 181

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

RESOLVED, that the Town Board approves the minutes of Town Board meeting of August 1, 2012 as presented.

RESOLUTION NO. 182

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

RESOLVED, that the Town Board amends resolution 2012-49 dated February 15, 2102, for the agreement with Upstate Transit of Saratoga LLC for bus transportation for the New England Aquarium on September 8, 2012 not for the Winter Rec. Program.

RESOLUTION NO. 183

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

RESOLVED, that the Town Board authorizes entering into Agreement with Shenendehowa Central School District for use of their pool & locker rooms for the Towns six-week summer recreation program, per the review and approval of the Town Attorney and authorize the Supervisor to execute said agreement.

RESOLUTION NO. 184

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

RESOLVED, that the Town Board authorizes entering into Agreement with Mechanicville City Schools for use of their Cafeteria, Gym, Lobby, 2 Classrooms, Field & Playground for the Towns six-week summer recreation program, per the review and approval of the Town Attorney and authorize the Supervisor to execute said agreement.

RESOLUTION NO. 185

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

RESOLVED, that the Town of Halfmoon authorizes Clough Harbour & Associates to perform Environmental Monitoring for the Town of Halfmoon Landfill for 2012 to be conducted in October 2012, for the annual fee of \$7,500.00, per review and approval of the Town Attorney.

Councilman Polak: I would just like to tell everyone that this is a yearly monitoring that is required by DEC on the closure procedures and monitoring for our landfill.

RESOLUTION NO. 186

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

RESOLVED, that the Town Board enters into a Municipal Cooperation Agreement with the Town of Clifton Park for the purpose of participating in a Household Hazardous Waste Disposal Day, September 8th, 2012.

RESOLUTION NO. 187

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

RESOLVED, that the Town Board authorizes Clough Harbour & Associates to prepare the maps, plan and report of the proposed Ambulance District in the amount not to exceed \$4,500, shall conform to Town Law 209(c), and this resolution is adopted subject to a permissive referendum in the manner provided in Article 7 of the Town Law.

RESOLUTION NO. 188

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

A resolution is needed to create the following budget amendment of appropriations and revenues in the Special Revenue Fund for engineering fees for on site quality inspections. These funds are developer’s monies held in escrow by the Town in a regular checking account and used for the payment of costs for that particular project. This resolution is necessary to comply with proper accounting procedures as set forth by NYS Department of Audit and Control.

Debit: Estimated Revenues25-510
 \$1,959.00
 Subsidiary: 25-4-2189 Home and Community Services \$1,959.00

Credit: Appropriations 25-960
 \$1,959.00
 Subsidiary: 25-5-1440.40 Engineering Contractors Inspection \$1,959.00

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

NAME	AMOUNT
Inglewood PDD	\$282.00
Klersy Major Resd Subd	705.00

Pino Comm/Lt Ind Park PDD	564.00
Liebich Lane #6	408.00
TOTAL	\$1,959.00

PUBLIC PRIVILEGE (for discussion of non-agenda items)

Deanna Stephenson, 7 Cindy Lane, We do have a new postal service. Supervisor Wormuth, in the pre meeting, you were talking about the GEIS and the moratorium, and you were just commenting, there is nothing in print yet, nothing that I want to put out there, however, would you mind explaining, just give a little bit more of what you talked about in the other room. Could you talk about it to the

Supervisor Wormuth: Sure, and those meetings are open to the public so anyone is welcome to join us. As Craig does with the Ethics meetings, if the meeting gets to be too large to be in the other room, they can come out here for the meeting. Based on the letters that we have received requesting a moratorium, there are certain legal things that need to be met in order for a moratorium to happen. We also are looking at the last time we did a moratorium in the northern end of town, what the financial impacts are. We are looking at how much we spent on that between 2001 and 2003 when we adopted the Comprehensive Plan, and try to understand the financial implications on the town before we enter into that type of process. I will allow our Attorney a moment to speak on the legalities of a moratorium because it is kind of like you are dealing with education; you have to provide the least restrictive environment in order to take someone's rights to their land, even if it is for a temporary period of time, it has to be the least restrictive environment.

I will let Attorney Murphy share her opinion on what has been expressed to us on the moratorium

Attorney Murphy: The board discussed at the pre-meeting of having either a workshop or a presentation at a future meeting, however, the reality is a moratorium isn't essentially a taking of a person's right's with regards to the land's that they own. In order to do so legally, you have to be able to justify that with specific criteria that show that the taking of that land is the least restrictive means to accomplish the goal that is necessary for the public's safety health and welfare of the citizens. Easiest example of this that I can give and it is a very basic example is if somebody wanted to develop an island, it would be within the town's prevue to put a moratorium on the development of the island, if there is no way to get to the island or get off the island, or if there is no water or sewer available to the island. Right now we are looking at whether or not there are any specific criteria's with regard to the health, safety and welfare beyond the normal concerns when it comes to the development that are clearly addressed by different means from a legal standpoint. The board has asked that I ask all of you, if you have a specific thing to put it in writing and provide it to the town. We want to hear from you with regards to input to see if we can possibly justify it legally. At this point in time, I am not seeing anything that would permit that to happen.

Supervisor Wormuth: and that's even a temporary taking to what we have looked at other town's that have done a moratorium, and technically they are between 12 and 18 months. That ties up a landowner's ability to develop their land for that period of time. So, although it is not an eminent domain proceeding, where their land is being removed from them, it does affect them and the concern many of the board members have expressed, and I will certainly express. In the meantime, the things that we have to rely on for income to the town if we don't have the mortgage tax coming in, we don't have the building fees coming in, is sales tax. Right now we have an unfunded budget for our highway department, because we have no highway tax, we have no town tax. Unless we implement those in order to subsidize what would be the money received from the continued growth, however limited it may be, we will be in a financial crisis and we are looking to find other ways to do that. As you all

know, we set a public hearing to look at limiting to how duplexes are approved, how they can be used, and where they can be used. We hear you all loud and clear that we need to shift what we are doing in a different direction. We are just not sure we are meeting the goal to set a moratorium and we are not sure of the best way to do it. We are continuously researching and as soon as we get all of the answers together, which I can assure you it will be in short order because we are working on it diligently. We will set it up at either at a Town Board meeting or a special meeting and share that information with you.

Deanna Stephenson: All I wanted to add to that was even though it did say that I heard what John said, I heard the questions that were when the gentleman was here. It's too bad that they leave, I mean it is no point to make public comment, I would rather have him listen to it when we make it, I guess the question is "Why send them to the Planning Board?"

Attorney Murphy: They are required by the local law

Deanna Stephenson: They have to go?

Attorney Murphy: They have to go. This board has no options but to send them to the Planning Board.

Supervisor Wormuth: The local law states that it shall refer it to the Planning Board

Deanna Stephenson: unless you are asking for more details

Attorney Murphy: The reason, and I will give you the legal basis for the local law reading is, is when the Planning Board gets involved, our engineers get involved. If we were to deny a PDD, there needs to be a legal basis that we rest our decision on. So by giving it to the Planning Board, which they are required to do, they don't have a choice, our engineers get the opportunity to look at the project and then they can say, "This does not work in this community and this is why." And then legally I can support this board's decision when they get sued.

Supervisor Wormuth: and it also puts the engineering review on the developer

Deanna Stephenson: That was my next question

Supervisor Wormuth: We set up an escrow account for the town, and instead of expending town funds, and we can change the law and say we MAY refer it instead of SHALL refer it. Right now it reads that we SHALL refer it.

Attorney Murphy: Legally, I am comfortable with shall. Again, you get that engineer's perspective paid for by the developer as to why and works and doesn't work and without that it is difficult to say that the decision isn't arbitrary

Supervisor Wormuth: and I think that the Cary Road sub-division that we heard last time, even though it got referred to the Planning Board, because the law says that we shall refer it, I think that it went with enough comments and concerns from this board. The applicant made it clear that he was not going to change his mind on what he wanted to do with it, and he felt it was appropriate. My understanding, although I have not received it in writing, is that he is now withdrawing that project based on the fact that the Town Board made those comments. So again, although it is a process, I think that sometimes we do get a positive benefit out of that than is realized.

Deanna Stephenson: I guess maybe the group or whoever else might be interested, I guess I think that you are going to do this as a board; you are going to look at this

legislation and look at this context. I am listening to the developer too, and he said within the law, so they know the game plan, they know how to perhaps to play the game. So maybe we need to make it more stringent.

Attorney Murphy: We had announced that at the last meeting that we were looking at that and the other thing and I know that you are here all of the time so I know that you know this, but when it is public privilege and he is here, which he was, you can always ask

Deanna Stephenson: I know, but it is alright

There being no further business to discuss or resolve, on a motion by Councilman Hotaling and seconded by Councilman Hayner, the meeting was adjourned at 7:58 pm.

Respectfully Submitted,

Lynda A. Bryan
Town Clerk, Town of Halfmoon